

## Department of Defense

### Department of the Navy

#### **FINDING OF NO SIGNIFICANT IMPACT FOR THE ENVIRONMENTAL ASSESSMENT FOR RENEWED FUELING OPERATIONS AT DEFENSE FUEL SUPPORT POINT, SAN PEDRO, CALIFORNIA (IN SUPPORT OF A COMMERCIAL LEASE OF THE MARINE TERMINAL ONLY, WITH NO NAVY FUELING REQUIREMENT)**

Pursuant to the Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508) implementing the National Environmental Policy Act (NEPA) and United States (U.S.) Department of the Navy (Navy) NEPA regulations (32 CFR Part 775), and Chief of Naval Operations Manual-5090.1, the Navy gives notice that an Environmental Assessment (EA) has been prepared. Based on this Finding of No Significant Impact (FONSI), an Environmental Impact Statement is not required for the Proposed Action at Defense Fuel Support Point (DFSP) San Pedro, California.

**Removal of Navy Refueling Requirement and Updated Project Status for DFSP San Pedro Marine Terminal:** This FONSI is based on the description of the Proposed Action and analysis of its anticipated environmental impacts as originally presented in the EA. As a result, the FONSI acknowledges and discusses the original concept for the Proposed Action, including fueling of Navy ships and utilization of pipelines and other existing fueling-related infrastructure, as this is what is reflected in the EA. However, it should be noted that the Navy's expectations with respect to the proposed commercial outleasing of DFSP San Pedro have evolved since the Draft EA was published for public review and comment. While the project initially envisioned that the proposed commercial outleases would need to allow for periodic and contingency fueling of Navy ships, the Navy subsequently determined that fueling at the Marine Terminal is not a priority at this time, and thus has canceled the Navy fueling requirement at DFSP San Pedro. (See further discussion below.) As a result of this cancelation, allowance for Navy fueling will *not* be a requirement in any outleases of DFSP San Pedro facilities at this time and into the foreseeable future. Accordingly, this FONSI addresses a revised Proposed Action for a commercial lease at the Marine Terminal only, with no requirement for Navy fueling.

**Proposed Action:** The purpose of the Proposed Action (as described and analyzed in the EA) was tied to the reactivation and sustainment of the DFSP San Pedro facility to the maximum extent practicable for commercial fueling use, with allowance for periodic and contingency fueling of Navy ships (facilitating compliance with 10 U.S. Code [U.S.C.] section 5062 by equipping the Navy for "prompt and sustained combat incident to operations at sea"). Renewed fueling operations at DFSP San Pedro would have helped to ensure the availability of uninterrupted fuel supplies to Pacific Fleet vessels during normal operations and contingency scenarios. The need for the Proposed Action was to ensure the fullest possible use and maintenance of the Navy's assets (e.g., the DFSP San Pedro Main and Marine Terminals and

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associated pipelines) through the commercial use of facilities and infrastructure while maintaining capability to meet Navy fueling needs in a safe and secure environment.

Under the Proposed Action as initially presented, the Navy proposed to enter into an outlease of its fee-owned real property, pursuant to 10 U.S.C. section 2667, and assign its interests in the Navy-owned fuel pipeline rights-of-way, to allow for renewed fueling operations for commercial and military purposes at DFSP San Pedro, California. The commercial outlease lessee would have been required to provide the Navy with the capability of receiving fuel alongside Pier 12 at the Marine Terminal during normal and contingency operations. The purchase and delivery of fuel to Navy vessels and ships would have been addressed by the Navy through contracts outside of the commercial outlease.

This FONSI is based on the description and analysis of the Proposed Action in the EA. As noted above, the Navy's expectations with respect to the proposed commercial outlease(s) have evolved, in that the requirement to allow for fueling of Navy ships under such a lease has been canceled. However, while the Navy's fueling requirement has been canceled, the environmental impact analysis in the EA remains valid, and the purpose and need for the Proposed Action generally remain the same, in the sense that the Navy is still seeking to utilize commercial outleasing to promote the sustainment of its DFSP San Pedro facilities and to ensure the fullest possible use and maintenance of these assets.

Accordingly, this FONSI addresses a potential lease at the Marine Terminal only, for which the cancellation of the near-term Navy fueling requirement does not affect the EA's analysis of environmental impacts. The cancellation of the Navy fueling requirement at DFSP San Pedro may allow for a wider range of use scenarios for a potential lease at the Main Terminal (which would require further environmental analysis, and which would be addressed in a separate FONSI).

**Public Participation:** The public participation process comprised both a Public Scoping Period and a Public Review Period.

The public scoping period was initiated with the publication of a Notice of Intent (NOI) to prepare an EA in October 2018 requesting public input on the Proposed Action, alternatives, scope of analysis, and resources to be considered in the EA. The NOI was published on Wednesday, October 10, 2018, in conjunction with the beginning of the 35-day public scoping period, in three local newspapers (the Los Angeles Times, Daily Breeze, and Long Beach Press-Telegram) and ran for three consecutive days. In addition, postcard mailers were sent to 1,644 neighboring businesses and residents, and a stakeholder letter was mailed first-class on October 10, 2018, to 79 federal, state, and local elected officials and government agencies on the project mailing list. A news release was distributed by the Naval Weapons Station (NAVWPNSTA)

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Seal Beach Public Affairs Officer and a post was made on NAVWPNSTA Seal Beach's Facebook page on October 10, 2018. The Navy solicited agency and public comments during a public scoping period from October 10, 2018 through November 13, 2018. Throughout the public scoping period, written comments were accepted by mail and email (nwssbpao@navy.mil). Eleven written comments were received during the public scoping period.

The public review period was initiated with the publication of a Notice of Availability (NOA) of the Draft EA for three consecutive days in three newspapers (Los Angeles Times, Daily Breeze, and Long Beach Press-Telegram) on the dates of April 19 to 21, 2019. The NOA described the Proposed Action, solicited public comments on the Draft EA, provided dates of the public review period and public meeting, and announced the Draft EA was available for review on the project website ([www.cnic.navy.mil/SanPedroEA/](http://www.cnic.navy.mil/SanPedroEA/)) and at five local area libraries (San Pedro Regional Library, Peninsula Center Library, Bay Shore Branch Library, Miraleste Branch Library, and Wilmington Branch Library). The Navy held a public meeting on May 6, 2019 to provide information to the public regarding the environmental impacts of the Proposed Action and alternatives, as well as receive comments from the public on the Draft EA impacts analysis. An initial 30-day public review period was provided in order to afford an opportunity for government agencies, interest groups, and the general public to comment on the Draft EA. The public review period began on April 19, 2019 and closed on May 20, 2019, but was extended to June 3, 2019 for local community groups who requested more time to submit comments. All substantive comments submitted for the project were considered in preparation of the Final EA. A total of 69 comments were received.

**Alternatives Analyzed in the EA:**

- 1) **Alternative 1:** Under Alternative 1, commercial fueling operations similar to past military fueling operations would occur at both the Main and Marine Terminals, and allowance would be made for periodic and contingency fueling of Navy ships.
- 2) **Alternative 2:** Under Alternative 2, commercial fueling operations similar to past military fueling operations would occur at the Marine Terminal, and allowance would be made for periodic and contingency fueling of Navy ships.
- 3) **No Action Alternative:** Under the No Action Alternative, which is equivalent to what was identified and analyzed as the partial permanent closure alternative (Alternative 4) in the 2016 Final EA for the Complete or Partial Closure of Defense Fuel Support Point San Pedro, California (hereinafter the "2016 EA"), permanent closure of a portion of the facility would occur, while a portion would be taken out of temporary closure status and returned to operation by the Navy. Activities related to the closure of underground storage tanks and

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other infrastructure included under the 2016 EA's Alternative 4 are complete, and no additional closure activities related to the 2016 EA would occur. Partial operations would be approximately one-third of historical pre-temporary closure levels. Some of the off-site pipelines would be placed back into service, and others would be abandoned in place.

**Alternative to be Implemented:** Alternative 1 has been selected for implementation as it best meets the purpose and need for the Proposed Action and would have no significant impacts to the human or natural environment. Both the Main Terminal and Marine Terminal are situated in strategic locations and therefore the Navy requires continued control of these properties. Any proposed construction, demolition, and operations by a lessee to occur at either the Main Terminal or the Marine Terminal would need to be reviewed and approved by the Navy.

However, as noted above, in publishing this FONSI, the Navy at this time is making a finding of no significant impact only with respect to a potential decision to enter into a lease for the utilization of the Marine Terminal facilities associated with DFSP San Pedro. The NEPA EA on which this FONSI is based analyzes the anticipated environmental impacts associated with the proposed outlease and reutilization of both the Main Terminal and Marine Terminal components of DFSP San Pedro. (While Alternative 2 analyzes a lease for the Marine Terminal only, the Navy ultimately seeks to enter into leases for both the Marine Terminal and Main Terminal. Accordingly, the Marine Terminal lease discussed in this FONSI is treated as a subset of Alternative 1.)

While it is anticipated that the majority of the analysis of environmental impacts concerning potential reutilization of the Main Terminal will remain unchanged, expressions of interest received by the Navy since the publication of the Draft EA indicate the Navy needs to further evaluate additional types of uses (and associated environmental impacts) that could occur on the Main Terminal under a potential lease. Therefore, the Navy has determined a Supplemental EA is needed to help the Navy analyze the environmental impacts from the proposed land uses at the Main Terminal before any final determination is made with respect to the Main Terminal. would need to be prepared before it can make any final determination concerning its analysis with respect to the Main Terminal. In addition, the Navy has determined that periodic and contingency fueling for Navy ships at the Marine Terminal is not a priority at this time. In a letter dated January 14, 2021, the Commander of the U.S. Pacific Fleet canceled the Navy fueling requirement at DFSP San Pedro. This cancelation does not preclude use by the Navy in the future and additional NEPA analysis may be prepared if any such future Navy fueling requirement exceeds the anticipated environmental impacts analyzed in the EA. Thus, in issuing this FONSI for the commercial outlease of the Marine Terminal under Alternative 1, the Navy is allowing for the operation and sustainment of the property for potential military use in the future, but is not requiring the potential lessee to make allowance for Navy refueling at the Marine Terminal's Pier 12 at this time. As the Navy does not need to receive fuel at the Marine

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Terminal at this time, and expressions of interest from potential lessees have not indicated a need for use of the pipelines as analyzed in the Draft EA, the Navy has coordinated with the Office of the State Fire Marshall in order to have four of the existing off-site fuel pipelines (Norwalk Line, G-Line, and the two Long Beach Pipelines as they were referenced in the EA) reclassified as abandoned in place, as of 25 February 2021. (Note: Two of the abandoned pipelines [the Long Beach Pipelines] were used to carry fuel between the Main and Marine terminals. Neither of these pipelines would be included in the footprint for the commercial outlease.) Thus, use of these pipelines is not included in environmental effects described in this FONSI for the Marine Terminal under Alternative 1.

**Existing Conditions:** DFSP San Pedro comprises two Special Areas, the San Pedro Fuel Depot (Main Terminal) and Long Beach Fuel Complex (Marine Terminal including Pier 12), both assigned to NAVWPNSTA Seal Beach. The areas at DFSP San Pedro proposed for outlease consist of approximately 311 acres of the Main Terminal, approximately 11.1-acres of the Marine Terminal, and an off-site network of pipelines totaling approximately 40 miles. (As noted above, the majority of the off-site network of pipelines has been abandoned in place by the Navy subsequent to publication of the Draft EA.) Operation of DFSP San Pedro was the responsibility of the Defense Logistics Agency (DLA) through November 2020. (Note: The Navy assumed the maintenance responsibility and management of DFSP San Pedro in November 2020 from DLA.) DLA had been a tenant of the Navy at DFSP San Pedro since 1980. In May 2014, DLA placed DFSP San Pedro in a temporary closure status, which involved cleaning and isolating/securing the aboveground and underground fuel storage tanks and pipelines (as permitted by the Certified Unified Program Agency), so that they could be re-opened or permanently closed depending on future mission requirements.

The 2016 EA was completed jointly by the Navy and DLA to analyze impacts that could potentially result from the complete or partial permanent closure of DFSP San Pedro. A FONSI was signed in February 2016 documenting the Navy's decision to move forward with a partial closure of the facility (Alternative 4), and DLA began the process of permanently closing all underground storage tanks on the Main Terminal. At the same time, the Navy began the process of planning for the long-term utilization of DFSP San Pedro. The Navy determined, based on its mission needs, and on an evaluation of the facilities, and of regulatory, resource, and development considerations at DFSP San Pedro, that potential options existed to allow for a lessee to use DFSP San Pedro commercially under an outlease in order to maintain the Navy's assets.

With respect to biological resources at DFSP San Pedro, protected habitats or species occur primarily at the Main Terminal. In 2021, nesting Caspian Terns (Bird of Conservation Concern) and roosting Elegant Terns (California Department of Fish and Wildlife Species) occurred at Pier 12, although this is believed to have been due to a nesting disturbance in the local area and

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would not be expected to recur. Additionally, burrowing owls (California State Species of Concern) have occasionally been observed in the Los Angeles/Long Beach Port Complex generally, and thus could potentially occur in the Marine Terminal complex, although this is unlikely. No permanent/established plant communities or natural habitats for wildlife occur at the Marine Terminal. No federally listed species or habitat for such species occur at the Marine Terminal, and other sensitive species (such as those noted above) have been observed to be in the vicinity only briefly or in transit during migration.

**Environmental Effects and Mitigation Measures:** The impact avoidance and minimization measures as described in Appendix B of the EA would be implemented with the Proposed Action. The following is a summary of the environmental consequences of the selected alternative (Alternative 1), but only with respect to a potential lease (under the Proposed Action) for utilization of the Marine Terminal:

Air Quality: Under the Proposed Action at the Marine Terminal, a temporary increase in dust would occur during construction, over a period of approximately 1 year. Construction would include the rehabilitation of existing infrastructure as selected by the lessee as well as potential construction of new infrastructure on previously disturbed land at the 11.1-acre Marine Terminal. Activities performed by a commercial lessee during operation are anticipated to include industrial support activities similar to those required to support a fueling mission, such as use of aboveground storage tanks; office industrial, warehouse or storage buildings; outdoor storage areas; and parking areas. If fueling of vessels were to occur at Pier 12 under a commercial lease, it is possible it would occur via barge rather than utilizing pipelines and the total number of ships that would receive fuel during a typical operating year would likely be well below the number of ships analyzed in the Draft EA for the purposes of pipeline-based refueling. While the Draft EA did not model barge-based fueling per se, information from interested parties indicates a limited potential for barge-based fueling operations, and thus operations would be less intensive—and would involve lower levels of emissions—than the pipeline-based fueling at the Marine Terminal analyzed in the Draft EA. Accordingly, emissions associated with a Marine Terminal-only lease would be below not only the level of emissions analyzed in the Draft EA for Alternative 1 as a whole, but also below the portion of such emissions in the analysis associated with the Marine Terminal. Thus, activities during construction and operation at the Marine Terminal would be below *de minimis* thresholds for all criteria pollutants. (A sentence to this effect has been added to the EA's Air Quality section.) A Record of Non-applicability for Clean Air Act General Conformity requirements has been prepared and approved for the Marine Terminal under Alternative 1 and is provided in Appendix C of the Final EA. All required air permits would be obtained by the lessee before initiating operations. Therefore, implementation of the Proposed Action at the Marine Terminal would not have a significant impact on air quality.

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Water Resources: Under the Proposed Action at the Marine Terminal, no direct impacts to surface waters or floodplains would occur. Any potential impacts to groundwater resources would be negligible. Implementation of and adherence to the project-specific construction Stormwater Pollution Prevention Plan (SWPPP) and associated best management practices (BMPs) would minimize the potential for pollutants to enter receiving waters at the Marine Terminal during rehabilitation and construction activities. Renewed operations would be conducted in compliance with a new SWPPP and associated BMPs prepared for the Marine Terminal. Therefore, implementation of the Proposed Action at the Marine Terminal would not have a significant impact on water resources.

Geological Resources: Under the Proposed Action at the Marine Terminal, surface disturbance and grading would occur that could increase the potential for erosion and landslides; however, appropriate erosion control BMPs would be required to be implemented in accordance with a project-specific construction SWPPP and in compliance with coverage under an NPDES Construction General Permit. Therefore, there would be minimal to no impact with regard to increased erosion. There would be no impacts to mineral resources, bedrock, or soils. There would be no increased risk to infrastructure or human health from earthquake-related hazards - ground shaking, liquefaction, tsunamis, and seiches. Renewed operations would not affect geological resources. Therefore, implementation of the Proposed Action at the Marine Terminal would not have a significant impact on geological resources.

Biological Resources: Under the Proposed Action at the Marine Terminal, temporary impacts to wildlife could occur within adjacent habitats during construction due to an increase in dust, noise, or visual disturbances. No adverse effects to federally listed species would occur. As the Marine Terminal consists of developed lands with buildings, paved roads, and container storage areas, there is no vegetation nor any special status species expected to occur on the property. (As noted above, state special status bird species have been observed nesting and roosting on Pier 12, but this is believed to have been caused by an irregular nesting disturbance.) Therefore, implementation of the Proposed Action at the Marine Terminal would not have a significant impact on biological resources.

Land Use and Coastal Resources: Under the Proposed Action at the Marine Terminal, land uses would not change under renewed operations. The Marine Terminal will remain a restricted access site to the public under a commercial outlease and there are no endangered or threatened species or any other sensitive habitats or species at the Marine Terminal, as it is located in a heavily developed and industrialized area; thus, there would be no appreciable impacts to coastal uses and resources. Therefore, implementation of the Proposed Action at the Marine Terminal would not have a significant impact on land use and coastal resources.

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Visual Resources: Under the Proposed Action at the Marine Terminal, a temporary change to the visual environment during construction from the presence of construction equipment could occur. Equipment installed for operations would be similar to existing infrastructure on site at the Marine Terminal, and would be consistent with similar industrial fueling operations directly adjacent to the site. The addition of infrastructure at the Marine Terminal could be visible from certain vantage points in the surrounding community, but this would not represent a significant change to the visual environment based on the industrial character of the area. Therefore, implementation of the Proposed Action at the Marine Terminal would not have a significant impact to visual resources.

Noise: Under the Proposed Action at the Marine Terminal, temporary and localized noise from construction activities as well as localized noise during repair and activation activities would occur. The Marine Terminal is located in an industrial area over 2 miles from noise sensitive receptors. Noise levels at identified sensitive receptors would not be noticeably distinct from the existing noise environment. Existing noise sources would continue to be the predominant noise contributors in the area. Noise generated at the Marine Terminal under the Proposed Action would be consistent with the current industrial land uses surrounding the facility. Therefore, implementation of the Proposed Action at the Marine Terminal would not have a significant impact on sensitive noise receptors.

Infrastructure: Under the Proposed Action at the Marine Terminal, a temporary increase in production of solid waste would occur during construction. In addition, there would be renewed use of existing infrastructure with the possibility of utility connections run to support existing structures with lighting, potable water, sewer, storm drainage, fire protection, lightning protection, and communications (fiber optics, satellite, or coaxial, or a combination). No new utility corridors or transmission facilities are anticipated under the Proposed Action, although some utility connections within the 11.1-acre Marine Terminal property or Pier 12 may be modified to accommodate any newly constructed facilities at the Marine Terminal. Demand for utilities under the Proposed Action at the Marine Terminal would be consistent with historic demand. Therefore, implementation of the Proposed Action at the Marine Terminal would not have a significant impact on infrastructure.

Transportation: Under the Proposed Action at the Marine Terminal, there would be a temporary increase in daily trips (29), with mainly worker trips (20) occurring during peak hours going to/from the Marine Terminal during construction. During operations, there would be an estimated increase of approximately 80 daily trips during peak hours for worker commutes, and up to 17 trips (25 passenger car equivalent trips) for truck operations commensurate with industrial uses similar to fueling-related support activities such as use of aboveground storage tanks; office industrial, warehouse or storage buildings; outdoor storage areas; and parking areas. If fueling of vessels were to occur at Pier 12 under a commercial lease, it is possible it would



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occur via barge and would likely be less intensive than the fueling operations studied in the Draft EA (refer to Air Quality discussion above). Commercial operations at the Marine Terminal are not anticipated to create a new customer base of ships, barges, and vessels visiting Pier 12, but rather represent a redistribution of some trips from existing fueling operations in the Port of Long Beach and Port of Los Angeles. Thus, traffic in waterways related to commercial fueling operations is not anticipated to cause any discernable change to the marine traffic in the harbor. Therefore, implementation of the Proposed Action at the Marine Terminal would not have a significant impact on transportation.

Public Health and Safety: Under the Proposed Action at the Marine Terminal, construction would be conducted with implementation of a health and safety program and the public would continue to be excluded from the project site via secured access to the facilities. During operations, implementation of site-specific health and safety plans, spill and contingency plans, compliance with federal, state, and local safety regulations, and the continued exclusion of the public from operational areas would minimize potential impacts during operations. Rehabilitated and newly-constructed equipment and infrastructure would be required to comply with current safety and environmental requirements. Therefore, implementation of the Proposed Action at the Marine Terminal would not have a significant impact on public health and safety.

Hazardous Materials and Wastes: Under the Proposed Action at the Marine Terminal, construction activities would comply with land use controls in place designed to protect benthic organisms from exposure to contaminated subsurface sediment from historic use located underneath Pier 12. Under operations, ships receiving fuel at or near Pier 12 or otherwise utilizing the pier would not be allowed to anchor in place and must tie up to the pier to avoid disturbance of the bottom. No sediment disturbing activities are proposed as part of this project and all refueling procedures would avoid bottom disturbance. The lessee would be required to implement new plans specific to the proposed activities at the Marine Terminal, but these plans would meet the same requirements as the plans/procedures the Navy has currently in place to minimize potential for inadvertent releases of, or worker exposure to, hazardous materials or wastes (e.g., Operation, Maintenance, Environmental, and Safety Plan, the SWPPPs, Oil and Hazardous Substance Integrated Contingency Plan, and the Hazardous Material, Hazardous Waste, and Universal Waste Management Plan). Therefore, implementation of the Proposed Action at the Marine Terminal would not have a significant impact on workers or other receptors from hazardous materials and wastes.

Socioeconomics: Under the Proposed Action at the Marine Terminal, construction associated with the rehabilitation of the Marine Terminal may temporarily increase economic activity. Additional personnel may be hired to support expanded operations, which would also increase economic activity. However, employees are likely to be hired from surrounding communities and would not result in a need for new housing or schools. Therefore, implementation of the

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Proposed Action at the Marine Terminal would not have a significant impact related to socioeconomics of the local area or region.

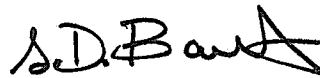
Environmental Justice: Under the Proposed Action at the Marine Terminal, implementation of a health and safety program and the exclusion of the public from the construction area would limit any potential impacts to the 2 block groups that are considered environmental justice communities near the Marine Terminal. However, renewed operations would not impact environmental justice communities due to the continued implementation of safety and minimization measures. Therefore, implementation of the Proposed Action at the Marine Terminal would not cause disproportionately high and adverse human health or environmental effects on any minority or low-income populations.

**Finding:** Based on the analysis presented in the EA, the Navy finds that implementation of the portion of Alternative 1 involving commercial outlease of the Marine Terminal will not significantly impact the quality of the human or natural environment.

The EA prepared by the Navy addressing this action is on file and interested parties may obtain a copy from Ms. Amanda Peyton, Community Planner, Naval Facilities Engineering System Command Southwest, 750 Pacific Highway (12th Floor, Environmental), San Diego, California 92132-5190, or email [amanda.t.peyton.civ@us.navy.mil](mailto:amanda.t.peyton.civ@us.navy.mil).

16 MAY 22

Date



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