

**PORT MASTER PLAN AMENDMENT NO. 24
MAIN CHANNEL DEEPENING PROJECT**



OCTOBER 2009

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BACKGROUND

The Port Master Plan of the Port of Los Angeles (Port) was certified by the California Coastal Commission on August 20, 1980. The certified Port Master Plan, as modified by subsequent amendments, allows for channel depths in the Inner Harbor of the Port of -53 feet mean lower low water (MLLW). Deepening of the Inner Harbor, consisting of the Main Channel, West Basin, Inner Harbor Turning Basin, East Channel, East Basin, and Cerritos Channel was necessary to accommodate deeper draft container vessels calling at the Port.

These depths were most recently established by Port Master Plan Amendment No. 21 (Amendment No. 21) Main Channel Deepening Project (MCD Project). Amendment No. 21 provided for the deepening of the channels in the Port to -53 feet, creation of fills at Pier 300 and at Berth 100, and expansion of the Cabrillo Shallow Water Habitat (CSWH). It was anticipated that approximately eight million cubic yards (cy) of material would be created from the deepening of the channels and placed in the various fills and the CSWH.

After certification of Amendment No. 21, the U.S. Army Corps of Engineers (USACE) in collaboration with the Port and regulatory agencies initiated multiple modifications to the federal project based on design refinements, removal of contaminated material, and vessel safety enhancements.

Supplemental Environmental Assessments were completed by the USACE for these project modifications in July 2002, June 2003, and September 2004. The California Coastal Commission subsequently approved these federal project modifications. The actions taken by the USACE expanded the scope of Amendment No. 21 by increasing the volume of material generated from the MCD Project.

Additionally, due to greater than estimated bulking and less than expected settling of dredged material, the disposal sites developed under the MCD Project are not sufficient to complete the project. Volume capacities were estimated for each of the disposal sites based on past experiences with Pier 400. However, due to the smaller sizes of the fill sites, less settling occurred, requiring additional disposal capacity to accommodate the material from the project. Approximately three million cy of additional disposal capacity is needed to complete the MCD Project.

In November 2004, potential sites were examined for beneficial reuse of the material by the USACE and the Port. Based on consideration of the Port's

present needs and opportunities for using dredged material, sites were identified to accommodate the remaining three million cy of dredge material.

Purpose of Amendment

The purpose of Port Master Plan Amendment No. 24 (Amendment No. 24) is to include the project modifications initiated by the USACE and provide new disposal sites to accommodate the remaining dredge material under the MCD Project, subject to review under the California Environmental Quality Act (CEQA).

The project modifications include:

- East Turning Basin (400,000 cy) to facilitate safer vessel movements into and out of the Cerritos Channel
- Southwest Slip (170,000 cy) to stabilize the Southwest Slip disposal site
- Main Channel entrance widening at the Pilot Station (500,000 cy) to allow for enhanced navigational safety for passing vessels that are entering and leaving the Main Channel

The additional dredge disposal locations are:

- Berths 134-135 in the Northwest Slip (5 acres)
- Berths 243-245, the former Southwest Marine Shipyard (8 acres)
- Expansion of CSWH (50 acres)
- LA-2 ocean disposal site, south-southwest of the Port

The land use designation for the fill located at the Northwest Slip will include general cargo and "Other" (e.g., rail yard, roadways, and utilities). This area will be incorporated into the TraPac container terminal and used to improve vehicle access to the wharf area. The acreage will not be utilized for additional container storage due to its proximity to the wharf and the need for enhanced vehicular access to the wharf area from the west. This five-acre fill at Berths 134-135 of approximately 128,000 cy was assessed in the Berths 136-147 Container Terminal Environmental Impact Statement/Environmental Impact Report (EIS/EIR), certified on December 6, 2007.

The land use designation for the fill at the former Southwest Marine Shipyard site will be designated as "Other." The existing slips are proposed to be utilized as a Confined Disposal Facility (CDF) for the existing contaminated materials from past shipyard activities, as well as for placement of contaminated dredge material associated with completing the MCD Project. The eight-acre fill would accommodate an estimated 368,000 cy of sediments identified with the remaining channel deepening work, including 80,000 cy of contaminated sediments from the MCD Project and 288,000 cy of clean sediments from the MCD Project.

The expansion of the CSWH would accommodate approximately 1.7 million cy of dredge material to raise a 50-acre area of deep water adjacent to the existing CSWH to -15 feet MLLW. The expansion would increase the value of habitat in the Port and add mitigation credits to compensate for loss of open water and marine habitat.

The LA-2 ocean disposal site would be used for the remaining materials for which a beneficial use could not be determined. The LA-2 site is located 5.8 miles south-southwest of the entrance to the Port on the outer continental shelf margin and is permitted to receive up to one million cy of dredge material annually.

Figure 1 on Page 4 presents the proposed project map and location of the disposal sites.

COASTAL ACT COMPLIANCE

An amendment to the Port Master Plan must follow the same certification and approval process as a Port Master Plan. The California Coastal Act of 1976, Article 3, Section 30711, paragraph (a) states, "A port master plan that carries out the provisions of this chapter shall be prepared and adopted by each port governing body, and for informational purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan in its local coastal program. A port master plan shall include the following."

1. The proposed uses of land and water areas, where known

This amendment will allow for the creation of dredge material disposal sites to complete the permitted deepening of the Inner Harbor that was approved in Amendment No. 21. Completion of the MCD Project accommodates deeper draft container vessels that are being placed into service. The -53-foot depth will allow the Port to accommodate container vessels that have drafts up to -48 feet and provide for an adequate under keel clearance requirement.

Berths 134-135 in the Northwest Slip

The land use designations for this five-acre fill will be general cargo and "Other" (e.g., rail yard, roadways, and utilities). This area will be incorporated into the TraPac container terminal and used to improve vehicle access to the wharf area. The acreage will not be utilized for additional container storage due to its proximity to the wharf and the need for enhanced vehicular access to the wharf area from the west.

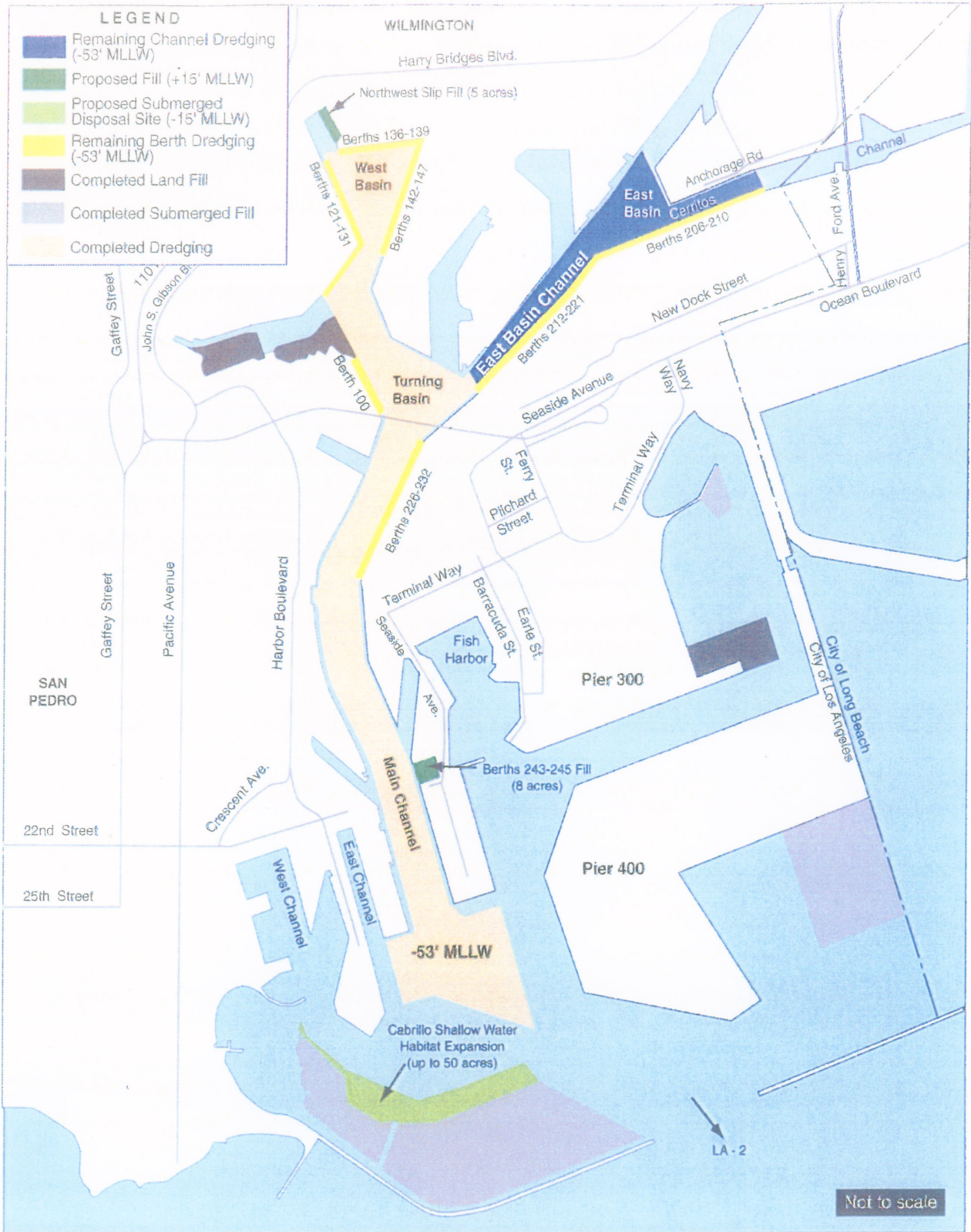


Figure 1

Berths 243-245 at the former Southwest Marine Shipyard

The land use designation for the fill at the former Southwest Marine Shipyard site will be designated as "Other". The existing slips are proposed to be utilized as a CDF for the existing contaminated materials from past shipyard activities, as well as for placement of contaminated dredge material associated with completing the MCD Project. The eight-acre fill will accommodate an estimated 368,000 cy of contaminated sediments identified with the remaining channel deepening work, including 80,000 cy of contaminated sediments from the MCD Project and 288,000 cy of clean sediments from the MCD Project.

Placements of these contaminated sediments in these slips are consistent with the goals of the Los Angeles Regional Contaminated Sediments Task Force, including the goal of beneficial reuse of contaminated dredge material. The task force is led by the California Coastal Commission and the Los Angeles Regional Water Quality Control Board. There is no current project for the site. Any proposed project at this site would require an environmental assessment and a Port Master Plan amendment addressing the land use.

Expansion of CSWH

The expansion of the CSWH will accommodate approximately 1.7 million cy of dredge material to raise a 50-acre area of deep water at the existing CSWH to -15 feet MLLW. The expansion will increase the value of habitat in the Port and add mitigation credits to compensate for loss of open water and marine habitat.

LA-2

The LA-2 site is located 5.8 miles south-southwest of the entrance to the Port on the outer continental shelf margin and is permitted to receive up to one million cy of dredge material annually. Approximately 0.8 million cy of dredge material will be disposed of at LA-2 over two years.

2. **The project design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body.**

The designation of the new dredge disposal sites allow for the completion of the MCD Project. The Main Channel is the principal navigation channel within the Port. The deepening of the channel as well as the other

channels and turning basins in the Port will allow for deeper draft container vessels to call at the various terminals. The location of the proposed dredge disposal sites allow the Port to improve terminal and cargo handling efficiencies as well as provide for enhanced biological value in Port waters.

The five-acre fill in the Northwest Slip would be utilized in the TraPac Terminal Expansion Project to maximize terminal efficiency, but not increase throughput. The eight-acre fill at Berths 243-245 allows for the placement of contaminated dredge material associated with the MCD Project.

The remaining disposal sites are subsurface. Dredge material deposited at the CSWH is located to the west of Angel's Gate in the Outer Harbor and provides marine biological enhancements. The LA-2 ocean disposal site is located outside the Port.

3. **An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact.**

In July 2008, the Port and USACE jointly released the MCD Project Draft Supplemental Environmental Impact Statement/Draft Subsequent Environmental Impact Report (Draft SEIS/SEIR). The Draft SEIS/SEIR addressed the impacts of modifying the MCD Project.

The Draft SEIS/SEIR identified air emissions from construction and undue air quality health impacts within minority communities as the only significant unavoidable adverse impacts. Significant impacts that can be mitigated to less than significant were identified for biological resources, land use, and noise.

No significant unavoidable adverse biological impacts will occur from providing approximately three million cy of disposal capacity for dredge material from the MCD Project. Habitat impacts will need to be mitigated and associated with the various disposal areas. Significant impacts would occur with respect to loss of water column habitat, loss of shallow water habitat, and loss of essential fish habitat. A number of mitigation measures have been adopted to minimize these impacts. In addition, although the project would have less than significant impacts to the endangered California least tern, a number of mitigation measures have been adopted to ensure protection of this species during project activities. Biological mitigation measures are summarized below:

- **Limit Turbidity Plume.** Unless specifically allowed by the United States Fish and Wildlife Service (USFWS), as appropriate, the Port shall not allow turbidity from the dredge and fill activities to extend more than 6.5 acres into shallow (i.e., less than 20 feet deep) Outer Harbor waters during the April-to-September nesting season of the California least tern.
- **Least Tern Nesting Monitoring.** The Port shall provide a qualified least tern biologist, acceptable to the USFWS and California Department of Fish and Game (CDFG), as appropriate, to monitor and manage known least tern colonies that forage in the immediate vicinity of the existing CSWH during the nesting season.
- **Protect Least Tern Nesting Sites.** If California least tern nests are found outside of the known least tern colonies during construction, a biologist shall determine the affected area and halt work as appropriate.
- **Apply Mitigation Credits.** The Port shall offset the loss of marine habitat from the Northwest Slip site by using existing mitigation credits from the Bolsa Chica Mitigation Bank in accordance with provisions of the Memorandum of Agreement governing its use.

Additionally, circulation and water quality monitoring conducted by the USACE shows that the CSWH expansion would not significantly affect water quality at the Inner Cabrillo Beach. Creation of the fill at Berths 243-245 as a CDF would cap contaminated sediments that exist at this site, as well as provide an opportunity to safely sequester dredge material not suitable for open water disposal.

4. **Proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division.**

All proposed sediment disposal locations for this project have been evaluated with regard to the requirements of Section 30715 and are found to be non-appealable developments. All proposed land use designations at the Northwest Slip and Berths 243-245 are also non-appealable.

5. **Provision for adequate public hearings and public participation in port planning and development decisions.**

The Notice of Completion and distribution of Draft Amendment No. 24 was approved by the Los Angeles Board of Harbor Commissioners (Board) during the regularly scheduled Board meeting on October 23, 2008. The Notice of Completion was mailed to interested persons, organizations, and governmental agencies, including the California Coastal Commission and

all Port tenants. All comments on the proposed amendment and responses to comments will be submitted to the California Coastal Commission as part of Final Amendment No. 24.

6. **A port master plan shall contain information in sufficient detail to allow the commission to determine its adequacy and conformity with the applicable policies of that division.**

This amendment has been prepared in full compliance with the policies of the California Coastal Act of 1976, as amended. The California Coastal Act policies applicable to the proposed amendment are as follows:

Section 30701

The legislature finds and declares that:

(a) The ports of the State of California constitute one of the state's primary economic and coastal resources and are an essential element of the national maritime industry.

(b) The location of the commercial port districts within the State of California are well established, and for many years such areas have been devoted to transportation and commercial, industrial, and manufacturing uses consistent with federal, state, and local regulations. Coastal planning requires no change in the number or location of the established commercial port districts. Existing ports shall be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.

This project provides for the creation of new dredge disposal sites in order to allow for the completion of channel deepening in the East Basin and East Channel from -50 feet to -53 feet. This will allow the Port to accommodate container vessels that have drafts and under keel clearance requirements of over -50 feet. The proposed fill at the Northwest Slip is adjacent to the TraPac container terminal and will allow for increased efficiency. As a result, the proposed project will allow the Port to continue to function as one of the state's primary economic resources. The MCD Project and related fills within the Port also minimize the need to create new ports in new areas of the state.

Section 30703

The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

The proposed project will not eliminate or reduce existing commercial fishing harbor space.

Section 30705

(a) Water areas may be diked, filled, or dredged when consistent with a certified port master plan only for the following:

- (1) Such construction, deepening, widening, lengthening, or maintenance of ship channel approaches, ship channels, turning basins, berthing areas, and facilities as are required for the safety and the accommodation of commerce and vessels to be served by port facilities.

This proposed project provides new dredge material disposal sites for the deepening of the Inner Harbor to -53 feet. The MCD Project is necessary to accommodate newer generation container vessels that have drafts and under keel clearance requirements of over -50 feet. The channel alignment and maneuvering of vessels has been modified and reviewed by the Port's Port Pilots Division.

(c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge

material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.

No significant unavoidable biological impacts will occur from the Main Channel dredging operations. The dredging will not impact sensitive bird species, and will have a short term, localized, but not significant impact on fish. Although dredging impacts are adverse in the short term, the impacts are not significant since natural restoration to existing conditions is expected to occur within two years. Previous large scale dredging activities in the Port have occurred without significant disruption to biological resources. Loss of marine habitat will be fully offset by use of mitigation credits. Water circulation patterns in the Inner Harbor would change very little as a result of channel deepening. No adverse impacts on water quality were identified from dredging the Inner Channels, since little contamination is present in the sediments to be dredged, and resuspension of sediments are expected to be low and in a small area.

For North Channel dredging, no significant impacts on the existing environment will occur from the proposed project modifications according to the USACE's Supplemental Environmental Assessment. Specifically, these documents indicate that impacts on the benthic environment, water quality and turbidity, fish and birds are short term and not significant. Under the proposed scheduling scenarios, dredging would not adversely affect least tern foraging or nesting.

Efforts to minimize the impacts from dredging will include the following:

- Channel dredging will be subject to monitoring requirements by the Los Angeles Regional Water Quality Control Board in connection with obtaining Section 401 (Clean Water Act) certification that includes Waste Discharge Requirements.
- Oil containment and clean-up equipment will be on site during the removal of oil pipelines during channel dredging.
- Turbidity from dredging activities will be prohibited from extending into shallow water during the California least tern breeding season unless determined otherwise by the USFWS and CDFG.

(d) For water areas to be diked, filled, or dredged, the commission shall balance and consider socioeconomic and environmental factors.

The Port is the primary gateway for the import of containerized cargo into the United States, handling over 23 percent of the nation's imports in 2007. Over the next 25 years, containerized cargo moving through the Port is projected to triple, eventually reaching the Port's capacity of 22 million twenty-foot equivalent units per year. The Port's dredging project is necessary because these volumes will increasingly be carried on by newer generations of cargo vessels with drafts and under keel clearance requirements of -50 feet. The Port is and will continue to be a major engine of employment and economic growth for the Southern California region, as well as a significant gateway for international trade. This deepening project therefore has significant socioeconomic benefits to the region, while minimizing substantial adverse environmental impacts.

Section 30706

In addition to the other provisions of this charter, the policies contained in this section shall govern the filling seaward of the mean high tide line within the jurisdiction of the ports:

(b) The nature, location and extent of any fill, including the disposal of any dredge spoils within the area designated for fill, shall minimize the harmful effects to coastal resources, or sand transportation systems, and shall minimize the reductions of the volume, surface area, or circulation of water.

No significant unavoidable adverse biological impacts will occur by creating the proposed new dredge disposal sites. As summarized above, there are impacts that will need to be mitigated in connection with the disposal of dredge material at Berths 243-245 and the Northwest Slip. Mitigation credits will be used to fully offset loss of marine habitat. In addition, although the project would have less than significant impacts to the endangered California least tern, a number of mitigation measures have been adopted to ensure protection of this species during project activities. The mitigation measures include limiting turbidity plume, least tern nesting monitoring, and protecting least tern nesting sites.

Section 30708

All port-related developments shall be located, designed and constructed so as to:

(a) Minimize substantial adverse environmental impacts

As summarized above, the Draft SEIS/SEIR described the environmental impacts associated with the proposed project. Significant unavoidable adverse impacts include air emissions from construction and undue air quality health impacts within minority communities. Significant impacts that can be mitigated to less than significance were identified for biological resources, land use, and noise.

Regarding air quality health impacts, prior to mitigation, the proposed project would produce significant levels of nitrogen oxides (NO_x) emissions. As discussed below, the mitigation measures associated with the MCD Project reduce NO_x emissions below the significance threshold. Additionally, construction activities would exceed the one-hour ambient nitrogen dioxide (NO₂) emissions standard even after mitigation, which is considered a significant and unavoidable impact. Consequently, dredge and disposal activities associated with the proposed project would result in a disproportionate significant environmental impact on minority populations. These impacts would be specific to air quality; no other significant unavoidable adverse impacts have been identified that could result in a disproportionate effect on minority populations. It should be noted that construction related impacts are short term and temporary. Conditions would be stabilized upon completion of construction. The project would not result in long term permanent impacts related to air quality or minority populations.

Mitigation measures, described below, would reduce peak daily emissions from unmitigated levels. After mitigation, the project would produce significant and unavoidable levels of one-hour ambient NO₂.

- **Fleet Modernization for Construction Equipment.** Measures include, but are not limited to, use of hybrid technology, restricted idling time, and Tier 2 emission standards.
- **Fleet Modernization for On-Road Trucks.** On-road heavy-duty trucks with a gross vehicle weight rating of 19,500

pounds or greater shall comply with United States Environmental Protection Agency (USEPA) 2004 on-road emission standards. In addition, all on-road trucks shall be outfitted with Best Available Control Technology devices certified by California Air Resources Board. Any emissions-control device used by the contractor shall achieve emission reductions no less than what could be achieved by a Level 3 diesel emissions control strategy for a similar-sized engine as defined by California Air Resources Board regulations.

- **Electrify Dredge Equipment.** All dredging equipment shall be electric where available.
- **Harbor Craft Used in Construction.** Harbor craft with a category 1 or 2 marine engine shall meet USEPA Tier 2 marine engine emission standards. The mitigated air quality assumed that all proposed tug boats would comply with the Tier 2 category 1 marine engine emission standards.
- **Fugitive Dust Control.** The construction contractor shall further reduce fugitive dust emissions to 90 percent from uncontrolled levels. The project construction contractor shall specify and implement dust-control methods that will achieve this control level in a South Coast Air Quality Management District Rule 403 dust control plan.
- **Additional Best Management Practices.** The following types of measures are required on construction equipment (including on-road trucks):
 1. Use of diesel oxidation catalysts and catalyzed diesel particulate traps.
 2. Maintain equipment according to manufacturers' specifications.
 3. Restrict idling of construction equipment to a maximum of five minutes when not in use.
 4. Install high-pressure fuel injectors on construction equipment vehicles.

Significant impacts that can be mitigated to less than significance were identified for biological resources, land use, and noise.

As previously described above, significant biological impacts will be mitigated by limiting the turbidity plume, monitoring and protecting least tern nesting sites, and applying mitigation credits to fully offset the loss of marine habitat.

Land use mitigations for construction disruptions to affected and local parties include notice of construction activities, response to complaints and concerns, and identification of relocation sites for displaced parties. Noise control measures include temporary solid fencing, equipment staging away from vulnerable sites, and maintenance of equipment with covers, shields, mufflers, and screening.

(c) Give highest priority to the use of existing land space within the harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.

The proposed project gives highest priority to the use of existing space within the harbor for Port purposes. The proposed project enhances navigational facilities within the Port by safely accommodating larger container vessels with deeper drafts. The proposed fill sites and designated land uses maximize terminal efficiency and accommodate shipping industries.

Public Comments

A public hearing was held to receive comments on Amendment No. 24 during the regularly scheduled meeting of the Board on January 9, 2008. In addition, written comments were also solicited from interested persons, organizations, and governmental agencies, including the California Coastal Commission and all Port tenants. The comments received and the responses to those comments are included in this section of Amendment No. 24.

Gordon Teuber, Director of Community Development at Council Office 15

- Requested that future use of Berths 243-245 site for shipyard operations is not precluded. Cited the need to retain commercial fishing activities, increase jobs, and maintain the shipyard. Recommended the Port develop a master plan for the former Southwest Shipyard site that addresses alternate uses and the placement of dredge material. Asked that the Terminal Island plan be published.

Response: The Port's conceptual long term land use plan for the former dry dock slips at Berths 243-245 is to accommodate the relocation and possible expansion of commercial fishing facilities from Fish Harbor and a marine service station. Ship repair operations are inconsistent with these conceptual plans.

Outside the conceptual plan described above, there is no current project for the former Southwest Marine Shipyard site. Any future project will require

subsequent environmental assessment and a Port Master Plan amendment for any land use designation change.

There is no Board approved Terminal Island Plan.

Lou Dimeglio, DMJM Harris

- Supported the Main Channel Deepening Project amendment to the Port Master Plan.

Response: No response is required.

John Gridwell, Vice President of Gambol Industries

- Supported the MCD Project, but suggested that slips at Berths 243-245 should support vessel haul-out activities for repairs. Cited benefit of increased safety by removing those activities from the Main Channel. Suggested that disposal of contaminated sediment at the site could be accomplished while still allowing for the haul-out of vessels for repairs. Last, recommended the Port consider vessel emissions, fuel consumption, and down time of vessels that would result if ships are required to travel north to Seattle for repairs if a shipyard is not accommodated at the site.

Response: As stated above, vessel haul-out activities are inconsistent with the Port's conceptual long term plan for the site.

The project includes Berths 243-245 as a fill site for 80,000 cy of contaminated sediments and 288,000 cy of clean sediments.

The fill at Berths 243-245 would not change where vessels currently receive maintenance and repair work.

Dave Nicol, Cabrillo Beach Yacht Club

- Supported the project with the exception of the eelgrass habitat disposal site, because it would cause an impediment to recreational boating in the Outer Harbor.

Response: The eelgrass habitat disposal site has been removed from Amendment No. 24.

Bob Stein, President of Gambol Industries

- Supported the MCD Project, with the exception of the filling of Berths 243-245 and the land use designation from heavy industrial to "Other". This is due to the need for a mid-size shipyard in the area. Argued that there is no other

opportunity for a shipyard in the Port if the land use designation is changed. Recommended more study of alternative uses for the site.

Response: As stated above, shipyard activities are inconsistent with the Port's conceptual long term plan for the site.

The fill at Berths 243-245 does not preclude the possibility of shipyard repair at other Port sites. All feasible alternatives considered in the SEIS/SEIR.

Alfred Balitzer, Senior Fellow at Claremont Graduate University

- Expressed favor for the MCD Project but opposed filling the slips at Berths 243-245. Putting contaminated sediments into slips is a danger to water quality and other environmental standards due to potential leaching of contaminated sediments into the harbor waters. Supported a local opportunity for recreational boat maintenance and service and argued that without one, vessels will be forced to go to other shipyards along the coast, resulting in greater air quality impacts.

Response: Water quality impacts associated with the disposal of contaminated sediments into Berths 243-245 and water quality mitigations are described in the SEIR/SEIS and summarized above. No significant impacts to water quality were identified. In addition, the CDF, which will be designed and constructed to safely sequester contaminated sediments, will provide a benefit to water quality and biological resources by sequestering these contaminated sediments. As stated above, shipyard repair and maintenance activities are inconsistent with the Port's conceptual long term plan for the site.

As stated above, the fill at Berths 243-245 would not change where vessels currently receive maintenance and repair work.

Written Comments

Jeffrey J. Maillian, Principal at Maillian Associates Design

- Opposed to Amendment No. 24 for failing to address critical items and alternatives in the assessments, plans, assumptions, and alternatives as presented in the various underlying documents, and as reiterated in the proposed Amendment. Issues described include:
 - a) Fill at Berths 243-245 will permanently damage a valuable commercial and historic resource within the Port, without any commensurate benefit.

Response: The fill at Berths 243-245 provides benefit to the Port. It completes the MCD Project to accommodate deeper draft vessels, provides disposal capacity for dredge material, and provides disposal capacity for placement of

contaminated dredge materials unsuitable for open water disposal through the construction of a CDF.

- b) Inclusion/exclusion and dredge disposal volumes for the "Shallow Water Habitat" and "Eelgrass Habitat" are unclear.

Response: The CSWH expansion will accommodate approximately 1.7 million cy of dredge material to raise the existing sea bottom up to a new elevation of -15 feet MLLW, creating approximately 50 acres of a shallow water habitat. As stated above, the eelgrass habitat has been removed from Amendment No. 24.

- c) Dredge material for the project require confirmation, as opposed to estimates.

Response: Estimates were established using standard and acceptable engineering methods, as described in Section 2.3.2 and Appendix A of the SEIS/SEIR.

- d) Must provide analysis and a detailed basis for the designation of "material unsuitable for unconfined open water disposal."

- a) Response: As described in Section 3.13 and Appendix B of the SEIS/SEIR, standard and accepted methods were used to evaluate sediments.

- e) Justification for landfills as Port development is incomplete and misleading.

Response: The landfills beneficially reuse sediments, which is a goal of both the Contaminated Sediments Task Force and Dredge Material Management Plan and helps reduce ocean disposal as mandated by the Marine Protection Research and Sanctuaries Act. Adequate justification was further discussed in Sections 2.3 and 2.4 of the SEIS/SEIR.

- f) Nomenclature of Berths 243-245 as opposed to Berth 240Z is misleading.

Response: Berths 243-245 is a more definitive and accurate description of where the slips to be filled are located. Berth 240Z describes the adjacent property.

- g) Lack of consideration in "Alternative 1" for Gambol Industries proposal for a Shipyard facility.

Response: Gambol's proposal was not submitted to the Port when the SEIS/SEIR was being prepared. Further, use of the site for shipyard repair is not consistent with the Port's conceptual plan, as stated above.

- h) Violation of Port policy to maximize water-dependent uses at all waterfront facilities.

Response: The fill at Berths 243-245 does not violate the Port policy to maximize water-dependent uses. Any future project will require a Port Master Plan amendment for the land use designation, which would be subject to Port policy, including the policy to maximize water-dependent uses.

- i) Future development is difficult and probably impossible because of land use designation as "Other".

Response: The requirement for a Port Mater Plan amendment for a land use designation does not prohibit development. It simply ensures that any future project is consistent with the California Coastal Act, as amended.

Emile Schiff, Operations Manager at Sauce Bros. Ocean Towing

- Opposed to the Port's plans to use Berths 243-245 as landfill site. Supported Gambol Industries mixed use development plan for ship repair facility that can service large container ships and tankers because of benefit to commercial and private vessels that currently have no local facilities for repair and maintenance.

Response: As stated above, shipyard repair and maintenance activities are inconsistent with the Port's conceptual long term plan for the site.

Robert A. Stein, President, and John S. Bridwell, Vice President of Gambol Industries, Inc.

- Requested that Amendment No. 24 be set aside pending study and discussions concerning their proposal for re-use and restoration/rehabilitation of the Southwest Marine shipyard property as a mixed-use shipyard and marine tenant facility. Opposed to the land use designation of "Other" because the requirement for an additional Port Master Plan amendment could put Gambol's concept potentially on hold forever.

Response: As stated above, a mixed-use shipyard and marine tenant facility is inconsistent with the Port's conceptual long term plan for the site. Any future project for the site would require a Port Master Plan amendment for the land use designation, which would not indefinitely postpone the project.

Michael Buhler, Director of Advocacy for Los Angeles Conservancy

- Concerned that the historic significance of Berths 243-245 was not considered, demonstrating unlawful "pattern and practice" of segmenting project components of CEQA. Requested that Berths 243-245 be evaluated for historic significance and possible inclusion in the National Register.

Further, it is requested that the Los Angeles Conservancy participate in the historic review as a "consulting party" under Section 106 of National Historic Preservation Act.

Response: The replacement of the shipways at Southwest Marine by Berths 243-245 was noted in the survey of the Southwest Marine facility which identified portions of the facility as a historic district (Architectural Survey and Evaluation of the Southwest Marine Terminal [Berth 240] of the Port of Los Angeles, September 2000). In that report the two berths were not identified as being contributors to the district. The DEIR/DEIS analysis found a less than significant impact to cultural resources from the filling of these two berths. A re-evaluation of the Berths 243-245 has been completed. This additional research confirmed that (1) the historic district boundary first delineated in 2000 and updated in 2008 is correct, (2) that the basins at Berths 243-245 have undergone extensive demolition and reconfiguration since the period of significance closed in 1945, and (3) that, as a result, the basins do not contribute to the significance of the district. The request to be a "consulting party" will be passed on to the USACE.