

CEQA FINDINGS & STATEMENT OF OVERRIDING CONSIDERATIONS

For the  
Smart Energy Transport System

SCH# 2007031007

Lead Agency:

City of Los Angeles

[Prepared for Revised Final EIR, July 2011]

**SMART ENERGY TRANSPORT SYSTEM**

**EIR CERTIFICATION,  
CEQA FINDINGS  
&  
STATEMENT OF OVERRIDING CONSIDERATIONS**

Lead Agency:  
City of Los Angeles

APPLICANT:  
WesPac Pipelines-Los Angeles LLC  
2355 Main Street  
Suite 210  
Irvine, CA 92614

July 2011

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## I. INTRODUCTION

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### A. PURPOSE OF DOCUMENT

The City of Los Angeles (the “City”), acting as lead agency under the California Environmental Quality Act (“CEQA”), prepared the Revised Final Environmental Impact Report (“Revised Final EIR”) for the Smart Energy Transport System (“the Project”), State Clearinghouse Number 2007031007. CEQA and the CEQA Guidelines adopted by the State Office of Planning and Research require a lead agency to make a series of certifications and findings in conjunction with approving any project for which an EIR has been prepared, and where the EIR shows that the project may have significant adverse effects on the environment. The City Council (the “Council”) of the City of Los Angeles hereby makes the following Findings relating to the certification of the Revised Final EIR for the Project, and adopts the Statement of Overriding Considerations presented at the end of the Findings.

Hereafter, the Initial Study, the Notice of Preparation, Notice of Availability, Original Draft EIR (without the sections that have been superseded and replaced by the corresponding sections of the RS-DEIR), Technical Studies, Original Final EIR containing Responses to Comments, Errata and the Mitigation Monitoring and Reporting Program, along with the Recirculated Sections of Environmental Impact Report (“RS-DEIR”), the Revised Final EIR containing Responses to Comments regarding the RS-DEIR, Errata, and the Revised Mitigation Monitoring and Reporting Program altogether constitute the EIR for the Project. These documents will be referred to collectively as the EIR.

These certifications, Findings and Statement of Overriding Considerations are based on the entire record before the City, including the EIR. The omission of some detail or aspect of the EIR does not mean that it has been rejected by the Council.

### B. ORGANIZATION OF DOCUMENT

This document is comprised of the following sections:

**Section I, Introduction**, presents an introduction to the CEQA certifications, Findings and Statement of Overriding Considerations.

**Section II, Project Description**, provides a summary of the proposed Project and a statement of the Project objectives.

**Section III, Preparation and Consideration of the EIR**, describes the process of development of the EIR. Section III also contains the certifications required by CEQA Guidelines Section 15090(a) that the EIR has been completed in compliance with CEQA, that the decision-making body of the lead agency has reviewed and considered the EIR, and that the EIR reflects the independent judgment of the lead agency.

**Section IV, Environmental Impacts and Findings**, sets forth the facts and the findings of the City regarding the potential environmental impacts associated with the Project. Section IV summarizes the significant or potentially significant effects of Project construction and operation that can feasibly be mitigated to less than significant levels through the imposition of specified mitigation measures included in the Project's Mitigation Monitoring and Reporting Program, as well as those that the City has determined cannot feasibly be avoided or mitigated to a less than significant level.

**Section V, Alternatives**, provides findings regarding those alternatives to the Project that were examined in the EIR, and considered by the City as part of its deliberations on the Project.

**Section VI, Statement of Overriding Considerations**, sets forth the City's reasons for finding that specific economic, legal, social, technological or other benefits associated with the Project outweigh the Project's potential significant, unavoidable environmental effects.

**Section VII, Mitigation Monitoring and Reporting Program**, consists of the City's adoption of a program to track the implementation of the feasible mitigation measures identified in the EIR and made a part of the approval of the Project.

## **C. GENERAL CONSIDERATIONS**

1. **Reliance on Record.** These certifications, Findings and Statement of Overriding Considerations are based on the competent and substantial evidence contained in the entire record before the Council relating to the Project and the EIR, including but not limited to the EIR, City staff reports, written and oral testimony at public hearings, and the facts set forth herein. The certifications, findings and determinations constitute the independent assessments and conclusions of the Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

2. **Nature of Findings.** Any finding made by this Council shall be deemed made, regardless where it appears in the document. All of the language included in this document constitutes findings by this Council whether or not any particular sentence or clause includes a statement to that effect. This Council intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by this Council with respect to any particular subject matter of the Project shall be deemed to be made if it appears in any portion of this document.

3. **Summaries of Impacts, Facts, Mitigation Measures, Alternatives and Other Matters.** All summaries of information in the certifications, findings and determinations to follow are based on the EIR, the Project (and every component thereof) and/or other evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact. Moreover, the summaries set forth below are only summaries. This document includes only as much detail as may be necessary to show the basis for the certifications, findings and determinations set

forth below. Cross references to the EIR and other evidence have been made where helpful, and reference should be made directly to the EIR and other evidence in the record for more precise information regarding the facts on which any summary is based.

#### **D. CUSTODIAN AND LOCATION OF RECORDS**

The environmental documents and other materials that constitute the administrative record for the City's actions upon the Project are maintained and located at the following address:

City of Los Angeles  
Department of Public Works  
Bureau of Engineering, Environmental Management Group  
1149 South Broadway, Suite 600  
Los Angeles, CA 90015

This division is the official custodian of the administrative record for the Project. Requests regarding the administrative record may be directed to Mr. William Jones at the above address, or at [William.Jones@lacity.org](mailto:William.Jones@lacity.org).

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## II. PROJECT SUMMARY

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### A. PROJECT OVERVIEW

The purpose of the Project is to provide an updated and consolidated jet fuel pipeline system to improve efficiency and ensure a long-term, reliable source of product to support airport operations at Los Angeles International Airport (LAX) and other airports throughout the Western United States. The Project is proposed to occur in two phases that are anticipated to occur approximately three years apart.

The pipeline route would cross six jurisdictions, including unincorporated Los Angeles County and the Cities of Carson, Compton, Gardena, Hawthorne, and Los Angeles. Permits would be required for the pipeline in each affected jurisdiction. In Phase 1, a 16-inch pipeline that originates at the Vopak Inland Terminal in the Wilmington area of the City of Los Angeles would initially travel south, then west, crossing the Dominguez Channel, before heading north to the Kinder Morgan Watson Pump Station in the City of Carson, passing along the way off-airport jet fuel storage facilities at the Kinder Morgan Carson and Shell Carson terminals. In Phase 2, a 12-inch pipeline would continue north and west from the Watson Pump Station, passing through the communities of Carson, unincorporated Los Angeles County, Compton, and additional areas within the City of Los Angeles, as well as the Cities of Gardena and Hawthorne, before entering the LAX property. The pipeline would terminate at the LAX tank farm located within the western portion of the LAX facility itself. The total pipeline would be approximately 24 miles long; Phase 1 would comprise approximately 6.5 miles, while the remaining 17.5 miles of the route would be constructed during Phase 2. In addition to the pipeline, the proposed Project would consist of a new pump station at the Vopak Inland Terminal, a new delivery connection to the Watson Pump Station, and a new receiving system at LAX.

### B. PROJECT OBJECTIVES

The objectives of the Project are as follows:

- Allow WesPac's customers to more efficiently supply jet fuel to major airports in the Southwestern United States through a direct connection to Kinder Morgan's Watson Station.
- Provide a reliable, modern jet fuel pipeline supply system as an alternative to existing jet fuel pipelines that currently supply LAX.
- Construct and operate the pipeline system in a manner that protects public safety and the environment.
- Directly connect existing off-site jet fuel storage facilities at the Vopak terminal to the Watson Station and existing storage facilities at LAX.

- Improve the efficiency of jet fuel transportation by reducing the number of pipeline and terminal operators involved in moving jet fuel from the existing off-site storage facilities to existing airport storage facilities.
- Locate the new pipeline along a central route that affords multiple interconnections, redundancies, and storage facility choices.
- Provide WesPac's customers a means of reducing the amount of transmix (generated by the transportation of jet fuel and gasoline, respectively, within a single pipeline, causing a mixture of fuels and thereby necessitating an additional refining procedure subsequent to transfer).
- Provide WesPac's customers long term stability and enhanced reliability in jet fuel supply and pricing through long term transportation agreements.
- Commence Phase 1 pipeline operations in February 2009 and Phase 2 pipeline operations as early as October 2012 to meet the expectations of WesPac's customers.

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### III. PREPARATION AND CONSIDERATION OF THE EIR

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#### A. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted an extensive review of this Project which included an Initial Study, scoping meetings, an Original Draft EIR and an Original Final EIR, including technical reports, along with a public review and comment period, as well as the RS-DEIR and Revised Final EIR.

The City prepared and circulated a Notice of Preparation (NOP) for a 30-day public review that began on February 28, 2007 to solicit comments from responsible agencies and the general public on issue areas that should be addressed in the Original Draft EIR. The City distributed the NOP to responsible or trustee agencies in accordance with Section 15082 of the CEQA Guidelines. In addition, the NOP was sent to organizations and/or individuals that the City believed might have an interest in the proposed Project. The accompanying Initial Study (“IS”) (Appendix A to the Original Draft EIR) identified potential environmental impacts related to air quality, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/planning, public services (fire services), and traffic/transportation. The IS was the basis for the City’s determination that an EIR should be prepared for the Project.

The City held scoping meetings on March 12, March 13, and March 15, 2007 for the purpose of further soliciting public input regarding the scope and content of the Original Draft EIR.

The Original Draft EIR for the Project was circulated for review and comment by the public and other interested parties, agencies, and organizations for a 53-day public review period beginning on December 18, 2007. The Original Draft EIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research. A Notice of Availability for the Original Draft EIR was filed with the State Clearinghouse on December 18, 2007. In addition, more than 200 agencies and interested parties received copies and/or were notified of the availability of the Draft EIR. Copies of the Original Draft EIR also were available at nine public libraries along or near the route. In addition, the Original Draft EIR and technical appendices were placed on the City of Los Angeles Department of Public Works Bureau of Engineering website for public review. The Notice of Availability of the Original Draft EIR also was advertised in the local newspaper.

The City assembled and reviewed the comments received by the close of the public comment period on February 8, 2008, and directed the preparation of specific responses to comments. The City prepared the Original Final EIR, including corrections and additions to the EIR, comments letters on the Original Draft EIR and corresponding written responses.

On June 23, 2008, the City provided written proposed responses to public agencies that commented on the Original Draft EIR, in accordance with Public Resources Code Section 21092.5, which requires that such responses be provided no less than ten days prior to the date the Council certified the Original Final EIR. On May 13, 2009, the Los Angeles City Council certified the Original FEIR and approved Phase 1 of the Project.

On June 11, 2009, the City of Gardena filed a petition for writ of mandate challenging the City of Los Angeles' approval of the Project under CEQA. On July 7, 2010, Judge Torribio of the Los Angeles Superior Court granted the petition for writ of mandate on the single ground that the Original EIR failed to analyze a reasonable range of alternatives. With respect to all other issues raised in the litigation, the court found that the Original Final EIR, notices, and procedures satisfied CEQA. Regarding greenhouse gases (GHGs), the court concluded that the analysis was adequate under CEQA at the time the Original Final EIR was certified, but observed that the GHG guidelines developed by the State Resources Agency had subsequently been finalized and, therefore, were in effect for any revised or subsequent EIR.

In accordance with the Los Angeles Superior Court's writ of mandate, the City of Los Angeles prepared and circulated the RS-DEIR pursuant to CEQA Guidelines Section 15088.5(g). The RS-DEIR contained revised and updated sections, including: a revised Introduction and Summary of the Alternatives to the Project; a revised analysis of alternatives to the Project (which supersedes and replaces in full Section V of the Original Draft EIR); and an expanded analysis of the Project's impacts regarding GHGs.

The RS-DEIR for the Project was circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day public review period beginning on May 12, 2011. The RS-DEIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research. A Notice of Availability for the Original Draft EIR was filed with the State Clearinghouse on May 12, 2011. In addition, more than 267 agencies and interested parties received copies and/or were notified of the availability of the RS-DEIR. Copies of the RS-EIR also were available at ten public libraries along or near the route. In addition, the RS-DEIR and technical appendices were placed on the City of Los Angeles Department of Public Works Bureau of Engineering website for public review. The Notice of Availability of the RS-DEIR also was advertised in the local newspaper.

The City assembled and reviewed the comments received by the close of the public comment period on June 27, 2011, and directed the preparation of specific responses to comments. The City prepared the Revised Final EIR, including corrections and additions to the EIR, comment letters on the RS-DEIR, and corresponding written responses.

On July 11, 2011, the City provided written proposed responses to public agencies that commented on the RS-DEIR, in accordance with Public Resources Code Section 21092.5, which requires that such responses be provided no less than ten days prior to the date the Council certifies the Revised Final EIR.

**B. CERTIFICATION OF COMPLETION OF THE EIR IN COMPLIANCE WITH CEQA**

As required by CEQA Guidelines Section 15090(a)(1), the Council hereby certifies that the Revised Final EIR has been completed in compliance with CEQA. This certification of compliance addresses, without limitation, CEQA's procedural requirements regarding notice, opportunity for public review and comment, consultation with responsible and trustee agencies, and preparation of responses to comments and the Revised Final EIR. This certification of compliance also addresses, without limitation, requirements relating to the scope and content of the EIR, the degree of specificity and the level of technical detail. The EIR contains a sufficient degree of analysis to provide the Council and responsible agencies with information that enables them to intelligently take account of environmental consequences in making decisions with respect to the Project.

**C. CERTIFICATION THAT THE LEAD AGENCY REVIEWED AND CONSIDERED THE EIR PRIOR TO APPROVING THE PROJECT**

As required by CEQA Guidelines Section 15090(a)(2), the Council hereby certifies that, as the decision-making body of the lead agency, it has reviewed and considered the information contained in the Revised Final EIR prior to approving the Project.

**D. CERTIFICATION THAT THE EIR REFLECTS THE LEAD AGENCY'S INDEPENDENT JUDGMENT AND ANALYSIS**

The City retained Christopher A. Joseph & Associates ("CAJA") to prepare the Original Final EIR, and Matrix Environmental to prepare the RS-DEIR and the Revised Final EIR. CAJA and Matrix Environmental prepared these documents under the supervision and direction of the staff of the City of Los Angeles Department of Public Works Bureau of Engineering. The City directed CAJA and Matrix Environmental in the preparation of the EIR, and reviewed, analyzed and revised material prepared by CAJA and Matrix Environmental. As required by CEQA Guidelines Section 15090(a)(3), the Council hereby certifies that the Revised Final EIR reflects the independent judgment and analysis of the City of Los Angeles, acting as lead agency.

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## IV. FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL IMPACTS

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Section 21081 of the California Public Resources Code and Section 15091 of the CEQA Guidelines require a public agency, prior to approving a project for which an EIR has been certified, to identify significant effects of the project and make written findings for each such effect. Summarized below are descriptions of each significant effect, and appropriate findings for each.

### A. HAZARDOUS MATERIALS AND JET FUEL SAFETY

**Effect HAZ-1:** Pipeline construction activities will pass near sites of known soil or groundwater contamination, and may pass through sites of previously unknown contamination, potentially releasing vapors, groundwater, soil or dust that present a potential health hazard to workers and the public.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. To the extent that the pipeline would be installed outside the jurisdiction of the City of Los Angeles, such changes or alterations are within the responsibility and jurisdiction of other public agencies (specifically, the Cities of Carson, Compton, Gardena and Hawthorne and the County of Los Angeles) and can and should be adopted by such other agencies. The impacts following incorporation of such changes or alterations would be less than significant.

**Facts in Support of Finding:** The EIR identifies sites of known contamination in proximity to the pipeline route. In addition, it is possible that unknown contamination may be uncovered during excavation. Excavation of contaminated soil or groundwater may result in the release of contaminated vapors, water, or dust that may affect the health of workers or the public. Potential health hazards to the public and construction personnel associated with the potential presence of contaminated sites along the pipeline route would be reduced to less than significant levels with compliance with applicable Federal, State and local regulations and procedures, and project design features. Mitigation Measures A-2 through A-13 also will be incorporated into the Project to ensure that the potential health effects relating to the presence of contamination remain less than significant. The City of Los Angeles has the authority to require Mitigation Measures A-2 through A-13 within the City. The other cities along the route and Los Angeles County will have the authority to impose the mitigation measures within their respective jurisdictions as part of the franchise agreements or ordinances.

**Effect HAZ-2:** Pipeline construction activities may occur in close proximity to operating and/or abandoned oil wells, presenting a risk of release of contamination from such wells.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. To the extent that the pipeline would be installed outside the jurisdiction of the City of Los Angeles, such changes or alterations are within the responsibility and jurisdiction of other public agencies (specifically, the Cities of Carson, Compton, Gardena and Hawthorne and the County of Los Angeles) and can and should be adopted by such other agencies. The impacts following incorporation of such changes or alterations would be less than significant.

**Facts in Support of Finding:** Excavation in proximity to operating or abandoned oil wells may cause the release of contaminants, presenting a risk to worker or public health. Mitigation Measures A-1 and A-14 will be incorporated into the Project to ensure that the risk of encountering operating or abandoned wells remain less than significant. The City of Los Angeles has the authority to require Mitigation Measures A-1 and A-14 within the City. The other cities along the route and Los Angeles County will have the authority to impose the mitigation measures within their respective jurisdictions as part of the franchise agreements or ordinances.

**Effect HAZ-3:** Naturally occurring methane may seep into the pipeline trench during construction, posing a hazard to workers in the trench and to others in the construction area.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. To the extent that the pipeline would be installed outside the jurisdiction of the City of Los Angeles, such changes or alterations are within the responsibility and jurisdiction of other public agencies (specifically, the Cities of Carson, Compton, Gardena and Hawthorne and the County of Los Angeles) and can and should be adopted by such other agencies. The impacts following incorporation of such changes or alterations would be less than significant.

**Facts in Support of Finding:** The City of Los Angeles has designated a number of Methane Hazard Zones in the project vicinity. Two areas of the proposed pipeline route that are within the City of Los Angeles are within City-designated methane zones (*i.e.*, the 110 Freeway crossing and the northern terminus at LAX). The possibility of methane seepage into the open pipeline trench during construction could pose a hazard to workers in the trench and to others in the construction area. Mitigation Measure A-15 will be incorporated into the Project to ensure that the risk of encountering methane remain less than significant. The City of Los Angeles has the authority to require Mitigation Measure A-15 within the City. The other cities along the route and Los Angeles County will have the authority to impose the mitigation measures within their respective jurisdictions as part of the franchise agreements or ordinances.

## **B. HYDROLOGY/WATER QUALITY**

**Effect HYDRO-1:** During operation of the proposed pipeline system, there is a possibility, albeit a small one, that the pipeline could rupture due to erosion of the bank of a watercourse or scour of the channel, thus releasing jet fuel and impacting surface waters.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. To the extent that the pipeline would be installed outside the jurisdiction of the City of Los Angeles, such changes or alterations are within the responsibility and jurisdiction of other public agencies (specifically, the Cities of Carson, Compton, Gardena and Hawthorne and the County of Los Angeles) and can and should be adopted by such other agencies. The impacts following incorporation of such changes or alterations would be less than significant.

**Facts in Support of Finding:** During pipeline operations, there is a small risk of surface water contamination from accidental leaks or spills where the pipeline route passes over or near surface water bodies. Even with a computerized leak-detection system, the smallest of leaks and problems could still arise, which could degrade existing surface water quality. The pipeline traverses the concrete-lined Dominguez Channel during Phase 1 in two locations either underground through directional drilling or above ground by attaching the line to an existing roadway or pipe. Also, the pipeline would travel adjacent to ponds, drainage ditches, retention basins, and other waterbodies that may seasonally or perennially contain surface waters, which flow to main watercourse crossings. Mitigation Measure D-1 has been incorporated into the Project to reduce possible accidental releases, thereby decreasing the likelihood of contamination. Mitigation Measure D-1 requires that if the pipeline is placed underneath the Dominguez Channel, it must be buried a minimum of 3-feet below the 100-year scour depth of the channel to avoid damage from erosion and scour. Elsewhere along the route, Mitigation Measure D-1 requires that the pipeline be placed outside the 100-year flood level to avoid possible damage due to flooding and erosion.

**Effect HYDRO-2:** During operation of the proposed pipeline system (Phases 1 and 2), there is a possibility, albeit a small one, that the pipeline could rupture or a pipeline component could leak, thus releasing jet fuel into the natural environment and potentially affecting ground water. If groundwater that supplies drinking water wells becomes contaminated, the effects could be severe and of long duration.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. To the extent that pipeline would be installed outside the jurisdiction of the City of Los Angeles, such changes or alterations are within the responsibility and jurisdiction of other public agencies (specifically, the Cities of Carson, Compton, Gardena and Hawthorne and the County of Los Angeles) and can and should be adopted by such other agencies. The impacts following incorporation of such changes or alterations will be less than significant.

**Facts in Support of Finding:** The ability of a hydrocarbon release to leak into natural groundwater supplies depends on a number of environmental factors, including permeability, soil moisture, depth to groundwater and direction of flow, and other factors. Fairly shallow historical groundwater tables have been recorded in several areas along the proposed pipeline route. In the unlikely event that the pipeline or a pipeline component experiences a release in an area of shallow groundwater, groundwater could become contaminated. A computerized leak-detection system will be implemented, but accidental leaks

and spills are not completely preventable and unavoidable. A fuel release that goes undetected could degrade the quality of the existing groundwater supply. If groundwater that supplies drinking water wells becomes contaminated, the effects would be severe and of long duration. Mitigation Measure D-2 has been incorporated into the Project to minimize the likelihood of contamination of drinking water supplies in the event of an accidental release. Mitigation Measure D-2 requires the location of existing water wells to be determined during final design of the Project, and establishes more rigorous construction standards if the route passes less than 200 feet from an existing water well.

## C. AIR QUALITY

**Effect AIR-1:** During construction of Phase 1 of the proposed pipeline system, construction emissions would exceed the SCAQMD's regional significance thresholds for nitrogen oxides (NO<sub>x</sub>). During construction of Phase 2 of the proposed pipeline system, construction emissions would exceed the SCAQMD's regional significance thresholds for NO<sub>x</sub>, volatile organic compounds (VOC), and carbon monoxide (CO). These emissions would be considered significant both for the Project alone and cumulatively.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. To the extent that the construction and potentially significant impacts would occur outside the jurisdiction of the City of Los Angeles, such changes or alterations are within the responsibility and jurisdiction of other public agencies (specifically, the Cities of Carson, Compton, Gardena and Hawthorne and the County of Los Angeles) and can and should be adopted by such other agencies. The impacts following incorporation of such changes or alterations would remain significant.

**Facts in Support of Finding:** Construction would occur along 3,000-foot spreads. Phase 1 construction would involve one spread at a time, whereas Phase 2 construction would involve construction along three spreads concurrently. Four general types of activities are expected to occur and temporarily generate construction-related emissions at each of the individual spreads: (1) bore pit excavation; (2) trench excavation; (3) construction of the pipeline (e.g., pipeline stringing and bending, pipeline welds, wrapping of the pipeline joint welds, etc.); and (4) asphalt paving. Air pollutant emissions generated during construction would occur both on-site and off-site. On-site emissions would principally consist of exhaust emissions from diesel-powered construction equipment used for the construction operations, and fugitive dust emissions from soil and material handling. Off-site emissions would consist of emissions generated by construction worker trips to and from the construction areas, and the delivery and hauling of construction supplies and debris to and from the construction areas. The Project will employ dust control measures (including watering, sweeping, clean-up and limits on vehicle speed) to avoid significant impacts related to emissions of particulate matter. However, during construction of Phase 1, construction emissions would exceed the SCAQMD's regional significance thresholds for NO<sub>x</sub>; and during construction of Phase 2, construction emissions would exceed the SCAQMD's regional significance thresholds for NO<sub>x</sub>, volatile organic compounds (VOC), and carbon monoxide (CO). These emissions would be considered significant both for the Project alone and cumulatively. Mitigation Measure F-1 has

been incorporated into the Project to reduce the potential construction emissions to the maximum extent feasible, through selection and maintenance of construction equipment, limitations on idling time, and reliance on the electricity infrastructure rather than on-site electrical generators powered by internal combustion engines to the extent feasible.

**Effect AIR-2:** During construction of Phase 1, NO<sub>2</sub> concentration levels generated by the proposed construction activities could exceed the applicable ambient air quality standard in the vicinity of Alameda Street and Grant Street, and in the vicinity of Wilmington Avenue and Dominguez Street. As such, localized air quality impacts associated with NO<sub>2</sub> concentrations at these two locations would be significant, both for the Project alone and cumulatively.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. To the extent that the construction and potentially significant impacts would occur outside the jurisdiction of the City of Los Angeles, such changes or alterations are within the responsibility and jurisdiction of another public agency (specifically, the City of Carson) and can and should be adopted by such other agency. The impacts following incorporation of such changes or alterations would be less than significant, except for circumstances in which it is not feasible to fully implement Mitigation Measure F-1.

**Facts in Support of Finding:** The amount of emissions generated on a daily basis will vary, depending on the amount and types of construction activities occurring at the same time. In order to present a conservative analysis, the peak daily emissions for each pollutant associated with the various construction activities involved with development of the pipeline during Phases 1 and 2 were modeled at each of 10 segments of the route. The dispersion modeling results determined that the maximum localized emissions of 1-hour NO<sub>2</sub> would exceed the most stringent applicable air quality standard of 0.18 ppm at three of the 10 pipeline segments: Segments 1, 3 and 5. Segments 1 and 3 are located within the Phase 1 area, while Segment 5 is located in the Phase 2 area. A localized air quality impact would be significant if these exceedances would occur at off-site sensitive receptors. In Segment 1, the area where the NO<sub>2</sub> levels would exceed the 0.18 ppm threshold encompass a portion of Alameda Street, a few single-family residences fronting the west side Alameda Street, a motel building located northeast of the intersection of Alameda Street and Grant Street, and industrial facilities located south and southeast of the intersection of Alameda Street and Grant Street. In Segment 3, the location where the NO<sub>2</sub> concentration levels associated with construction are above the 0.18 ppm threshold encompass a portion of Wilmington Avenue, an industrial building located at the southwest corner of Wilmington Avenue and Dominguez Street, a vacant parking lot located at the northwest corner of Wilmington Avenue and Dominguez Street, and a small portion of a surface parking lot located at the northwest corner of Dominguez Street and Maciel Avenue. In Segment 5, the location where the NO<sub>2</sub> concentration levels associated with construction are above the 0.18 ppm threshold encompass only a small dirt mound area located northeast of Wilmington Avenue and Artesia Boulevard. Because no residential uses or other sensitive receptors would be exposed to NO<sub>2</sub> levels that exceed 0.18 ppm at this segment location, localized air quality impacts associated with NO<sub>2</sub> concentrations at this segment location would be less than significant.

Mitigation Measure F-1, described above, has been incorporated into the Project to reduce the potential construction emissions to the maximum extent feasible.

## **D. NOISE**

**Effect Noise-1:** Project construction requires the use of heavy equipment that has the potential to cause significant impacts to sensitive noise, receptors such as residences, hotels or other facilities including sleeping quarters.

**Finding:** Project design features would avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the project design features are implemented. To the extent that the construction and potentially significant impacts would occur outside the jurisdiction of the City of Los Angeles, such mitigation is within the responsibility and jurisdiction of other public agencies (specifically, the Cities of Carson, Compton, Gardena and Hawthorne and the County of Los Angeles) and can and should be adopted by such other agencies. The impacts following incorporation of such mitigation would be less than significant.

**Facts in Support of Finding:** Construction of the Project will require the use of heavy equipment for demolition, site preparation and excavation, paving, and the laying of pipeline, and the use of smaller power tools and generators. During each stage of development, there will be a different mix of equipment operating; noise levels will vary based on the type and amount of equipment in operation and the location of the activity along the proposed route. Other sources of construction noise will include directional drilling and boring at locations where the proposed pipeline route would cross an at-grade obstacle that cannot be disturbed, such as an existing railroad track, and the runway at LAX. Construction noise also will occur where the pipeline route follows an existing bridge and thus will be suspended from or attached to the bridge. Construction noise will occur at each of the staging areas in Phase 1 and Phase 2, respectively, along the route used to store equipment and materials that cannot be stored in the construction zones. The Project will reduce noise from construction and ensure that noise levels remain below the established significance thresholds through project design features, including limitations on time of day, equipment selection and maintenance, worker training, and the erection of temporary barriers, among others. Mitigation Measures G-1 through G-14 will make enforceable and ensure the implementation of the project design features.

## **E. BIOLOGICAL RESOURCES**

**Effect BIO-1:** Pipeline construction may have an indirect impact in Phase 2 on nearby sensitive species and sensitive plant communities present west of LAX in vernal pools and in the El Segundo Dunes due to fugitive dust.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. The impacts following incorporation of such changes or alterations would be less than significant.

**Facts in Support of Finding:** The only natural habitats adjacent to the proposed pipeline are the dune and grassland vegetation communities occurring with the El Segundo dunes complex to the west of LAX and on the LAX property itself, respectively. The El Segundo dunes complex is approximately 3,400 feet west of the Phase 2 portion of the proposed alignment. The El Segundo dunes complex historically covered approximately 3,200 acres but has been reduced to approximately 300 acres by development. A short segment of the Phase 2 portion of the route travels through a portion of LAX mapped as “non-native grassland/ruderal” or “developed” habitat according to the LAX Master Plan. The westernmost portion of the LAX property was historically subject to seasonal flooding and contains remnant vernal pool habitat. Vernal pools are topographic depressions formed over impervious soil layers that fill with water during seasonal winter storms and may provide habitat for a variety of sensitive aquatic species. The vernal pools identified in the LAX Master Plan are mapped approximately 1,700 feet to the west of the proposed pipeline route; no vernal pools occur within the proposed pipeline route. There is a potential for potential indirect impacts to these biological resources from construction-related dust. The implementation of Mitigation Measure I-1, requiring dust control measures during construction within LAX, would reduce this potential impact during Phase 2 of the Project to a less than significant level.

**Effect BIO-2:** Pipeline construction activities during Phase 2 have the potential to impact nesting activities of burrowing owls, if present, on LAX through direct nest removal, noise or vibration disturbance during the installation of the pipeline within the area of disturbed/bare ground just north of Imperial Highway on LAX property. Any necessary pipeline repairs, though unlikely, may also result in similar impacts. Such disturbance to nesting burrowing owls would be considered a significant, but temporary, impact.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. The impacts following incorporation of such changes or alterations would be less than significant.

**Facts in Support of Finding:** The burrowing owl has been recorded approximately one mile north of LAX. The pipeline route passes through an area of LAX that is disturbed/bare ground; however, there is grassland habitat nearby that is potentially suitable to the burrowing owl. The pipeline will be installed 20 to 30 feet underground using horizontal directional drilling under the grassland habitat, thereby avoiding impacts to this habitat. Any burrowing owls potentially nesting in this habitat are unlikely to be disturbed by the drilling activities, as they would likely be acclimated to frequent noise and vibration from the surrounding airport activities and the bird strike prevention program employed by LAX. However, pipeline construction activities have the potential to impact nesting activities of burrowing owls, if present on LAX, through direct nest removal, noise or vibration disturbance during the installation of the pipeline within the area of disturbed/bare ground just north of Imperial Highway on LAX property, where pipeline installation will require approximately 100 feet of trenching and equipment and staging access for the horizontal directional drilling under the remaining portion of LAX. Such disturbance to nesting burrowing owls would be considered a significant, but temporary, impact. Mitigation Measure I-2 has been incorporated into the Project and will reduce this impact to a less than

significant level by requiring pre-construction surveys for burrowing owls and replacement of any disturbed burrows.

**Effect BIO-3:** Construction or routine pipeline repair activities in Phases 1 and 2 may result in disturbance to bird nesting. These impacts would be considered significant.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. To the extent that the construction or repair and corresponding potentially significant impacts would occur outside the jurisdiction of the City of Los Angeles, such changes or alterations are within the responsibility and jurisdiction of other public agencies (specifically, the Cities of Carson, Compton, Gardena and Hawthorne and the County of Los Angeles) and can and should be adopted by such other agencies. The impacts following incorporation of such changes or alterations would be less than significant.

**Facts in Support of Finding:** Suitable nesting habitat occurs within the Project area for both Phases 1 and 2. Pipeline construction and repair activities may result in disturbance to nesting activities by direct nest removal (if tree or vegetation trimming is required), or increased noise or vibration causing nest abandonment (and subsequent death of the eggs or young). These impacts would be considered significant; however this impact will be reduced to insignificant through implementation of Mitigation Measure I-3, which requires avoidance of construction activities during the bird breeding season or pre-construction surveys and a nest avoidance buffer until determined by a biologist.

**Effect BIO-4:** Pipeline repair activities could cause a potentially significant impact to hydrologic resources within the Dominguez Channel if repair activities require temporary placement of equipment or materials within the Dominguez Channel.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. To the extent that the Dominguez Channel crossings are located outside the jurisdiction of the City of Los Angeles, such changes or alterations are within the responsibility and jurisdiction of other public agencies (specifically, the Cities of Carson, Compton, Gardena and Hawthorne and the County of Los Angeles) and can and should be adopted by such other agencies. The impacts following incorporation of such changes or alterations will be less than significant.

**Facts in Support of Finding:** In Phase 1, the pipeline route will cross the Dominguez Channel, a waterway subject to regulation by the Army Corps of Engineers, the California Department of Fish and Game, and the Los Angeles Regional Water Quality Control Board. The Dominguez Channel is concrete lined and contains no natural riparian habitat along its banks. No significant impacts are expected during project construction, as the pipe will be constructed using a special method which will involve attaching the pipe to the existing bridge, thereby avoiding impacts to the channel itself. However, if future repair activities require temporary placement of equipment or materials within the Dominguez Channel, this

could result in a potentially significant impact to regulated waters in Phase 1. Implementation of Mitigation Measure I-4, requiring obtaining regulatory permits and restoration to pre-existing conditions, and I-5, requiring agency consultation for emergency repair work, will reduce this impact to less than significant.

## **F. CULTURAL RESOURCES**

**Effect CUL-1:** Cultural resources may be encountered during excavation for the proposed Project, causing damage to archeological or paleontological resources and/or human remains.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. To the extent that the excavation and potentially significant impacts will occur outside the jurisdiction of the City of Los Angeles, such changes or alterations are within the responsibility and jurisdiction of other public agencies (specifically, the Cities of Carson, Compton, Gardena and Hawthorne and the County of Los Angeles) and can and should be adopted by such other agencies. The impacts following incorporation of such changes or alterations will be less than significant.

**Facts in Support of Finding:** The Project site (Phases 1 and 2) is located in the vicinity of at least 12 unique archaeological and paleontological resources. As such, there is a moderately high probability that prehistoric and historic cultural resources may be present beneath the surface. The pipeline route is contained almost entirely within existing streets that have been the site of previous excavation. If the previous excavation in an area exceeded the maximum depth of the excavation for the proposed pipeline and now consists of fill, cultural resources are not anticipated to be encountered. However, if the previous excavation did not exceed the maximum depth required for the proposed Project, there is some possibility that sub-surface cultural resources could be encountered and impacted by Project construction. Implementation of Mitigation Measures J-1 to J-13 will reduce this impact to less than significant by requiring appropriate monitoring, notifications, training, and site management.

**Effect CUL-2:** In the event of pipeline leak or spill, cultural resources may be encountered during excavation associated with clean-up activities. Excavation for clean-up or repair presents the same risks of damage to cultural resources as described in Effect CUL-1, above.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Adoption of the mitigation monitoring program would ensure that the mitigation is implemented. To the extent that the excavation and potentially significant impacts will occur outside the jurisdiction of the City of Los Angeles, such changes or alterations are within the responsibility and jurisdiction of other public agencies (specifically, the Cities of Carson, Compton, Gardena and Hawthorne and the County of Los Angeles) and can and should be adopted by such other agencies. The impacts following incorporation of such changes or alterations will be less than significant.

**Facts in Support of Finding:** During the operation of the proposed pipeline system (Phases 1 and 2), there is a possibility, albeit a small one, that a pipeline leak or spill could occur. In the event of an accidental release, cleanup would occur in compliance with all applicable federal, state, and local regulations and requirements, and emergency response measures and protocols would be implemented. While there is a low probability for an accidental release, in the event that such a release occurred, if cleanup required excavation into previously undisturbed soils then a significant impact to cultural resources might occur depending on the spill's location and proximity to cultural resources. Implementation of Mitigation Measures J-1 to J-13 will reduce this impact to less than significant by requiring appropriate monitoring, notifications, training, and site management.

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## V. ALTERNATIVES

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The EIR analyzed a range of reasonable alternatives to the Project or to the location of the Project. CEQA requires evaluation of alternatives that can reduce the significance of identified impacts and “feasibly attain most of the basic objectives of the proposed project.” Thus, the Project objectives were considered by this Council in evaluating the alternatives. The Revised Final EIR analyzed in detail eight alternatives to the Project, including evaluation of potential environmental impacts and the ability of the alternatives to meet the Project’s objectives, as described in Section II.B, above.

Section 15126.6 of the State CEQA Guidelines provides that alternatives do not need to be evaluated to the same level of detail as the proposed project. However, the Revised Final EIR exceeded the requirements of Section 15126.6. The Revised Final EIR provided substantial detail on the alternative routes, so that any one of these alternatives could be approved in lieu of the proposed Project based on the EIR.

### A. NO PROJECT ALTERNATIVE

Under the No Project Alternative, Phases 1 and 2 of the proposed pipeline would not be constructed. The existing delivery system that supplies jet fuel to Los Angeles International Airport (LAX) would continue to convey fuel to LAX through one 12-inch and three 8-inch pipelines.

**Finding:** The No Project Alternative would eliminate or reduce many of the Project-specific and cumulative impacts identified in the EIR. However, the No Project Alternative would not achieve any of the objectives of the Project.

**Facts Supporting the Finding:** Without construction of the proposed pipeline, the related excavation, trenching, potholing, and backfilling activities would not occur. A new pump station at the Vopak Inland Terminal, a new delivery connection to the Watson Pump Station, and a new receiving system at LAX would not be built. Given the above, the No Project Alternative would not cause any construction-related environmental impacts. In addition, no operation-related impacts beyond those which currently exist would occur under this alternative. However, under the No Project Alternative there would be no new, more direct connection between the existing LAXFUEL tanks at LAX and existing off-site storage, and between the existing off-site storage and the Kinder Morgan Watson Pump Station supplying the Southwestern United States. Therefore, the project objectives would not be met. Jet fuel supply to LAX and the Southwestern United States would continue as it currently does, with its inefficiencies and added costs.

## **B. BROADWAY/EL SEGUNDO ALTERNATIVE**

The Broadway/El Segundo Alternative would entail the construction and operation of a jet fuel pipeline system substantially similar to that of the Project, with the exception of a 4.2-mile deviation from the northeast portion of the Project's proposed Phase 2 route. The route for the Broadway/El Segundo Alternative would begin at the Vopak Terminal, just as it would for the Project, and would follow the Project's pipeline route until the intersection of Compton Boulevard and Broadway in unincorporated County of Los Angeles. At this point, the pipeline would then turn north, traveling for approximately 1.5 miles on Broadway to the intersection with El Segundo Boulevard. The route would then turn west along El Segundo Boulevard, traveling for approximately 2.7 miles and passing through the City and County of Los Angeles and into the City of Hawthorne to the intersection of El Segundo Boulevard and Crenshaw Boulevard. The route would then turn north to follow Crenshaw Boulevard, where it would then reconnect with the proposed Project route. Compared to the proposed Project, the Alternative route would avoid a portion of Compton Boulevard, Figueroa Street, Redondo Beach Boulevard, Vermont Avenue, Rosecrans Boulevard, and portions of Crenshaw Boulevard. This Alternative would result in avoiding a school and two health care facilities located in the City of Gardena, while traveling instead through additional portions of unincorporated County of Los Angeles.

**Finding:** The Broadway/El Segundo Alternative would reduce impacts to sensitive receptors associated with hazardous materials, land use, and noise. These impacts were not identified in the EIR as significant for the Project; nonetheless, the impacts would be less for the Broadway/El Segundo Alternative. The alternative would not eliminate the significant adverse affects identified in the EIR for short term air quality during Project construction. Tentatively, it appears that the Broadway/El Segundo Alternative would achieve the objectives of the Project, and that the alternative would be feasible. However, the Broadway/El Segundo Alternative affects only Phase 2 of the Project, and a final decision regarding feasibility and desirability of this alternative will be made at the time that discretionary permits and approvals are sought for Phase 2.

**Facts Supporting the Finding:** Section V of the Original Draft EIR, Section III of the Original Final EIR, and Section III.E of the RS-DEIR contain facts and analyses supporting the Finding, some of which are set forth here. The Broadway/El Segundo Alternative would use the same construction techniques and conduct operations in the same manner as the Project. Therefore, most impacts would be comparable to those of the Project. Specifically, the Broadway/El Segundo Alternative would have similar construction impacts regarding traffic/circulation/parking, hydrology/water quality, geology and soils, air quality, fire protection, biological resources, and cultural resources. However, the route deviation would reduce the number of sensitive receptors along or near the route. As a result, the Broadway/El Segundo Alternative would have construction impacts less than that of the proposed Project relative to hazardous materials, land use, and noise. With regard to impacts to land uses, the Broadway/El Segundo Alternative is different from the Project because it avoids sensitive uses to a greater degree. More specifically, the Broadway/El Segundo Alternative would affect fewer residential areas directly along the route, and would

be located in proximity to one school, rather than two. Under the Broadway/El Segundo Alternative, the Amestoy Elementary school located directly along the route alignment within the City of Gardena would no longer be affected. The Broadway/El Segundo Alternative would also pass within ¼ mile of fewer schools than would the Project. Also, the Broadway/El Segundo Alternative avoids a total of seven health care facilities all located within the City of Gardena (two located directly on the route and five within ¼ mile of the route). While the Project route would have four health care facilities located directly along the route and would have twelve health care facilities located within ¼ mile of the route, the Broadway/El Segundo Alternative would have only two facilities located directly along the route, with another eight facilities located within ¼ mile of the route. During operation of the Broadway/El Segundo Alternative, impacts would be similar to those of the proposed Project.

Once constructed, the Broadway/El Segundo Alternative would be able to meet all the Project's basic objectives. The route would pass by and connect to the Kinder Morgan Watson Pump Station, and would provide a more direct connection between the off-site storage in the Wilmington area, the Watson Station, and LAX. However, the Alternative affects only Phase 2 of the proposed Project, and a final assessment regarding feasibility and constructability cannot be made until closer in time to construction, as the subsurface utilities and surface land uses may change between the approval of Phase 1 and the approval of Phase 2.

### **C. FIGUEROA/ROSECRANS ALTERNATIVE**

The Figueroa/Rosecrans Alternative would entail the construction and operation of a jet fuel pipeline system substantially similar to that of the proposed Project, with the exception of a one-mile deviation from the northeast portion of the Project's proposed Phase 2 route. The Figueroa/Rosecrans Alternative route would begin at the Vopak Terminal, just as it would for the Project, and would follow the Project's pipeline route until the intersection of Compton Boulevard and Figueroa Street in unincorporated Los Angeles County. At this point, the route would travel north along Figueroa Street for 0.5 mile until reaching the intersection of Figueroa Street and Rosecrans Avenue. The route would then follow Rosecrans Avenue west for 0.5 mile until reaching the intersection of Rosecrans Avenue and Vermont Avenue, where it would then reconnect with the proposed Project route. Compared to the Project, the Figueroa/Rosecrans Alternative route would avoid a portion of Compton Boulevard, a portion of Figueroa Street, Redondo Beach Boulevard, and Vermont Avenue.

**Finding:** The Figueroa/Rosecrans Alternative would reduce impacts to sensitive receptors associated with hazardous materials, land use, and noise. These impacts were not identified in the EIR as significant for the Project; nonetheless, the impacts would be less for the Figueroa/Rosecrans Alternative. The alternative would not eliminate the significant adverse affects identified in the EIR for short term air quality during Project construction. Tentatively, it appears that the Figueroa/Rosecrans Alternative would achieve the objectives of the Project, and that the alternative would be feasible. However, the Figueroa/Rosecrans Alternative affects only Phase 2 of the Project, and a final decision regarding

feasibility and desirability of this alternative will be made at the time that discretionary permits and approvals are sought for Phase 2.

**Facts Supporting the Finding:** Section V of the Original Draft EIR, Section III of the Original Final EIR, and Section III.F of the RS-DEIR contain facts and analyses supporting the Finding, some of which are set forth here. The Figueroa/Rosecrans Alternative would use the same construction techniques and conduct operations in the same manner as the Project. Therefore, most impacts would be comparable to those of the Project. Specifically, the Figueroa/Rosecrans Alternative would have similar construction impacts regarding traffic/circulation/parking, hydrology/water quality, geology and soils, air quality, fire protection, biological resources, and cultural resources. However, the route deviation would reduce the number of sensitive receptors along or near the route. As a result, the Figueroa/Rosecrans Alternative would have construction impacts less than that of the proposed Project relative to hazardous materials, land use, and noise. With regard to impacts to land uses, the Figueroa/Rosecrans Alternative is different from the Project because it avoids sensitive uses to a greater degree. More specifically, the Figueroa/Rosecrans Alternative avoids two health care facilities and one school directly along the route (located in the City of Gardena). Additionally, under the Figueroa/Rosecrans Alternative, three health care facilities within ¼ mile of the route, all located within the City of Gardena, would no longer be affected. During operation of the Figueroa/Rosecrans Alternative, impacts would be similar to those of the proposed Project.

Once constructed, the Figueroa/Rosecrans Alternative would be able to meet all the Project's basic objectives. The route would pass by and connect to the Kinder Morgan Watson Pump Station, and would provide a more direct connection between the off-site storage in the Wilmington area, the Watson Station, and LAX. However, the alternative affects Phase 2 of the Project only, and a final assessment regarding feasibility and constructability cannot be made until closer in time to construction because the subsurface utilities and surface land uses may change between the approval of Phase 1 and the approval of Phase 2.

#### **D. PRAIRIE ALTERNATIVE**

The Prairie Alternative would entail the construction and operation of a jet fuel pipeline system substantially similar to that of the proposed Project, with the exception of an 11/5-mile deviation in Phase 2 of the route. The Prairie Alternative route would begin at the Vopak Terminal, just as it would for the Project, and would follow the Project's pipeline route to the Kinder Morgan Watson Pump Station in the City of Carson. At this point, the route would travel west on Del Amo Boulevard for approximately 5.3 miles to the intersection of Del Amo Boulevard and Crenshaw Boulevard, passing through the Cities of Carson, Los Angeles, and Torrance and the community of West Carson (which is in an unincorporated area of Los Angeles County). The route would then turn north along Crenshaw Boulevard, traveling for approximately 0.8 mile and passing through the City of Torrance to the intersection of Crenshaw Boulevard and W. 190<sup>th</sup> Street. The route would then follow W. 190<sup>th</sup> Street west for approximately 0.9 mile to the intersection of W. 190<sup>th</sup> Street and Prairie Avenue, traveling through the City of Torrance. At

the intersection of W. 190<sup>th</sup> Street and Prairie Avenue, the alignment would turn north and follow Prairie Avenue for approximately 4.5 miles through the Cities of Torrance, Hawthorne, and Lawndale and the community of Alondra Park (which is in an unincorporated area of Los Angeles County) to the intersection of Prairie Avenue and 120<sup>th</sup> Street. At this point, the Prairie Alternative would reconnect with the proposed Project route and follow the proposed Project route to the LAX Fuel Terminal at LAX. Compared to the Project, the Prairie Alternative route would avoid all or some potential impacts along Wilmington Avenue, Artesia Boulevard, Anderson Avenue, Walnut Street, Avalon Boulevard, San Pedro Street, Compton Boulevard, Figueroa Street, Redondo Beach Boulevard, Vermont Avenue, Rosecrans Avenue, Crenshaw Boulevard, and a portion of 120<sup>th</sup> Street.

**Finding:** The Prairie Alternative would increase impacts to sensitive receptors associated with hazardous materials, land use and noise, as compared to the Project. The alternative would not eliminate the significant adverse effects identified in the EIR for short term air quality during Project construction. The Prairie Alternative would achieve the objectives of the Project, but would have greater environmental impacts. However, the Prairie Alternative affects only Phase 2 of the Project, and a final decision regarding feasibility and desirability of this alternative will be made at the time that discretionary permits and approvals are sought for Phase 2.

**Facts Supporting the Finding:** Section V of the Original Draft EIR, Section III of the Original Final EIR, and Section III.G of the RS-DEIR contain facts and analyses supporting the Finding, some of which are set forth here. The Prairie Alternative would use the same construction techniques and conduct operations in the same manner as the Project. Therefore, most impacts would be comparable to those of the Project. Specifically, the Prairie Alternative would have similar construction impacts regarding hazardous materials, traffic/circulation/parking, hydrology/water quality, fire protection, biological resources, and cultural resources. Construction and operational geology/soils impacts under the Prairie Alternative would be less than those of the proposed Project, as the Prairie Alternative would cross fewer earthquake faults. Whereas regional construction air quality impacts under the Prairie Alternative would be significant and similar to those of the proposed Project, significant localized air quality impacts may be greater, as these impacts may occur at a greater number of locations.

Further, the route deviation would increase the number of sensitive receptors along or near the route. As a result, the Prairie Alternative would have greater construction and operational hazardous materials, land use, and noise impacts than the proposed Project, as more schools and health care facilities would be located on or within ¼ mile of the route. Specifically, the Prairie Alternative would pass directly by 11 schools and four health care facilities that would not otherwise be affected by the Project, and would affect in total 10 more schools and 2 more health care facilities than would the Project. However, one school and seven health care facilities located directly along the route in the City of Gardena would no longer be affected under the Prairie Alternative. Additionally, under the Prairie Alternative, six schools and six health care facilities located within ¼ mile of the proposed Project route would be avoided, but the route would pass within ¼ mile of 20 schools and three health care facilities that would not otherwise

be affected by the proposed Project. Operational impacts of the Prairie Alternative would be greater than those of the proposed Project with regard to hazardous materials, due to the potential significant risk in the event of an accidental release in front of a school. Operational impacts under the Prairie Alternative would be similar to those of the proposed Project with regards to traffic/circulation/parking, hydrology/water quality, air quality, fire protection, biological resources, and cultural resources.

Once constructed, the Prairie Alternative would be able to meet all the Project's basic objectives. The route would pass by and connect to the Kinder Morgan Watson Pump Station, and would provide a more direct connection between the off-site storage in the Wilmington area, the Watson Station, and LAX. However, the alternative route would significantly increase the number of sensitive land uses affected by construction.

## **E. WESTERN ALTERNATIVE**

The Western Alternative would entail the construction and operation of a jet fuel pipeline system substantially similar to that of the proposed Project, with the exception of a 12.5-mile deviation in Phase 2 of the route. In Phase 1, the Western Alternative route would begin at the Vopak Terminal, just as it would for the Project, and would follow the Project's pipeline route to the Kinder Morgan Watson Pump Station in the City of Carson. At this point, Phase 2 of the route would travel west on Del Amo Boulevard for approximately 2.9 miles to the intersection of Del Amo Boulevard and S. Figueroa Street in the City of Carson. The route would then turn south along S. Figueroa Street, traveling approximately 0.3 mile through the City of Carson to the intersection of S. Figueroa Street and Torrance Boulevard. The route would then follow Torrance Boulevard west for 5.7 miles to Pacific Coast Highway, traveling through the Cities of Carson, Los Angeles, and Torrance and the community of West Carson within the County of Los Angeles. The route would then follow Pacific Coast Highway north for approximately 2.3 miles through the Cities of Redondo Beach and Hermosa Beach to the intersection of PCH and Gould Avenue, where Pacific Coast Highway turns into S. Sepulveda Boulevard. The Western Alternative route would continue to follow Sepulveda Boulevard north for approximately 4 miles through the Cities of Manhattan Beach and El Segundo to Imperial Highway, where the Western Alternative would reconnect with the proposed Project route and follow it west to the LAX Fuel Terminal at LAX. This alternative would be approximately 1.3 miles shorter than the Proposed Project route, but would result in passing an additional 14 schools and 2 health care facilities. Compared to the Project, the Western Alternative would reduce impacts in the Cities of Compton, Los Angeles, Gardena, Hawthorne, and unincorporated Los Angeles County, but will add or increase impacts in the Cities of Los Angeles, Carson, Torrance, Redondo Beach, Hermosa Beach, Manhattan Beach, and El Segundo, and Los Angeles County.

**Finding:** The Western Alternative would increase impacts to sensitive receptors associated with hazardous materials, land use and noise. The Western Alternative would increase impacts of construction on the roadway system, compared to the Project. The alternative would not eliminate the significant adverse effects identified in the EIR for short term air quality during Project construction. The Western

Alternative would achieve the objectives of the Project, but would have greater environmental impacts than the proposed Project. The Western Alternative affects only Phase 2 of the Project, and a final decision regarding feasibility and desirability of this alternative will be made at the time that discretionary permits and approvals are sought for Phase 2.

**Facts Supporting the Finding:** Section V of the Original Draft EIR, Section III of the Original Final EIR, and Section III.H of the RS-DEIR contain facts and analyses supporting the Finding, some of which are set forth here. The Western Alternative would use the same construction techniques and conduct operations in the same manner as the Project. Therefore, most impacts would be comparable to those of the Project. Specifically, the Western Alternative would have similar construction impacts regarding hazardous materials, hydrology/water quality, fire protection, biological resources, and cultural resources. Construction and operational geology/soils impacts under the Western Alternative would be less than those of the Project, as the Western Alternative would cross fewer earthquake faults. Whereas regional construction air quality impacts under the Western Alternative would be significant and similar to those of the proposed Project, significant localized air quality impacts under the Western Alternative may be greater, as these impacts may occur at a greater number of locations. The Western Alternative would result in higher impacts to traffic/circulation/parking during construction, as a higher percentage of the route would occur along roadways that have less overall capacity.

The route deviation would increase the number of residential uses and sensitive receptors along or near the route. As a result, the Western Alternative would have greater construction and operational land use and noise impacts than the proposed Project, as more schools, health care facilities, and parks would be directly on the route, and more schools and parks would be located within one-quarter mile of the Western route. With regard to impacts to land uses, the Western Alternative differs from the Project in that a greater number of residential and sensitive uses occur along the route. More specifically, the Western Alternative would pass directly by 16 schools and 12 health care facilities in the Cities of Torrance, Redondo Beach, Hermosa Beach, and Manhattan Beach that would not otherwise be affected by the Project. However, two schools and four health care facilities located directly along the proposed Project route in the Cities of Gardena and Hawthorne would no longer be affected under the Western Alternative. Additionally, under the Western Alternative, 13 schools and 11 health care facilities located within ¼ mile of the proposed Project route in the Cities of Los Angeles, Gardena, Hawthorne, and Inglewood and the County of Los Angeles would be avoided, but the route would pass within ¼ mile of 25 schools and 5 health care facilities in the Cities of Carson, Torrance, Redondo Beach, Hermosa Beach, Manhattan Beach, and El Segundo that would not otherwise be affected by the proposed Project.

In addition, operational impacts would be greater under the Western Alternative with regard to hazardous materials due to the potentially significant risk in the event of an accidental release in front of a school. Operational impacts under the Western Alternative would be similar to those of the proposed Project with regards to traffic/circulation/parking, hydrology/water quality, air quality, fire protection, biological resources, and cultural resources. Once constructed, the Western Alternative would be able to meet all

the Project's basic objectives. The route would pass by and connect to the Kinder Morgan Watson Pump Station, and would provide a more direct connection between the off-site storage in the Wilmington area, the Watson Station, and LAX. However, the Western Alternative route would significantly increase the number of sensitive land uses along the pipeline route.

## **F. WILMINGTON ALTERNATIVE**

The Wilmington Alternative would entail the construction and operation of a jet fuel pipeline system substantially similar to that of the proposed Project, with the exception of a 5.53-mile deviation in Phase 1 of the route. The Wilmington Alternative route would begin at the Vopak Terminal, just as it would for the Project, and would follow the Project's pipeline route to the intersection of East Grant Street and Alameda Street in the City of Los Angeles. The alternative route would continue on East Grant, and then turn south on Blinn Avenue for approximately 302 feet to the intersection of Blinn Avenue and E. Opp Street. The route would turn west at E. Opp Street, traveling for approximately 0.46 mile through the City of Los Angeles to the intersection of McFarland Avenue and E. Opp Street. The route would turn north for 0.27 mile through the City of Los Angeles to the intersection of McFarland Avenue and E. L Street. The route would then turn west and follow E. L Street for 0.17 mile to the intersection with Eubank Avenue, where the route would turn right and continue approximately 0.86 mile to the intersection of Eubank Avenue and E. Lomita Boulevard. At E. Lomita Boulevard the route would turn left and proceed approximately 480 feet before turning north onto Wilmington Avenue for approximately 3 miles to the intersection of Wilmington Avenue and E. Dominguez Street, traveling through the Cities of Los Angeles and Carson, where it would then reconnect with and follow the proposed Project route to the Kinder Morgan Watson Pump Station in the City of Carson. Phase 2 would pick up the route at the Watson Station and follow a route identical to the proposed Project route to the LAX Fuel Terminal at LAX. Compared to the Project, the Wilmington Alternative route would avoid all or portions of Alameda Street and Dominguez Street in the Cities of Carson and Los Angeles, and would pass one additional school.

**Finding:** The Wilmington Alternative would increase impacts to sensitive receptors associated with hazardous materials, land use, and noise, although these impacts would remain less than significant. The alternative would not eliminate the significant adverse effects identified in the EIR for short term air quality during Project construction. The Wilmington Alternative would achieve the objectives of the Project, but it would have greater environmental impacts than the proposed Project.

**Facts Supporting the Finding:** Section V of the Original Draft EIR, Section III of the Original Final EIR, and Section III.I of the RS-DEIR contain facts and analyses supporting the Finding, some of which are set forth here. The Wilmington Alternative would use the same construction techniques and conduct operations in the same manner as the Project. Therefore, most impacts would be comparable to those of the Project. Specifically, the Wilmington Alternative would have similar construction impacts regarding hazardous materials, traffic/transportation/parking, hydrology/water quality, geology and soils, fire

protection, biological resources, and cultural resources. Whereas regional construction air quality impacts under the Wilmington Alternative would be significant and similar to those of the proposed Project, significant localized air quality impacts under the Wilmington Alternative may be less than or greater than those of the proposed Project. This range in conclusions results from the Wilmington Alternative avoiding one of the locations where the proposed Project has a significant impact, while adding two locations that do not occur along the Project route where localized air quality impacts may be significant,

The route deviation would increase the number of residential uses and other sensitive receptors along or near the route. As a result, the Wilmington Alternative would have construction and operational impacts greater than that of the proposed Project relative to hazardous materials, land use, and noise. More specifically, the Wilmington Alternative would pass directly by one school in the City of Carson that would not otherwise be affected by the Project. Additionally, under the Wilmington Alternative, the route would pass within ¼ mile of five schools that would not otherwise be affected by the proposed Project.

Operational impacts would be greater under the Wilmington Alternative with regard to hazardous materials due to the potential significant risk in the event of an accidental release in front of a school. Operational impacts under the Wilmington Alternative would be similar to those of the proposed Project with regard to traffic/circulation/parking, hydrology/water quality, geology/soils, air quality, fire protection, biological resources, and cultural resources. Once constructed, the Wilmington Alternative would be able to meet all the Project's basic objectives. The route would pass by and connect to the Kinder Morgan Watson Pump Station, and would provide a more direct connection between the off-site storage in the Wilmington area, the Watson Station, and LAX. However, the alternative route would significantly increase the number of affected sensitive land uses.

## **G. DOMINGUEZ ALTERNATIVE**

The Dominguez Alternative would entail the construction and operation of a jet fuel pipeline system substantially similar to that of the proposed Project, with the exception of a one-mile deviation in Phase 1 of the route. The Dominguez Alternative route would begin at the Vopak Terminal, just as it would for the Project, and would follow the Project's pipeline route to the intersection of E. Dominguez Street and S. Brant Avenue in the City of Carson. At this point, the pipeline would turn north for approximately 0.54 mile on S. Brant Avenue, which turns into Fordyce Avenue, then continue on Fordyce Avenue to the intersection of Fordyce Avenue and E. Del Amo Boulevard. The route would turn west on E. Del Amo Boulevard, traveling for approximately 0.51 mile through the City of Carson. The route would then turn south and travel 260 feet, then reconnect with and follow the proposed Project route to the Kinder Morgan Watson Pump Station in the City of Carson. Phase 2 would pick up the route at the Watson Station and follow a route identical to the proposed Project route to the LAX Fuel Terminal at LAX. Compared to the Project, the Dominguez Alternative would be approximately the same length, and would pass the same number of schools and health care facilities.

**Finding:** The Dominguez Alternative would not eliminate the significant adverse effects identified in the EIR for short term air quality during Project construction, and may increase the number of locations that experience significant localized air quality impacts during construction. The Dominguez Alternative would have slightly lesser construction impacts on cultural resources than would the Project. The Dominguez Alternative would achieve the objectives of the Project, and it appears that the alternative would be feasible.

**Facts Supporting the Finding:** Section V of the Original Draft EIR, Section III of the Original Final EIR, and Section III.J of the RS-DEIR contain facts and analyses supporting the Finding, some of which are set forth here. The Dominguez Alternative would use the same construction techniques and conduct operations in the same manner as the Project. Therefore, most impacts would be comparable to those of the Project. Specifically, the Dominguez Alternative would have similar construction impacts regarding hazardous materials, land use, traffic/transportation/parking, hydrology/water quality, geology and soils, fire protection, noise, and biological resources. Construction impacts with regard to cultural resources would be less under the Dominguez Alternative, as one of the 13 identified cultural resource sites in proximity to the proposed Project route would be avoided. Whereas regional construction air quality impacts under the Dominguez Alternative would be significant and similar to those of the proposed Project, significant localized air quality impacts under the Dominguez Alternative may be greater as these impacts may occur at a greater number of locations. The route deviation would not increase the number of sensitive receptors along or near the route.

Operational impacts under the Dominguez Alternative would also be similar to those of the proposed Project with regards to all of the environmental issues analyzed (i.e., hazardous materials, land use, traffic/circulation/parking, hydrology/water quality, geology/soils, air quality, noise fire protection, biological resources, and cultural resources). Once constructed, the Dominguez Alternative would be able to meet all the Project's basic objectives. The route would pass by and connect to the Kinder Morgan Watson Pump Station, and would provide a more direct connection between the off-site storage in the Wilmington area, the Watson Station, and LAX.

## **H. AVALON ALTERNATIVE**

The Avalon Alternative would entail the construction and operation of a jet fuel pipeline system substantially similar to that of the proposed Project, with the exception of a 6.47-mile deviation in Phase 1 of the route. The Avalon Alternative route would begin at the Vopak Terminal, just as it would for the Project, and would follow the Project's pipeline route to the location where E. Lomita Boulevard almost intersects with S. Alameda Street, approximately 2,300 feet east of Blinn Avenue in the City of Los Angeles. The pipeline would travel west for 1.2 miles on E. Lomita Boulevard to the intersection of E. Lomita Boulevard and Avalon Boulevard. The route would then turn north on Avalon Boulevard, traveling for approximately 0.39 mile through the City of Los Angeles to just south of E. Bonds Street and Avalon Boulevard. From this point the route would continue along Avalon Boulevard within the City of

Carson, traveling approximately 2.9 miles to the intersection of Avalon Boulevard and E. Del Amo Boulevard. At this point it would follow E. Del Amo Boulevard east for approximately 1.6 miles through the City of Carson to the intersection of E. Del Amo Boulevard and Wilmington Avenue. The Avalon Alternative route would then reconnect with and follow the proposed Project route to the Kinder Morgan Watson Pump Station in the City of Carson. Phase 2 would pick up the route at the Watson Station and follow a route identical to the proposed Project route to the LAX Fuel Terminal at LAX. The Avalon Alternative would be approximately 18,700 feet longer than the proposed Project route. Compared to the Project, the Avalon Alternative would avoid all or a portion of Dominguez Street, Alameda Street, and Wilmington Avenue in the Cities of Carson and Los Angeles.

**Finding:** The Avalon Alternative would increase impacts to sensitive receptors associated with land use, and noise, although these impacts would remain less than significant. The Avalon Alternative would not eliminate the significant adverse effects identified in the EIR for short term air quality during Project construction. Operational impacts of the Avalon Alternative would be greater than those of the Project with regard to hazardous materials, due to the potentially significant risk in the event of an accidental release in front of a school. The Avalon Alternative would achieve the objectives of the Project, but would result in greater environmental impacts than the Project.

**Facts Supporting the Finding:** Section V of the Original Draft EIR, Section III of the Original Final EIR, and Section III.K of the RS-DEIR contain facts and analyses supporting the Finding, some of which are set forth here. The Avalon Alternative would use the same construction techniques and conduct operations in the same manner as the Project. Therefore, most impacts would be comparable to those of the Project. Specifically, the Avalon Alternative would have similar construction impacts regarding hazardous materials, traffic/transportation/parking, hydrology/water quality, geology and soils, fire protection, biological resources, and cultural resources. Whereas regional construction air quality impacts under the Avalon Alternative would be significant and similar to those of the proposed Project, significant localized air quality impacts under the Avalon Alternative may be greater as these impacts may occur at a greater number of locations.

The route deviation would increase the number of residential uses and sensitive receptors along or near the route. As a result, the Avalon Alternative would have construction impacts greater than that of the proposed Project relative to hazardous materials, land use, and noise. With regard to impacts to land uses, the Avalon Alternative would pass directly by four schools and one health care facility in the Cities of Wilmington and Carson that would not otherwise be affected by the Project. Additionally, under the Avalon Alternative, the route would pass within ¼ mile of six schools and six health care facilities that would not otherwise be affected by the proposed Project.

Operational impacts would be greater under the Avalon Alternative with regard to hazardous materials due to the potentially significant risk in the event of an accidental release in front of a school. However, operational impacts under the Avalon Alternative would be similar to those of the proposed Project with

regards to traffic/circulation/parking, hydrology/water quality, geology/soils, air quality, fire protection, biological resources, and cultural resources). Once constructed, the Avalon Alternative would be able to meet all of the Project's basic objectives. The route would pass by and connect to the Kinder Morgan Watson Pump Station, and would provide a more direct connection between the off-site storage in the Wilmington area, the Watson Station, and LAX.

## **I. THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

The State CEQA Guidelines require the identification of an environmentally superior alternative to the Project and. (*CEQA Guidelines, Section 15126.6(e)(2).*) An environmentally superior alternative is an alternative to the Project that would reduce and/or eliminate the significant environmental impacts associated with the Project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the Project.

Selection of an environmentally superior alternative is based on an evaluation of the extent to which the alternatives reduce or eliminate the significant impacts associated with the Project and on a comparison of the remaining environmental impacts of each alternative. In conducting this comparative evaluation, it can be difficult to make a determination of relative significance because some categories are relatively more or less important and cannot be simply summed. In some cases, these categories do not create a picture of the nuances of the alternatives. A comparison of the construction and operational impacts of the eight Alternatives to the Project is shown in Table 82 of the RS-DEIR. (RS-DEIR p. 432-433.)

**Finding:** The Council finds that the No Project Alternative is the environmentally superior alternative, but that the No Project Alternative would be less desirable than the Project because it will not achieve any of the objectives of the Project.

**Facts Supporting the Finding:** Section V of the Original Draft EIR, Section III of the Original Final EIR, and Section III.L of the RS-DEIR contain facts and analyses supporting the Finding, some of which are set forth here. The No Project Alternative would avoid all adverse environmental impacts associated with construction of the new pipeline for the Project, including the significant and unavoidable air quality impacts during construction. (RS-DEIR p. 427.) The No Project Alternative also would have less impact compared to the other evaluated alternatives during construction (RS-DEIR Table 82, p. 432-433), because it is the only alternative in which no new pipeline would be built. However, under the No Project Alternative there would be no new, more direct connection between the existing LAXFUEL tanks at LAX and existing off-site storage, and between the existing off-site storage and the Kinder Morgan Watson Pump Station supplying the Southwestern United States. As such, with the No Project Alternative, jet fuel would continue to be supplied to LAX and the Southwestern United States through the existing pipeline systems, including the inefficiencies and costs associated with those systems.

## **J. ENVIRONMENTALLY SUPERIOR “BUILD” ALTERNATIVE**

Where the environmentally superior alternative is the “No Project Alternative,” CEQA Guidelines Section 15126.6(e)(2) requires the identification of an environmentally superior alternative from among the remaining alternatives.

**Finding:** The Council finds that the Dominguez Alternative is the environmentally superior alternative other than the No Project Alternative for Phase 1, because it would result in fewer significant impacts than the Wilmington or Avalon Alternatives, although it would not avoid the significant impacts associated with the proposed Project. For Phase 2, the Broadway/El Segundo Alternative is the environmentally superior alternative other than the No Project Alternative. Environmental impacts associated with the Broadway/El Segundo Alternative would be less than those of the Project and the other Phase 2 alternatives, although the Broadway/El Segundo Alternative would not avoid the potentially significant impacts associated with the proposed Project.

### **Facts Supporting the Finding:**

Based on the analysis presented above, for the Phase 1 portion of the route the Dominguez Alternative is the environmentally superior alternative. None of the Phase 1 alternatives would avoid or reduce the potentially significant impacts associated with the proposed Project. In fact, during construction, the Avalon and Dominguez Alternatives may result in significant localized air quality impacts at more locations than for the proposed Project. However, unlike the Wilmington and Avalon Alternatives, the Dominguez Alternative would not create additional potentially significant impacts. The Wilmington and Avalon Alternatives may result in potentially significant impacts in the event of an accidental release of jet fuel on the same side of the street as a school. Thus, the Dominguez Alternative is superior to the Wilmington and Avalon Alternatives because it would result in fewer potentially significant impacts than the Wilmington and Avalon Alternatives. It should be noted, however, that the Dominguez Alternative is not superior to the proposed Project because it would have the same potentially significant impacts as the proposed Project.

Based on the analysis presented above, for the Phase 2 portion of the route, the Broadway/El Segundo and Figueroa/Rosecrans Alternatives are environmentally superior to the Prairie and Western Alternatives. None of the Phase 2 alternatives would avoid or reduce the potentially significant impacts associated with the proposed Project. However, unlike the Prairie and Western Alternatives, the Broadway/El Segundo and Figueroa/Rosecrans Alternatives would not create additional potentially significant impacts. These alternatives would result in the same significant impacts as the proposed Project, and fewer potentially significant impacts than the Prairie and Western Alternatives. The Prairie and Western Alternatives may actually increase potentially significant impacts in the event of an accidental release of jet fuel on the same side of the street as a school. In addition, during construction, the Prairie and Western Alternatives may result in significant localized air quality impacts at more locations than for the proposed Project.

As between the Broadway/El Segundo and Figueroa/Rosecrans Alternatives, there is no clearly environmentally superior alternative based on avoidance or reduction in potentially significant Project impacts. In addition, the Broadway/El Segundo and Figueroa/Rosecrans Alternatives would have similar impacts relative to hazardous materials, traffic/circulation/parking, hydrology/water quality, geology and soils, air quality, noise, fire protection, biological resources, and cultural resources. Therefore, the degree to which each alternative would achieve the Project's basic objective of minimizing the amount of sensitive land uses (e.g., residences, schools, hospitals, parks, etc.) along the route is applied as the criteria upon which the environmentally superior alternative is selected. Table 81 on page 431 of the RS-DEIR provides a tabular comparison across the alternatives with regard to the following: (1) length of the pipeline, (2) jurisdictions the pipeline is located within, (3) land uses located along each pipeline route, (4) schools, health care facilities and parks along as well as within ¼ mile of each route, (5) number of bus routes affected, and (6) the number of hazardous materials sites along and adjacent to each route.

In accordance with this procedure, the Broadway/El Segundo Alternative would be the environmentally superior alternative. This Alternative would have relatively less environmental impact than the Project or the other alternatives analyzed. Of the seven alternatives analyzed that include new construction, only the Broadway/El Segundo and the Figueroa/Rosecrans Alternatives would result in reduced impacts, compared to those of the proposed Project, specifically, with regard to the issues of hazardous materials, land use, and noise. All other impacts for these two alternatives are the same or less than those of the other alternatives analyzed that included new construction.

Further, with regard to impacts to land uses, as shown in Table 81 on page 431 of the RS-DEIR, the Broadway/El Segundo and Figueroa/Rosecrans Alternatives are very similar. They would have similar levels of percentages of sensitive land uses located along the two alternative routes, and would have the same number of schools and health care facilities directly on the route. The Broadway/El Segundo Alternative would have a slightly higher percentage of industrial land uses along the Phase 2 portion of the route (59 percent as opposed to 55 percent for the Figueroa/Rosecrans Alternative). The Figueroa/Rosecrans Alternative would have one more school and one more health care facility within ¼ mile of the route, but would have two fewer parks along the route and one fewer park within a ¼ mile of the route. The Figueroa/Rosecrans Alternative is located along six fewer bus routes but has three more hazardous materials sites located on and adjacent to the route. As CEQA requires the selection of an environmentally superior alternative, for Phase 2 the Broadway/El Segundo Alternative is selected as the environmentally superior alternative because it is located along a more industrial route, and fewer schools and health care facilities would be located within ¼ mile of the route compared to the Figueroa/Rosecrans Alternative.

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## VI. STATEMENT OF OVERRIDING CONSIDERATIONS

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Where a proposed project may result in significant impacts on the environment, and it is infeasible to reduce impacts to less than significant through project alternatives or mitigation measures, CEQA allows a public agency to approve the project only if the benefits of the project outweigh the unavoidable adverse environmental effects.

Section 15093 of the CEQA Guidelines provides the following:

CEQA requires the decision making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’

As discussed in more detail in the FEIR and as summarized in Section IV.C., the Project will result in significant unavoidable impacts related to short term construction air quality and short term cumulative air quality.

### **SIGNIFICANT UNAVOIDABLE IMPACTS**

**Construction Air Quality Impacts:** Air quality impacts would occur during construction of the proposed Project from construction equipment exhaust. Even with implementation of mitigation measures and compliance with applicable rules and regulations, construction equipment emissions would exceed the South Coast Air Quality Management District thresholds for nitrogen oxide (“NOx”) at a regional and possibly local level during construction of the Project even with the implementation of Mitigation Measures F-1.

**Cumulative Construction Air Quality Impacts:** Even with implementation of mitigation measures and compliance with applicable rules and regulations, construction equipment emissions would exceed the South Coast Air Quality Management District thresholds for NOx at a regional and possibly local level during construction of the Project even with the implementation of Mitigation Measures F-1. This would be a contribution to short-term cumulative air quality impacts.

## OVERRIDING CONSIDERATIONS

The City finds that notwithstanding the disclosure of the above significant unavoidable impacts, there are specific overriding economic, social, technological, and other reasons for approving the proposed Project. Those reasons are as follows:

1. Los Angeles is a “benchmark price” market for jet fuel, that is, the price for jet fuel in Los Angeles sets the price for the entire Southwestern United States. Los Angeles is consistently one of the world’s highest benchmark prices. Only about half of the jet fuel that moves through LA is refined locally, and the rest is imported through the ports. With current pipeline limitations, during periods of high demand there is not sufficient capacity to transport jet fuel from vessels to Los Angeles International Airport (“LAX”) or to the pipeline supply node supplying the rest of the Southwest. This creates two problems: (a) On an everyday basis, jet fuel prices in LA are higher than they would otherwise be; and (b) during periods of high demand, jet fuel prices in Los Angeles can experience tremendous price spikes. (See Department of Energy, Energy Information Administration, daily spot prices, Kerosene-type Jet Fuel data series for U\$. Gulf Coast, Los Angeles, [http://tonto.eia.doe.gov/dnav/pet/pet\\_pri\\_spt\\_s1\\_d.htm](http://tonto.eia.doe.gov/dnav/pet/pet_pri_spt_s1_d.htm).) The proposed Project would provide a reliable, modern jet fuel pipeline supply system that would serve as an alternative to existing jet fuel pipelines and offer improved efficiency in supplying jet fuel to LAX and the Southwestern United States.
2. The Project would create a more stable supply of jet fuel in the Los Angeles region and in the Southwestern United States. This will help airlines to control their jet fuel costs. Jet fuel price spikes have been cited as a cause in recent airline bankruptcies (e.g., ATA Airlines, Aloha Airlines, Eos Airlines, Frontier Airlines, Gemini Cargo Logistics, Oasis Hong Kong Ltd., Skybus Airlines and Tradewinds Airline). Airline bankruptcies adversely affect air travelers and shippers by reducing the number of available flights and by reducing competition in the marketplace. More stable and more competitive jet fuel pricing may beneficially affect airline ticket prices for consumers (see 2006 Air Passenger Survey, Final Report, Los Angeles International Airport, December 2007, p. 54) and shipping rates.
3. LAX is a vital catalyst for tourism and business for Southern California. International flights arriving at LAX in particular create tremendous beneficial impacts on the local economy, adding \$82.1 billion in total economic output, plus 363,700 direct and indirect jobs. (See LAEDC Report: The Economic Activity Dependant on Overseas Flights at LAX, August 2007.) The Project would help LAX continue functioning as a vital economic engine for the City of Los Angeles and the region as a whole.

4. The Project would allow jet fuel suppliers to more efficiently supply jet fuel to other major airports in the Southwestern United States through a direct connection to the Kinder Morgan Watson Station.
5. The Project would connect existing off-site jet fuel storage facilities in Los Angeles County to existing storage facilities at LAX.
6. The Project would improve the efficiency of jet fuel transportation by reducing the number of pipeline and terminal operators involved in moving jet fuel from existing off-site storage facilities to existing airport storage facilities.
7. The Project would be consistent with the State of California's stated objective of improving and replacing California's aging infrastructure.
8. The Project would generate approximately 90 construction jobs during Phase 1 and 272 construction jobs during Phase 2 for the local economy.
9. The Project would provide a source of franchise fees for the City of Los Angeles and other local government entities, as well as sales and other tax revenues to State and local governments.
10. All of the above-mentioned public benefits would be accomplished by the Project without incurring any significant environmental impacts from the operation of the pipeline.
11. Significant and unavoidable air quality impacts resulting from construction of the proposed project would be limited to the temporary construction phase of the Project. Construction air quality impacts will be substantially reduced with the implementation of mitigation measure F-1.

On balance, the City finds that there are specific considerations associated with the Project that serve to override and outweigh the Project's significant unavoidable environmental impacts. Therefore, the significant unavoidable environmental impacts associated with the Project and the City's decision not to adopt the No Project alternative are considered acceptable. There is no environmentally superior "build" alternative for Phase 1 of the route, although the Dominguez Alternative would have impacts comparable to the Project. For Phase 2 of the route, Alternative B (Broadway/El Segundo) and Alternative C (Figueroa/Rosecrans) would reduce impacts compared to the Project. They will be evaluated for feasibility and considered for approval in lieu of the Project's Phase 2 route at the time Phase 2 is considered for approval.

As the CEQA Lead Agency for the proposed action, the City of Los Angeles ("City") has reviewed the Project description and the EIR and fully understands the Project proposed by the applicant. Based on the entire record before the City, and having considered the unavoidable adverse impacts of the Project, the City hereby determines that all feasible mitigation has been adopted to reduce the potentially significant

impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. The City finds that economic, social, technological, and other considerations of the Project outweigh the unavoidable adverse impacts described above. Further, the City finds that each of the separate benefits of the Project is hereby determined to be, in itself and independent of the other Project benefits, a basis for overriding all unavoidable environmental impacts identified in the EIR and in these Findings. In making this finding, the City has balanced the benefits of the Project against its unavoidable environmental impacts and has indicated its willingness to accept those risks.

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## VII. ADOPTION OF A MITIGATION MONITORING PROGRAM

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Section 21081.6 of the Public Resources Code requires this Council to adopt a monitoring or compliance program regarding the changes in the Project and mitigation measures imposed to less or avoid significant effects on the environment. The Mitigation Monitoring and Reporting Program (MMRP) included as Section V in the Revised Final EIR fulfills the CEQA mitigation monitoring requirements as follows:

1. The MMRP is designed to ensure compliance with the changes in the Project and mitigation measures imposed on the Project during project implementation; and
2. Measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements or other measures.

Accordingly, the Council hereby adopts the MMRP for the Project.