


M E M O

Alameda Corridor Transportation Authority

To:	Governing Board
Meeting Date:	August 15, 2024
From:	Michael C. Leue, Chief Executive Officer 
Subject:	APPROVE Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan for the Pier B On-Dock Rail Support Facility Project

Recommendation:

Staff recommends the Governing Board (1) approve the Findings of Fact and Statement of Overriding Considerations; (2) adopt the mitigation measures contained in the Mitigation Monitoring and Reporting Plan that pertain to the construction and operations occurring within Alameda Corridor Transportation Authority jurisdiction of the certified Final Environmental Impact Report for the Pier B On-Dock Rail Support Facility Project; (3) authorize the Chief Executive Officer or his designee to file the Notice of Determination with the Los Angeles County Clerk and the State Clearinghouse. A separate Board item addresses the need for a Memorandum of Agreement for the Pier B Locomotive Service Facility Project.

Discussion:

Staff requests approval of the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan for the Port of Long Beach Pier B On-Dock Rail Support Facility Project (Project) (SCH No. 2009081079). Port of Long Beach (POLB) is the lead agency for the Project and prepared an EIR to review that Project. Alameda Corridor Transportation Authority (ACTA), as an agency that must also make a discretionary approval for the Project, does not need to prepare its own EIR for the Project, but it must independently review the POLB EIR and makes findings that the POLB EIR sufficiently reviews the environmental aspects of the Project relevant to ACTA's approval, prior to ACTA's formal project approval.

Although POLB is the lead agency for this Project, components of the Project affect facilities under the jurisdiction of ACTA, as granted by Use Permit; therefore, ACTA is a responsible agency under the California Environmental Quality Act (CEQA) and is required to take action to review environmental evaluation documents prior to administering permits. The Project's purpose is to reconfigure, expand, and enhance the capacity of the existing Pier B Rail Facility located primarily within POLB. POLB, as the Lead Agency under CEQA, analyzed the Project in the 2018 Final Environmental Impact Report (FEIR) and in a 2023 Addendum to that FEIR. The 2023 Addendum proposed minor additions to the Project's boundaries and construction activities, including changes affecting several Port of Los Angeles and POLB joint properties.

ACTA, as a Responsible Agency under CEQA, is required to consider POLB's CEQA document, prior to acting on a project as a Responsible Agency. For the Project to be completed, ACTA, in its role as a Responsible Agency, would be required to issue permits and/or approvals to the POLB.

Environmental Assessment:

ACTA, acting by and through its Governing Board, has reviewed the FEIR (State Clearinghouse No. 2009081079) prepared for the Pier B On-Dock Rail Support Facility Project that was certified by POLB on January 12, 2018, and the Addendum considered on August 28, 2023, under CEQA (Pub. Resources Code, § 21000 et seq.). Based on this review, ACTA has made certain findings pursuant to Public Resources Code Section 21081 and Title 14 California Code of Regulations as well as findings regarding the Statement of Overriding Considerations pursuant to Public Resources Code Section 21081 and Title 14 California Code of Regulations Section 15093. In accordance with Public Resources Code Section 21081 and Title 14 California Code of Regulations Section 15091, changes or alterations have been required in, or incorporated into the Project in the form of feasible mitigation, which would reduce significant adverse environmental impacts identified in the FEIR. Some of the mitigation measures contained in the Mitigation Monitoring and Reporting Plan of the certified Final Environmental Impact Report are applicable to project elements occurring on property under ACTA jurisdiction, however, each of these applicable measures are the responsibility of the Port of Long Beach to implement. The mitigation measures applicable to ACTA jurisdictions, as identified in the Mitigation Monitoring and Reporting Plan (Transmittal 2) will be enforced through the entitlement(s) issued for the Proposed Project. To certify compliance, documentation that mitigation measures have been implemented, records will be maintained by the Port of Long Beach to ensure potential environmental impacts are mitigated in accordance with the performance standards identified in the FEIR.

In accordance with Public Resources Code Section 21081 and Title 14 California Code of Regulations Section 15093, ACTA, in determining whether or not to approve the Project, balanced the economic, social, technological, and other Project benefits against its unavoidable environmental risks, and finds that each of the benefits of the project outweigh the significant adverse environmental effects. No additional feasible mitigation measures or alternatives to the proposed Project, other than those included in the FEIR, have been identified that can further mitigate the potentially significant adverse project impacts on hazards during the proposed Project while meeting the basic objectives of the proposed Project. ACTA further finds that all findings are supported by substantial evidence as analyzed in the FEIR and in the administrative record as a whole. When making CEQA findings required by Public Resources Code Section 21081(a), a public agency shall specify the location and custodian of the documents or other materials, which constitute the record of proceedings upon which its decision is based. These records are in the care of Michael Leue, ACTA Chief Executive Officer, 3760 Kilroy Airport Way, Ste 200, Long Beach, California 90806. ACTA further finds that there have been (1) no substantial changes to the Project which would require major revisions of the FEIR, (2) no substantial changes with respect to the circumstances under which the proposed Project is being undertaken which would require major revisions in the FEIR, and (3) no new information has become available which was not known or could have been known at the time the FEIR was certified as complete.

Budget Impact:

There is no direct impact on the ACTA Operating Budget.

Co-General Counsel Review:

ACTA's Co-General Counsel has reviewed this Board Report and there are no legal issues at this time.

Transmittals

Transmittal 1 – Findings of Fact, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Plan; Pier B On-Dock Rail Support Facility Project

Transmittal 2 – ACTA Pier B EIR Mitigation Monitoring and Reporting Plan

Transmittal 3 – Presentation on Pier B On-dock Rail Support Facility Project