

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

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December 6, 2007

File Ref: G05-04

Dr. Ralph Appy  
Director of Environmental Management  
Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, CA 90731

Dear Dr. Appy:

This letter is submitted to reflect staff of the State Lands Commission review on the responses regarding off-site aesthetic mitigation contained in the Final Environmental Impact Report (EIR) for Berths 136-147 [TraPac] Container Terminal Project.

Staff has reviewed those Final EIR responses and concurs with the Port of Los Angeles in that the "Port may not try to cure past environmental harms by imposing measures or project conditions that go beyond the scope of the impacts created by the proposed project." However, precautions must be taken to minimize impacts that are directly associated with this project.

Comments regarding off-site aesthetic impacts included blocked views from residential neighborhoods in close proximity to the port, as well as conditions imposed by storage of containers in close proximity to residential neighborhoods. The staff of the State Lands Commission believes that the Port has adequately addressed these comments in their responses and notes that in some cases the visual impacts currently experienced will be made better by the proposed project.

In regards to container storage involving non-port owned or controlled lands, the Port should not be held responsible for the management of off-site/backland storage facilities and warehouses that are outside of their jurisdiction. As stated in the responses, the Los Angeles Harbor District has no authority to regulate the locations of such facilities and zoning and enforcement jurisdiction rests with the City of Los Angeles. We understand that the City of Los Angeles has recently implemented additional controls and limitations on container storage in Wilmington related to landscaped buffers, stacking height and fencing and screening. The City has also

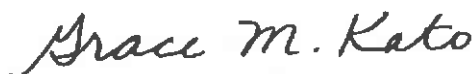
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prohibited new container storage yards in some areas zoned Light Industrial or Limited Industrial. The Port acknowledges that their activities do contribute to the increase of storage facilities and increased traffic related to such use. The Port has addressed those traffic issues in Mitigation Measure LU-2: Truck Traffic Enforcement.

The consistent position of the SLC staff is that the Port must comply with all requirements of the CEQA. It is important to note that Public Trust law and the California Constitution mandate that all revenue generated on and from the Port of Los Angeles is held in trust and must be expended for purposes that clearly promote the Public Trust or are consistent with the Public Trust and the various granting statutes and may not be used to enhance the local community with non-public trust related developments. More importantly, such Public Trust uses must serve a statewide or at least a regional benefit and caution must be taken so as not to confuse purely local, municipal uses with public trust uses. All appropriate public trust uses, including those specifically authorized by the granting statutes, must take into account the overarching principle of the Public Trust Doctrine that trust lands belong to the statewide public and are to be used to promote statewide public rather than purely local or municipal purposes.

If you have any additional questions, please do not hesitate to contact me at 916-574-1227 or via email at [katog@slc.ca.gov](mailto:katog@slc.ca.gov). Thank you.

Sincerely,



Grace M. Kato  
Public Land Management Specialist

cc: Curtis Fossum  
Jennifer Lucchesi