

Second Errata

Fifth Avenue Landing Project & Port Master Plan Amendment

Final EIR

This errata reflects modifications to the Final EIR. Since circulation of the Final EIR, portions of the revised greenhouse gas (GHG) mitigation measures MM-GHG-4 and MM-GHG-5 were inadvertently not included due to clerical error.

The additional text for MM-GHG-4 and MM-GHG-5 is shown in underline in the following pages.

This additional text (as shown in underline) would be added to MM-GHG-4 and MM-GHG-5 in the following sections of the Final EIR:

- Chapter 2.0 Executive Summary
 - Table 2-4. Project Impacts and Mitigation Measures
- Chapter 5.0 Errata and Revisions
 - Table 4.6-1. Summary of Significant Impacts and Mitigation Measures
 - Pages 5-108 through 5-110
 - Pages 5-115 through 5-117
- Attachment 1 Mitigation Monitoring and reporting Program
 - Table 1. Mitigation, Monitoring, and Reporting Program

Mitigation Measures

Greenhouse Gas Emissions and Climate Change

MM-GHG-4: Implement a Renewable Energy Project on Site, on Tidelands, or Within Offsite Tidelands Adjacent to Community or Member City, or Purchase the Equivalent Greenhouse Gas Offsets from a California Air Resources Board Approved Registry or a Locally Approved Equivalent Program.

A. Options for Reducing GHG Emissions.

To reach the waterside performance standard for 2025, the project proponent shall, in order of preference, considering availability of structures and feasibility, implement the following, which may be combined with consideration to the preference described below:

1. Incorporate renewable energy
 - a) on the project site;
 - b) within the District's jurisdiction; or
 - c) within the adjacent community or member city outside of the District's jurisdiction.
2. Undertake other verifiable actions or activities on Tidelands, approved by the District, such as electrification of equipment including vehicles and trucks, financial contribution to a future local or District GHG emission reduction program on Tidelands (locally approved equivalent program), or similar activities or actions that reduce operational GHG emissions;
3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable as specified in California Health and Safety Code § 38562(d)(1) and (2) and as these terms are further defined in California Code of Regulations, Title 17, § 95802 (see below); (2) use a protocol consistent with or as stringent as ARB protocol requirements under California Code of Regulations, Title 17, § 95972(a); and (3) are issued by an ARB-approved offset registry.¹ Offset credits from projects outside California must be located in states within the United States of America that have laws equivalent to or stricter than California's laws and regulations ensuring the validity of offset credits.

For purposes of this section, the definitions are as follows:

- a. "Real" means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions, and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802]
- b. "Additional" means, in the context of offset credits, greenhouse gas emission reductions or removals that exceed any greenhouse gas reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any greenhouse gas reductions or removals that would otherwise occur in a conservative business-as-usual scenario. [17 CCR 95802]
- c. "Permanent" means in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]

¹ Currently approved offset registries include the American Carbon Registry (ACR), Climate Action Reserve (CAR) and Verra (formerly the Verified Carbon Standard). See: <https://ww3.arb.ca.gov/cc/capandtrade/offsets/registries/registries.htm>.

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- d. “Quantifiable” means in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary, while accounting for uncertainty and activity-shifting leakage and market-shifting leakage [17 CCR 95802]
 - e. “Verifiable” means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California’s with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]
 - f. “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [adapted from definition in 17 CCR 95802 for use in this measure] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.

B. Required Annual GHG Emissions Reductions:

To meet the 2025 waterside reduction target, GHG reductions must be equal to 1,411 MTCO_{2e} per year or 6,321 megawatt-hours per year (MWh/year), which would amount to 6,321 MTCO_{2e} over 5 years (between 2025 and 2030).

C. Implementation of GHG Emissions Reduction Options.

Prior to becoming operational, the project applicant shall notify the District with plans to achieve the annual GHG emissions reduction in the order of priority specified above:

1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the District to meet or partially meet the required amount of MTCO_{2e} or MWh reductions specified above.
 - a. If the project applicant develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project applicant shall submit to the District’s Energy Department/Team, for its review and approval, a report specifying the annual amount of MTCO_{2e} or MWh reduction achieved by the project(s), actions, or activities; submit evidence that the renewable energy project, actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the District’s Energy Department/Team to verify the amount of GHG emissions reduction achieved by the project, actions or activities (collectively, “GHG Emission Reduction Report”).
 - b. If the GHG Emission Reduction Report is approved, a reduction to the required offsets shall be calculated by the District’s Energy Department/Team, and the reduction of offsets shall be transmitted to the project applicant in writing and the amount of GHG reduction shall count towards the required GHG reduction for the proposed project (“GHG Reduction”).
 2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO_{2e} or MWh specified above, which may be decreased by the amount of annual MTCO_{2e} or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO_{2e} or MWh shall occur as follows:
 - a. Purchase offsets for the first 5 years of operation;
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- b. On or before the first year of operation of the proposed project and annually thereafter, the project applicant shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the District that the offsets meet the requirements for GHG emission offset credits set forth in paragraph A(3) above, to the District's Energy Department/Team.

D. Adjustments to Required GHG Emissions Reductions.

If the project applicant complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO_{2e} or MWh reductions specified above to meet the 2025 reduction target, or complies with paragraph A(3) above and purchases the requisite offsets for 5 years, through 2030, or does a combination of paragraphs A(1), (2), and (3) to meet the 2025 reduction target, then nothing further shall be required under this mitigation measure.

1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project applicant may be required by the District to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project applicant because of the development of a renewable energy project(s), the project applicant shall submit a GHG Emission Reduction Report for the District Energy Department's review pursuant to the process specified above in paragraph C(1) above and required offsets shall be determined by the District and reduced.
2. Reduction of Emissions through Verifiable Actions or Activities on Tidelands Requirement: Although none are identified at this time, the project applicant may be required by the District to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project applicant because of the other verifiable actions or activities on tidelands, the project applicant shall submit a GHG Emission Reduction Report for the District Energy Department's review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the District and reduced.
3. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(2)(b), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days after receiving notice of the noncompliance.

MM-GHG-5: Implement a Renewable Energy Project on Site, on Tidelands, or Within Offsite Tidelands Adjacent to Community or Member City, or Purchase the Equivalent Greenhouse Gas Offsets from a California Air Resources Board Approved Registry or a Locally Approved Equivalent Program.

A. Options for Reducing GHG Emissions

To reach the landside and waterside reduction target for 2030 and 2050, the project proponent shall, in order of preference, considering availability of structures and feasibility, implement the following, which may be combined with consideration to the preference described below:

1. Incorporate renewable energy
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- a) on the project site;
 - b) within the District's jurisdiction; or
 - c) within the adjacent community or member city outside of the District's jurisdiction
2. Undertake other verifiable actions or activities on Tidelands, approved by the District, such as electrification of equipment including vehicles and trucks, financial contribution to a future local or District GHG emission reduction program on Tidelands (locally approved equivalent program), or similar activities or actions that reduce operational GHG emissions;
 3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable as specified in California Health and Safety Code § 38562(d)(1) and (2) and as these terms are further defined in California Code of Regulations, Title 17, § 95802 (see below); (2) use a protocol consistent with or as stringent as ARB protocol requirements under California Code of Regulations, Title 17, § 95972(a); and (3) are issued by an ARB-approved offset registry.² Offset credits from projects outside California must be located in states within the United States of America that have laws equivalent to or stricter than California's laws and regulations ensuring the validity of offset credits.

For purposes of this section, the definitions are as follows:

- a. "Real" means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions, and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802]
 - b. "Additional" means, in the context of offset credits, greenhouse gas emission reductions or removals that exceed any greenhouse gas reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any greenhouse gas reductions or removals that would otherwise occur in a conservative business-as-usual scenario. [17 CCR 95802]
 - c. "Permanent" means in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]
 - d. "Quantifiable" means in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary, while accounting for uncertainty and activity-shifting leakage and market-shifting leakage [17 CCR 95802]
 - e. "Verifiable" means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California's with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]
 - f. "Enforceable" means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [adapted from definition in 17 CCR 95802 for use in this measure] "Enforceable" also means
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² Currently approved offset registries include the American Carbon Registry (ACR), Climate Action Reserve (CAR) and Verra (formerly the Verified Carbon Standard). See: <https://ww3.arb.ca.gov/cc/capandtrade/offsets/registries/registries.htm>

that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.

B. Required Annual GHG Emissions Reductions:

The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the Proposed Project for years 2030 and 2050:

1. To meet the 2030 landside and waterside reduction target, GHG reductions must be equal to 3,851 MTCO₂e per year or 17,258 MWh/year, which would amount to 77,021 MTCO₂e over 20 years (between 2030 and 2050).
2. To meet the 2050 landside and waterside reduction target, GHG reductions must be equal to 5,703 MTCO₂e per year 25,556 MWh/year, which would amount to 211,004 MTCO₂e over 37 years (between 2050 and the end of the lease, 2087).

C. Implementation of GHG Emissions Reduction Options.

Prior to becoming operational, the project applicant shall notify the District with plans to achieve the annual GHG emissions reduction in the order of priority specified above:

1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the District to meet or partially meet the required amount of MTCO₂e or MWh reductions specified above.
 - a. If the project applicant develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project applicant shall submit to the District's Energy Department/Team, for its review and approval, a report specifying the annual amount of MTCO₂e or MWh reduction achieved by the project(s), actions, or activities; submit evidence that the renewable energy project, actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the District's Energy Department/Team to verify the amount of GHG emissions reduction achieved by the project, actions or activities (collectively, "GHG Emission Reduction Report").
 - b. If the GHG Emission Reduction Report is approved, a reduction to the required offsets shall be calculated by the District's Energy Department/Team, and the reduction of offsets shall be transmitted to the project applicant in writing and the amount of GHG reduction shall count towards the required GHG reduction for the Proposed Project ("GHG Reduction").
 2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO₂e or MWh specified above, which may be decreased by the amount of annual MTCO₂e or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO₂e or MWh shall occur as follows:
 - a. Purchase offsets for the 20 year period from 2030 to 2050 prior to 2030, then for the 37 year period from 2050 to 2087 prior to 2050;
 - b. On or before the first year of operation of the proposed project and annually thereafter, the project applicant shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified
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consultant approved by the District that the offsets meet the requirements for GHG emission offset credits set forth in paragraph A(3) above, to the District's Energy Department/Team.

D. Adjustments to Required GHG Emissions Reductions.

If the project applicant complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO_{2e} or MWh reductions specified above to meet the 2030 and 2050 reduction target, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the 2030 and 2050 reduction targets, then nothing further shall be required under this mitigation measure.

1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project applicant may be required by the District to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project applicant because of the development of a renewable energy project(s), the project applicant shall submit a GHG Emission Reduction Report for the District Energy Department's review pursuant to the process specified above in paragraph C(1) above and required offsets shall be determined by the District and reduced.
 2. Reduction of Emissions through Verifiable Actions or Activities on Tidelands Requirement: Although none are identified at this time, the project applicant may be required by the District to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project applicant because of the other verifiable actions or activities on tidelands, the project applicant shall submit a GHG Emission Reduction Report for the District Energy Department's review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the District and reduced.
 3. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(2)(b), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days after receiving notice of the noncompliance.
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