

2.1 Distribution of the Recirculated Draft EIS/EIR

The Recirculated Draft EIS/EIR prepared for the LAHD was distributed to the public and regulatory agencies on April 30, 2008, for a 45-day review period. Approximately 200 copies of the Recirculated Draft EIS/EIR were distributed to various government agencies, organizations, individuals, and Port tenants. In addition, postcards in English and Spanish were mailed to all addresses in Wilmington and San Pedro. Because of the size and complexity of the document, the review period was extended for a total of 60 days to June 30, 2008. This extension was noted in Section 1.7 of the Recirculated Draft EIS/EIR. A further extension to July 15, 2008, was granted and made known by email, publication in newspapers, notices at public meetings, and a notation on the first page of the Web site for the Port of Los Angeles. Thus, the public review period on the Recirculated Draft EIS/EIR officially closed on July 15, 2008. LAHD, in cooperation with USACE, conducted a public hearing regarding the Recirculated Draft EIS/EIR on June 5, 2008, to provide an overview of the proposed Berths 97-109 Container Terminal Project and to accept public comments on the proposed Project and environmental document.

The Recirculated Draft EIS/EIR was available for review at the following locations:

- Los Angeles Public Library, San Pedro Branch, 921 South Gaffey Street, San Pedro, California
- Los Angeles Public Library, Central Branch, 630 West 5th Street, Los Angeles, California
- Los Angeles Public Library, Wilmington Branch, 1300 North Avalon, Wilmington, California
- Long Beach Public Library, Main Branch, 101 Pacific Avenue, Long Beach, California
- Los Angeles Harbor Department, Environmental Management Division, 425 South Palos Verdes Street, San Pedro, California

The document was also available online at the Port of Los Angeles Web site: http://www.portoflosangeles.org/environment_pn.htm with the public notice available online at www.spl.usace.army.mil/regulatory/POLA.htm. Electronic copies of the Recirculated Draft EIS/EIR on a compact disc were available free of charge to interested parties.

2.2 Comments on the Draft EIS/EIR

The public comment and response component of the NEPA/CEQA process serves an essential role. It allows the respective lead agencies to assess the impacts of a project based on the analysis of other responsible, concerned, or adjacent agencies and interested parties, and it provides the opportunity to amplify and better explain the analyses that the lead agencies have undertaken to determine the potential environmental impacts of a project. To that extent, responses to comments are intended to provide complete and thorough explanations to commenting agencies and individuals, and to improve the overall understanding of the project for the decision-making bodies.

The USACE and LAHD received 52 comment letters on the Recirculated Draft EIS/EIR during the public review period. Table 2-1 presents a list of those agencies, organizations, and individuals who provided comment on the Recirculated Draft EIS/EIR.

Table 2-1. Public Comments Received on the Recirculated Draft EIS/EIR

Letter Code	Date	Individual/Organization	Page
Federal Government			
1	7-21-08	United States Environmental Protection Agency	2-5
2	7-11-08	Bob Hoffman, National Marine Fisheries Service	2-33
3	4-30-08	United States Department of Homeland Security (FEMA)	2-41
51	5-9-08	United States Coast Guard	2-45
State Government			
4	6-6-08	California Department of Transportation	2-49
5	6-26-08	Public Utilities Commission	2-53
6	7-1-08	California Office of Planning and Research	2-57
7	7-3-08	Department of Toxic Substances Control	2-63
8	5-16-08	Native American Heritage Commission	2-67
Regional Government			
9	5-16-08	Southern California Association of Governments	2-73
10	7-15-08	South Coast Air Quality Management District	2-77
Local Government			
11	6-17-08	Rancho Palos Verdes	2-95
12	6-23-08	City of Riverside, Office of the City Attorney	2-99
13	6-30-08	Riverside County Transportation Commission	2-107
14	7-15-08	County of Los Angeles, Public Works Department	2-143

Table 2-1. Public Comments Received on the Draft EIS/EIR (continued)

Letter Code	Date	Individual/Organization	Page
National/Local Organizations			
15	6-5-08	NRDC – A	2-147
16	7-15-08	NRDC – B	2-165
17	7-3-08	Long Beach Area Chamber of Commerce	2-197
18	7-2-08	Harbor Association of Industry and Commerce	2-201
19	7-15-08	Gary Gregory, Propeller Club of Los Angeles, Long Beach	2-205
Community Groups			
20	7-10-08	Richard Havenick, Air Quality Subcommittee, PCAC	2-209
21	7-14-08	Past EIR Subcommittee, PCAC	2-215
22	5-24-08	Coastal San Pedro Neighborhood Council	2-271
23	7-14-08	Northwest San Pedro Neighborhood Council	2-275
24	7-14-08	San Pedro and Peninsula Homeowners Coalition	2-289
25	7-15-08	Coalition for Safe Environment	2-303
Individuals/Companies			
26	6-20-08	Edward and Joann Hummel	2-329
27	7-8-08	Breen Engineering	2-333
28	7-3-08	Presentation Media Incorporated	2-337
29	7-10-08	William Lyte, Kennedy Jenks	2-341
30	7-10-08	Bill Walles, Amplitude Consulting	2-345
31	7-2-08	Bruce D. Ackerman	2-349
32		Mohamed F. Kureshi, Eagle Protection of California	2-353
33	7-11-08	William Yang, Yang Management	2-357
34	7-14-08	Karen Drew, Far East National Bank	2-361
35	7-9-08	Anil Verma	2-367
36	7-15-08	Ann Kovara	2-371
37	7-9-08	Somesh Debnath	2-375
38	7-9-08	Viktoriya Kucherenko	2-379
39	7-9-08	Girdhari Lalwani	2-383
40	7-9-08	Ray Yumul	2-387
41	7-9-08	Jean Sandoval	2-391

Table 2-1. Public Comments Received on the Draft EIS/EIR (continued)

Letter Code	Date	Individual/Organization	Page
42	7-9-08	Andrew Allison	2-395
43	7-15-08	GKC Engineering	2-399
44	7-14-08	Efren Abratique, Abratique & Associates	2-403
45	7-8-08	Shield Anderson, Budlong & Associates	2-407
46	7-15-08	Carrie Scoville	2-411
47	7-15-08	Brian Kite, Leo A. Daly	2-449
48	7-15-08	Burlington Northern and Santa Fe Railway	2-453
49	7-21-08	JMC ²	2-459
50	7-14-08	JMDiaz	2-463
52	6-5-08	Public Hearing Transcript	2-469

2.3 Responses to Comments

In accordance with CEQA (Guidelines Section 15088) and NEPA (23 CFR Part 771), the USACE and LAHD have evaluated the comments on environmental issues received from agencies and other interested parties and have prepared written responses to each comment pertinent to the adequacy of the environmental analyses contained in the Recirculated Draft EIS/EIR. In specific compliance with Section 15088(b) of CEQA Guidelines and implementing regulations 23 CFR Part 771 of NEPA Guidelines, the written responses address the environmental issues raised. In addition, where appropriate, the basis for incorporating or not incorporating specific suggestions into the Project is provided. In each case, LAHD and USACE have expended a good faith effort, supported by reasoned analysis, to respond to comments.

This section includes responses not only to comments made at the public hearing for the Recirculated Draft EIS/EIR but also to written comments received during the 75-day public review period of the Recirculated Draft EIS/EIR. Some comments have prompted changes to the text of the Recirculated Draft EIS/EIR, which are referenced and shown in Chapter 3. A copy of each comment letter is provided, and responses to each comment letter immediately follow.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

July 21, 2008

Dr. Spencer D. MacNeil
U.S. Army Corps of Engineers
Los Angeles District
Attn: Regulatory Division
P.O. Box 532711
Los Angeles, California 90053-2325

Subject: Recirculated Draft Environmental Impact Statement (RDEIS) for the Berth 97-109
Container Terminal Project (Project) in the Port of Los Angeles (CEQ # 20080169)

Dear Dr. MacNeil:

The U.S. Environmental Protection Agency (EPA) has reviewed the above project pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. These comments were also prepared under the authority of, and in accordance with, the provisions of the Federal Guidelines (Guidelines) promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act (CWA) and EPA's ocean dumping regulations promulgated at 40 CFR 220-227 under the Marine Protection, Research and Sanctuaries Act (MPRSA). Our detailed comments are enclosed.

1-1

EPA previously provided comments on the since retracted Draft Environmental Impact Statement (DEIS) for the Project in our letter dated October 16, 2006. This letter supersedes our October 16, 2006 letter. In addition, we met to discuss our preliminary comments with you and Port of Los Angeles (Port) staff at the Port on July 15, 2008. We very much appreciate the opportunity to have met with you and the Port and look forward to continued coordination as Port projects proceed. We are confident that continued coordination between our agencies will result in improved information sharing and reduced environmental impacts. Based on our review of the RDEIS, we have rated the document EC-2, Environmental Concerns – Insufficient Information. While the document is very well done, and substantial mitigation efforts have been identified, we remain concerned with significant and unavoidable impacts to air quality, environmental justice communities, aquatic and biological resources, and with the wording of the Project purpose and need statement.

1-2

EPA commends the Corps and Port for the implementation of a high quality Health Risk Assessment to identify cancer risk in the Port area as a result of the Project. We consider this an example analysis for other federal agencies to refer to. We remain concerned with the

1-2 cumulative impacts to the already health burdened community and recommend the Port and Corps commit in the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) to implementing measures that will reduce cancer risks as described in the DEIS. We are also concerned with unmitigated impacts to air quality in the South Coast Air Basin from construction and operations and recommend the Ports and Corps commit in the FEIS and ROD to implementing mitigation measures that go beyond the San Pedro Bay Ports Clean Air Action Plan (CAAP). Conformity with the 1997/1999 South Coast State Implementation Plan should also be clarified.

1-3 We also recognize the efforts of the Port and Corps to assess and disclose impacts to the Environmental Justice (EJ) community adjacent to the Project. However, we remain concerned over the significant and unavoidable impacts to the already disproportionately affected EJ community and recommend additional measures to fully offset these impacts. We suggest the Corps and Port develop a Health Impact Assessment to better identify these impacts and work with the community to identify offset measures. In addition to health impacts from construction and operational emissions, we are also concerned with potential impacts from construction noise resulting from the Project.

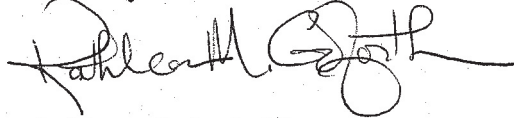
1-4 The preferred project alternative would result in the fill of approximately 1.3 acres of soft bottom habitat to provide for construction of an Extension to Berth 100. We recognize the intent of the Port to increase efficiency but remain concerned that the Project purpose and need could be met without this additional fill. At the same time, we recognize that increased efficiency could avoid environmental impacts to air quality and consequently recommend that fill be avoided, or the additional environmental impacts without fill be fully described in the FEIS. Lacking this additional information, EPA does not consider the preferred alternative to be the Least Environmentally Damaging Practicable Alternative (LEDPA), consistent with Clean Water Act Section 404 (b)(1) Guidelines. We also recommend that any dredged sediment be characterized appropriately and disposed of at a beneficial reuse location prior to disposal at the Anchorage Road site and that the Port coordinate with the Dredge Material Management Team on dredging and disposal issues.

1-5
1-6 The Port and Corps have identified vessel strikes to whales and other marine mammals as a significant but unavoidable impact and EPA remains concerned that additional mitigations beyond the Vessel Speed Reduction Program are not provided. We recommend the Port work with the Port of Long Beach to develop a port-wide vessel strike reduction program, similar to the one under development at Cape Cod Bay, to better identify whales through audible detection. We appreciate your willingness to look into this further as previously discussed.

1-7 Finally, as described in our October 16, 2006 letter, we continue to be concerned with the use of the word "maximize" in the Project purpose and need statement and recommend it be changed to "optimize" to avoid favoring the preferred alternative. At a minimum, the Corps and Port should describe in the FEIS why the current purpose and need statement does not favor the preferred alternative.

We appreciate the opportunity to review this DEIS and look forward to continued coordination with the Corps and the Port. When it is published, please send us a copy of the FEIS to the address above (Mail Code: CED-2). If you have any questions, please contact me at 415-972-3846 or Paul Amato, the lead reviewer for this project. Paul can be reached at 415-972-3847 or amato.paul@epa.gov.

Sincerely,



Kathleen Goforth, Manager
Environmental Review Office

Enclosures: Summary of EPA Rating System
EPA's Detailed Comments

cc: Dr. Ralph Appy, Director, Environmental Management Division, Port of LA;
Lena Maun-DeSantis, Marine Environmental Supervisor, Port of LA;
Cindy Tuck, Assistant Undersecretary, California Environmental Protection Agency;
Cynthia Marvin, Assistant Division Chief for Planning and Technical Support, California Air Resources Board;
Susan Nakamura, South Coast Air Quality Management District;
Hassan Ikrhata, Executive Director, Southern California Association of Governments;
Paul Simon, Director, Division of Chronic Disease and Injury Prevention, Los Angeles County Department of Health

Air Comments

Commit in the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) to fully implement mitigations that will reduce cancer risks. EPA commends the efforts of the Port and Corps to conduct a high quality health risk assessment (HRA) for toxic air contaminants (TACs) emitted from all alternatives assessed in the Recirculated Draft Environmental Impact Statement (RDEIS). We consider this HRA to serve as an excellent example of the level of analysis that should be conducted for projects of this scale and will encourage other federal agencies to refer to it in developing HRAs to assess health impacts and appropriate mitigations for their projects. We note that while any cumulative impacts to air quality in the Port region should be considered significant, we also recognize the mitigation efforts that have reduced additional cancer risks from 90 in a million individuals to 8 in a million.

1-9 EPA continues to have concerns with any increases in cancer risks that may result from Project emissions while acknowledging the level of effort of the Port and Corps to assess these risks and mitigate them through the San Pedro Bay Ports Clean Air Action Plan (CAAP).

Recommendation:

The Port and Corps should commit in the FEIS and the ROD that CAAP mitigation measures necessary to reduce cancer risk will be fully implemented, as described in the HRA. This should include a commitment to implement additional mitigations if CAAP implementation measures are delayed or insufficient to meet cancer risk reduction targets.

Commit in the FEIS and ROD to implement in a timely manner, mitigation measures that exceed CAAP emission reductions. EPA is concerned about the significant and unavoidable impacts of construction and operational air emissions associated with the Project, even after mitigation measures have been taken into account. The DEIS includes a very thorough air quality analysis and description of the mitigation measures that will be implemented to reduce the significant adverse air impacts identified in the DEIS. However, even with implementation of these aggressive mitigation measures, the DEIS states that Project peak daily emissions from construction would exceed the peak daily NEPA emissions significance levels for NO_x, SO_x, and PM_{2.5} in Phases 2 and 3 (Table 3.2-20). Significant impacts from peak daily emissions associated with operations are also predicted for VOC, CO, NO_x, SO_x, PM₁₀ and PM_{2.5} for all project analysis years (Table 3.2-29).

1-10

Given the severe air quality problems within the project area, all feasible measures should be implemented to reduce and mitigate air quality impacts to the greatest extent possible. This is especially important for the SCAB nonattainment criteria pollutants CO, SO_x, NO_x, PM₁₀ and PM_{2.5}. The DEIS states that Project compliance with the CAAP and other Project mitigation measures in some cases exceeds the emission reduction strategies of the CAAP. However, the CAAP includes a number of port-wide requirements and is still in the implementation phase. Changes to the CAAP measures (as listed in Table 3.2-26) may occur, such as specific implementation dates, compliance rates, and other requirements. The Port and Corps should ensure that CAAP measures and additional mitigation measures that go beyond the CAAP are

implemented on a schedule that will reduce construction and operational emissions to the maximum extent feasible. This is especially important for criteria pollutants that are nonattainment in the SCAB.

1-10

Recommendations:

All proposed mitigation measures in the DEIS should be included in the FEIS and the ROD. The FEIS should describe how these mitigation measures will be made an enforceable part of the project's implementation schedule. We recommend implementation of the mitigation measures prior to or, at a minimum, concurrent with the construction of Phase II and III of the Project.

1-11

The ROD should demonstrate how measures beyond the CAAP meet or exceed current CAAP emissions requirements. EPA recommends that the ROD ensure that mitigation measures that exceed the CAAP emissions reductions continue to do so despite potential future changes to the CAAP measures.

1-12

The ROD should be as explicit as possible regarding the feasibility of clean technology that could be employed as stated in several of the proposed mitigation measures (i.e., AQ MM-4). EPA strongly recommends that the mitigation measures that are stated to yield possible additional reductions (i.e., pp. 3.2-90) be quantified and implemented in a timely manner.

1-13

Update the air analysis to include IMO MARPOL Annex VI NOx reductions. Section 3.2-16 (IMO MARPOL Annex VI) indicates that in order to provide a conservative estimate, the proposed Project did not incorporate IMO MARPOL Annex VI NOx reductions from main ship engines. As this section correctly states, engines installed on new vessels are retroactive to the year 2000. However, EPA believes that there should be some NOx reduction benefits from these main ship engines, especially since a significant percentage of the ocean-going vessels that visit the Port are five years old or newer (i.e., these engines would be meeting the Tier 1 NOx standard).

Recommendation:

To provide a more accurate assessment of the NOx emissions associated with main engines from ships visiting the Port, the FEIS could include an updated analysis that incorporates the IMO MARPOL Annex VI NOx reductions.

1-14

Update tugboat emission assumptions. It is unclear why the tugboat emissions were calculated "conservatively" in Section 3.2-26 using uncontrolled emission factors, especially when most of the tugboats operating at the Port have been retrofitted with Tier 2 engines and are now complying with a 15 ppm sulfur fuel cap.

Recommendation:

The FEIS should clarify the emissions assumptions used in calculating the tugboat emissions.

1-15

Update Phase 2 and 3 emissions as the Inventory of Air Emissions is adjusted. The Port's 2005 Inventory of Air Emissions (Starcrest, 2007) was used to estimate vessel emissions (i.e.,

main engines, auxiliary engines, boilers on container ships, etc.). Although this emissions inventory was developed with the best available information, EPA understands that Port emissions will be subject to significant changes in the near future due to implementation of the CAAP and other projects.

1-15

Recommendation:

The ROD should include a commitment to update the Project's Phase 2, and 3 analyses as the Port's air emissions inventory is adjusted.

General Conformity

Demonstrate general conformity with the South Coast State Implementation Plan (SIP). A complete analysis is required to determine if the emissions associated with the Federal action (both construction and operational emissions) are subject to the requirements of a formal conformity determination under the General Conformity rule codified at 40 CFR 93, subpart B. The "applicability" analysis involves quantification of emissions caused by a Federal action that are generated within nonattainment or maintenance areas, that are reasonably foreseeable, and that the Federal agency can practicably control and will maintain control over, due to a continuing program responsibility. A formal conformity determination is required for all such emissions that exceed de minimis thresholds set forth in the rule.

1-16

The discussion in the DEIS regarding whether the Project meets the applicable general conformity requirements does not demonstrate that the emissions associated with the Federal Action are explicitly accounted for in the 1997/1999 SIP.

Recommendation:

EPA recommends that the FEIS clarify consistency with the 1997/1999 South Coast SIP. The FEIS should demonstrate whether the emissions associated with the Federal Action are specifically accounted for in the 1997/1999 South Coast SIP.

Environmental Justice

Overall, the Environmental Justice (EJ) analysis in Chapter 5 is well done. EPA acknowledges the efforts of the Port and Corps to analyze impacts of the Project on the EJ community and we will use the analysis as an example for other federal agencies to use in preparing their environmental justice analyses. Specifically, the following parts of the EJ analysis were particularly well thought out:

1-17

- Consideration of the high cost of living in Southern California and factoring that in the low income calculations (p. 5-1);
- Figure 5-1 and 5-2. These maps are very clear and easy to interpret;
- Section 5.3 on *Applicable Regulations* is very thorough and provides good context for the rest of the chapter;
- Section 5.4.1 clearly explains the methodology used for determining impacts;
- Section 5.4.2 summarizes the public comments that have been received, and is a very important part of Chapter 5;

- Section 5.4.2.1 and Section 5.4.2.2 are very thorough in that they address every resource with a clear discussion of whether there are environmental justice impacts or not;
- Table 5-3 presents a clear, relatively easy to understand summary of the environmental justice impacts.

However, the section lacks appropriate mitigations to fully offset the adverse project related impacts to the local community. The Environmental Justice Chapter of the Draft EIS concludes that there will be disproportionately high and adverse effects on minority and low-income populations due to aesthetic, air quality, transportation, and noise impacts. The local community is already heavily impacted which could be exacerbated by the many projects currently planned at and around the Port. In addition, we note that Wilmington and East San Pedro are designated as Health Professional Shortage Areas.¹ Therefore, all impacts, even seemingly small impacts, are important to consider and mitigate in order to fully offset the adverse project related impacts to the local community.

As stated in Section 5.3.2 the Council on Environmental Quality states that the identification of disproportionately high and adverse human health or environmental effect on a low-income or minority population does not preclude a proposed agency action from going forward or compel a finding that a proposed project is environmentally unacceptable. Instead, the identification of such effects is expected to encourage agency consideration of alternatives, mitigation measures, and preferences expressed by the affected community or population.

The RDEIS does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5. Considering the magnitude of potential cumulative health impacts related to the Project and the CEQ guidance to encourage agency consideration of mitigation measures and preference of the local community, EPA has developed potential measures for mitigating the impacts to the local community. For further coordination on EJ issues, please contact Steven John, Director of the Los Angeles Office at (213) 244-1804, or by email at john.steven@epa.gov.

The Port and Corps should conduct a port-wide health impact assessment (HIA). There is a growing body of evidence that environmental justice communities are more vulnerable to pollution impacts than other communities.² EPA's Framework for Cumulative Risk³ and the National Environmental Justice Advisory Council's Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts⁴ talk about the concept of vulnerability that disadvantaged, underserved, and overburdened communities come

¹ <http://hpsafind.hrsa.gov/HPSASearch.aspx>

² O'Neill M, Jerrett M, Kawachi I, Levy J, Cohen AJ, Gouveia N, Wilkinson P, Fletcher T, Cifuentes L, Schwartz J. Health, Wealth, and Air Pollution: Advancing Theory and Methods. Environmental Health Perspectives. Vol 111, No 16, December 2003. This article evaluated 15 different studies of particulate air pollution and socioeconomic conditions and found the majority of the studies evaluating individual-level characteristics did show effect modification with higher health impacts (such as mortality or asthma hospitalizations) among those with lower socioeconomic position. Low educational attainment seemed to be a particularly consistent indicator of vulnerability in these studies.

³ Available at: <http://cfpub.epa.gov/ncea/raf/recordisplay.cfm?deid=54944>

⁴ Available at: <http://www.epa.gov/environmentaljustice/nejac/past-nejac-meet.html>

to the table with pre-existing deficits of both a physical and social nature that make the effects of environmental pollution more, and in some cases unacceptably burdensome. Or in other words, a subpopulation is more vulnerable if it is more likely to be adversely affected by a stressor than the general population.

Low-income and minority communities are potentially experiencing more health impacts than would be predicted using traditional risk assessments and an HIA is a potential tool for examining this complex issue. HIAs look at health holistically, considering not only bio-physical health effects, but also broader social, economic, and environmental influences. HIA also explicitly focuses on health benefits and the distribution of health impacts within a population. HIA strives to anticipate potential impacts for decision-makers and to deliver a set of concrete recommendations targeted at minimizing health risks and maximizing benefits.⁵

1-18

A helpful resource for examples of HIAs is the Dannenberg et al (2008)⁶ study that examined 27 case studies of Health Impact Assessment in the US, with six HIAs in California and Alaska conducted in conjunction with environmental impacts assessment processes. The study includes eleven additional HIA analyses in California. Most of the HIAs evaluated included recommendations to mitigate predicted adverse health impacts of the proposed policy or project and/or to increase predicted health-promoting components of the proposal.

Recommendation:

We recommend the Ports and Corps consider development of a port-wide health impact assessment (HIA). Given the magnitude and complexity of potential health impacts related to Port projects, EPA recommends the Corps and Port partner with the local health department and the local community to conduct an HIA which encompasses this project and all upcoming Corps/Port projects. An additional resource that provides information about Health Impact Assessments is the following Center for Disease Control and Prevention (CDC) website: <http://www.cdc.gov/healthyplaces/hia.htm>.

Provide additional mitigations to fully offset impacts to the environmental justice community.

The Port should use both information from an HIA and continued input from the local community to develop mitigation measures that would help fully offset port-related health impacts. The Los Angeles Environmental Justice (LAEJ) Network is an example of a forum that the Port could engage to solicit input on priority mitigation measures. In addition, many groups impacted by ports and goods movement came together in late 2007 at Moving Forward, the first North American community-oriented gathering on this topic, which was organized by The Impact Project and cosponsored by private groups along with National Institute of Environmental Health Scientists and EPA-funded centers. The Corps and Port should contact the conference organizers to see if potential mitigation measures were discussed at this conference and whether they would be appropriate for this project.

1-19

⁵ Bhatia, Rajiv and Wernham, Aaron. Integrating Human Health into Environmental Impact Assessment: An Unrealized Opportunity for Environmental Health and Justice. Environmental Health Perspectives. Available online April 16, 2008.

⁶ Dannenberg, A, Bhatia R, Cole B, Heaton S, Feldman J, Rutt, C. Use of Health Impact Assessment in the US. 27 Case Studies, 1999-2007. American Journal of Preventive Medicine. 2008; 34(3).

Furthermore, the Corps and Port should contact those involved with the mitigation trust fund associated with the expansion of the Tra Pac Terminal Expansion Project to get their input on appropriate mitigation measures. Finally, some of the recommendations of the Port Community Advisory Committee (PCAC) such as the recommendation for a Public Health Trust Fund, Health Survey, Partners for Kids Health (mobile clinic) and the Health and Environmental Directory should be considered as potential environmental justice mitigations.

EPA is available to participate as a partner with the community, the Port and Corps to assist in the identification of mitigation measures to reduce the impacts on the affected communities for this and future projects. For further coordination on EPA involvement with the EJ community, please contact Steven John, Director of the Los Angeles Office at (213) 244-1804, or by email at john.steven@epa.gov.

Recommendation:

The Port and Corps should consider and work with communities to further develop the following mitigation measures to fully offset health impacts to the already burdened community in the Project area:

- Proactive efforts to hire local residents and train them to do work associated with the construction and long term operations at the facility in order to improve economic status and access to healthcare;
- Provide public education programs about environmental health impacts and land use planning issues associated with the Port to better enable local residents to make informed decisions about their health and community;
- Ensure enforcement of anti-idling requirements;
- Establish Environmental Management Systems at the Port to improve efficiency and reduce environmental impacts from operations;
- Improve access to healthy food through establishment of farmer's markets or retail outlets on Port lands;
- Continue expansion and improvements to the local community's parks and recreation system in order to provide increased access to open space and exercise opportunities. EPA supports increased parks and open space but strongly encourages the Port to implement emission reduction measures as soon as possible to prevent increased health risk from greater exposure opportunities.

Fill of Water of the U.S.

Avoid fill of soft bottom habitat as part of the Berth 100 extension or demonstrate additional environmental impacts that would result from avoidance. Based on the existing information, the proposed project does not appear to be the Least Environmentally Damaging Practicable Alternative (LEDPA), consistent with Clean Water Act Section 404 (b)(1) Guidelines (Guidelines). The Guidelines state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem. The Guidelines also require that no discharge of dredged or fill material be permitted unless appropriate and practical steps have been taken to avoid and minimize adverse impacts to the aquatic ecosystem. Other alternatives, including Alternative 4, appear to be practicable.

EPA notes that proposed fill into waters of the United States primarily comes from the extension of wharves (Berth 100 extension). EPA acknowledges that the Port has proposed to avoid fill into waters of the U.S. from construction of the two bridges.

Fill associated with the extension of Berth 100 should be avoided unless it can be demonstrated that greater environmental impacts would occur in the absence of the proposed fill. The Proposed Project would result in approximately 1.3 acres of fill of soft bottom habitat from dike, fill and new piles to extend Berth 100. This area would also be obstructed by piles and shaded by the deck of the new Berth 100 extension, resulting in marginal aquatic habitat. The Port would mitigate the impact using credits at Bolsa Chica, Outer, or Inner Harbor Mitigation Banks, but EPA is concerned that these impacts could be fully avoided.

1-20

As described in the RDEIS, Alternative 4, *Reduced Fill: No South Wharf Extension at Berth 100* would avoid additional fill at Berth 100 and achieve a similar level of service as the Proposed Project. As stated earlier under EPA's "Alternatives" comments, the project purpose and Proposed Project are based on throughput projections for 2030. We support considering an alternative that reduces impacts by constructing the Project over time and in phases to meet throughput demands as they come on line.

Recommendation:

We recommend the Corps and Port consider an alternative that avoids fill at the proposed Berth 100 extension and reevaluate throughput capacity requirements at a later date to determine whether the Berth 100 extension is necessary to meet throughput demands. As discussed at our July 15, 2008 coordination meeting, the FEIS should clearly demonstrate that the Proposed Project is the LEDPA and that avoiding fill for the Berth 100 extension would result in increased environmental impacts greater than Alternative 4, Reduced Fill.

Beneficial reuse opportunities should be identified for clean dredging sediment. The RDEIS states that minor dredging activities might occur to remove sediments that have settled near Berth 102 since the Channel Deepening Project dredging occurred. This material would be disposed of at the Anchorage Road disposal site. The document also states that a portion of the material removed for the Channel Deepening Project was found to be unsuitable for unconfined ocean disposal and therefore taken the upland Anchorage Road site, typically used for contaminated sediments. The FEIS should describe sediment characterization protocols that will be used to determine disposal options for dredged material. EPA strongly encourages the Corps and Port to identify beneficial reuse opportunities for clean dredged material. Otherwise, we agree that the Anchorage Road disposal site is appropriate for contaminated sediments.

1-21

EPA and the Corps have recently established a Dredged Material Management Team (DMMT) for the Southern California region. Regular monthly meetings are occurring to facilitate interagency discussion of dredging projects. The DMMT meetings provides a forum for the Port to present projects, discuss sediment sampling and analysis plans, testing results, beneficial use, and other dredging related issues. For additional information on the DMMT, please contact EPA staff Allan Ota at (415) 972-3476 or by email at ota.allan@epa.gov, or Jorine Campopiano at (213) 244-1808 or by email at campopiano.jorine@epa.gov.

1-21

Recommendation:

The FEIS should describe sediment characterization methods for any dredged material and identify beneficial reuse opportunities for clean sediment. EPA also encourages the Port to take advantage of the DMMT to discuss dredging related issues.

Biological Resources

A port-wide marine mammal vessel strike reduction program should be developed. The RDEIS describes potential direct and cumulative impacts to several marine species including marine mammals. According to the document, vessel strikes in the eastern North Pacific have been recorded for blue whale, fin whale, humpback whale, and sperm whale (p. 4-43). As described in the document, over the past twenty-five years reported whale strikes along the California coast have averaged less than three per year, however this number is misleading in that it is limited to strikes that were both known and reported. Based on the likelihood that all whale strikes are not known or reported, it can be assumed that the actual number is higher.

1-22

NOAA Fisheries has identified vessel strikes as a major, if not the single most significant human-caused direct impact to whales. EPA recognizes the Port's mitigation measure BIO-2, Vessel Speed Reduction Program and the benefits to both potentially reduced vessel strikes as well as to air quality. However, we do not agree with the statement in the document that no other mitigation measures are available to avoid vessel strikes.

Recent research at Cornell University has found that listening for whales using underwater microphones has improved the ability to locate whales near shipping lanes, when compared to visual observation⁷. This research in Cape Cod Bay has led to a warning system for vessels to reduce their speed to 10 knots when whales are observed in the area. With the cumulative increase of projected ship traffic, the Port should consider improving methods to identify whales in and near shipping lanes serving the San Pedro Bay Ports.

Recommendation:

The Port of LA should work with the Port of Long Beach to institute improved methods for identifying whales that are potentially in harms way from vessels using the San Pedro Ports. A sound-based system similar to that used in Cape Cod should be considered as a way to inform ships of whales detected in the area and as a trigger to reduce their speeds. This is particularly important given the increasing vessel calls to the ports that are likely to result from increased throughput.

Noise

1-23

Consider changes in the construction schedule to reduce noise impacts on the local community. The RDEIS clearly describes basic information on noise, baseline noise conditions, and potential human health affects associated with excessive noise. The analysis indicates a significant and unavoidable impact from construction for the proposed project and alternatives 2 through 7, and from operations for the proposed project and alternative 4. Cumulative impacts to

⁷ Lindsay, Jay. The Associated Press, Eavesdropping on Wales to Avoid Ship Strikes describes, May 7, 2007. Available on line at: <http://www.msnbc.msn.com/id/24501872/>

sensitive receptors from construction of the proposed project or any alternatives are considered cumulatively considerable.

Several mitigation measures are proposed to reduce noise impacts from construction, including consistency with construction hours prescribed in the City of Los Angeles Noise Ordinance. This includes prohibiting construction between the hours of 7:00 AM and 9:00 PM on weekdays and between 8:00 AM and 6:00 PM on Saturdays. Given the construction duration and close proximity to sensitive receptors that are already disproportionately affected by noise and other port-related health impacts, EPA suggests soliciting input from the local community to determine whether construction until 9:00 PM on weekdays could be characterized to be, "In a manner as to disturb the peace and quiet of neighboring residents or any reasonable person of normal sensitiveness residing in the area" (41.40 LAMC- Construction Noise). The Port should also consider whether it would be appropriate to further mitigate noise impacts by avoiding the use of louder equipment, like hydro hammers, after 6:00 PM on weekdays.

1-23

Recommendation:

To further reduce noise-related health impacts to sensitive receptors near the Project, the Corps and Port should solicit input from the local community to determine whether construction until 9:00 PM on weekdays would be a disturbance. Consider avoiding the use of louder construction equipment, like hydrohammers, after 6:00 PM.

Purpose and Need

Replace the word "maximize" with "optimize" in the purpose and need statement. A project purpose of maximizing container-handling efficiency and capacity could unfairly favor the selection of the Proposed Project. As stated in EPA's October 16, 2006 comment letter on the retracted DEIS for the Project, we recommend replacing the word "maximize" with "optimize" when describing the overall project purpose. The RDEIS still states that the "overall purpose of the proposed Project is to establish and maximize container-handling efficiency and capacity at Berths 97-109 in the West Basin to address the need to optimize Port lands and terminals for current and future containerized cargo handling." EPA acknowledges the Port's projected growth of throughput and the forecast modeling that indicates that "Port container facilities are expected to be constrained by the physical capacity of the terminals... in the year 2030" (p. 1-10). However, as stated in our October 16, 2006 letter, we are concerned that "a standard to *maximize* use could potentially eliminate less damaging but still practicable alternatives that would otherwise meet the basic project purpose."

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Recommendation:

EPA recommends replacing the word "maximize" with "optimize" in the purpose and need statement. Based on our July 15, 2008 meeting, the Corps and Port should at a minimum, provide an explanation in the FEIS why the current purpose and need statement will not unfairly favor selection of the Proposed Project.

Alternatives

Consider a longer construction timeframe to further mitigate Project impacts. The RDEIS analyzes a reasonable range of alternatives, but could go further in refining the alternatives to

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potentially reduce impacts by modifying the construction schedules. The RDEIS states that while construction of the Project would be completed by 2012, throughput would continue to grow between 2012 and 2030. While there may be cost and logistical advantages to completing the entire project by 2012, EPA is concerned with the level of Project impacts that might otherwise be reduced if construction were to take place over a longer period of time. Potential impacts that EPA believes could be avoided or minimized include air quality emissions and noise from construction and resulting health impacts to the neighboring environmental justice communities, fill of waters of the US, and biological resources.

1-25

The current proposal is to complete the entire project by 2012, 18 years in advance of forecasted throughput limits. The current construction proposal would also occur prior to the full implementation of the CAAP. The Corps and the Port should discuss environmental benefits of an alternative that would wait to construct the Berth 100 extension and develop all available backlands as projected throughput demands come on line.

Recommendation:

We recommend considering a modified alternative that would alter the construction time frame to reduce impacts, coincide with throughput projections, and benefit more from implementation of CAAP measures.

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

2.3.1 USEPA (Comment Letter 1)

- 1-1 Thank you for your comment. We also appreciated meeting with you to discuss your comments. The Port and USACE appreciate EPA's time and participation in the Project. Please see the detailed responses to your comments below.
- 1-2 The comment is noted. Please see the detailed response in Comments 1-9, 1-10, 1-11, and 1-12. While the USACE Final EIS discloses and discusses various construction and operational impacts and mitigation measures for the proposed Project and alternatives, the Record of Decision (ROD) would recognize that most of the mitigation measures identified in the EIS/EIR, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles as the local agency with continuing program control and responsibility through its tenant leases. The CAAP is a lasting emission-reduction plan for reduction of criteria pollutants. The mitigation measures contained in the Recirculated Draft EIS/EIR would be in effect over the 40-year life of the proposed Project (the 40-year lease began in 2005; therefore, a number of the mitigation measures would not begin until approval of Phases II and III, consistent with the ASJ) and would minimize emissions from construction and operation of the proposed Project. The CAAP, the construction mitigation, and the proposed Project-level mitigation included in the Recirculated Draft EIS/EIR, combined with federal, state, and regional regulations, would result in a substantial reduction of emissions at the Port and in the South Coast Air Basin.
- Regarding conformity, please see the response to Comment 1-16.
- 1-3 Thank you for your comment. The Port's primary means of reducing its air quality impacts on the community is by reducing the source of the impact (i.e., by reducing air emissions) through a variety of Port-wide clean air initiatives, as well as through mitigation measures imposed on the construction and operation of specific leaseholders. Please see the detailed responses to Comments 1-17, 1-18, 1-19, 1-23, and 1-25.
- 1-4 Thank you for your comment. Please see the detailed response to Comment 1-20, which includes a response to the least environmentally damaging practicable alternative (LEDPA) issue.
- 1-5 Thank you for your comment. Please see the detailed response to Comment 1-21.
- 1-6 Thank you for your comment. USEPA general concerns and additional mitigation recommendations are noted. Additional response with respect to marine mammal vessels strikes and additional mitigations beyond the vessel-strike reduction program is addressed in response to Comment 1-22.
- 1-7 Thank you for your comment. The general concerns of USEPA regarding the use of the word "maximize" are noted. Please see the detailed response to Comment 1-24.
- 1-8 Copies of the Final EIS will be furnished to USEPA as requested.
- 1-9 The mitigation measures prescribed for the proposed Project would become part of the applicant's lease and would no longer be tied to implementation of the CAAP. Any changes to the CAAP implementation schedule would not affect the implementation schedule for the proposed construction and operational mitigations measures. Therefore, the mitigation measures would not

1 automatically change if the CAAP changes. However, should the CAAP
2 measures be strengthened in the future, **MM AQ-22** provides a means for these
3 additional measures to be incorporated into the applicant's lease if determined to
4 be feasible for the proposed Project (or selected alternative). Under **MM AQ-22**,
5 the opportunity to add new measures to the lease would occur once every 7 years.
6 While the USACE Recirculated Draft and Final EIS disclose and discuss various
7 construction and operational impacts and mitigation measures for the proposed
8 Project and alternatives, the ROD would recognize that most of the mitigation
9 measures identified in the Recirculated Draft and Final EIS/EIR, particularly
10 those focused on upland operations, would be implemented, maintained, and
11 monitored by the Port of Los Angeles, as the local agency with continuing
12 program control and responsibility, pursuant to the Mitigation Monitoring and
13 Reporting Program (MMRP) required by the certified EIR and through its tenant
14 leases

15 **1-10** The Final EIS includes the proposed mitigation that would be implemented in a
16 timely manner and implementation of the measures would be tracked and
17 monitored in an MMRP under CEQA. While the USACE Recirculated Draft and
18 Final EIS disclose and discuss various construction and operational impacts and
19 mitigation measures for the proposed Project and alternatives, the ROD would
20 recognize that most of the mitigation measures identified in the Recirculated
21 Draft and Final EIS/EIR, particularly those focused on upland operations, would
22 be implemented, maintained, and monitored by the Port of Los Angeles as the
23 local agency with continuing program control and responsibility, pursuant to the
24 MMRP required by the certified EIR and through its tenant leases.

25 The CAAP is a nonbinding plan containing several policies and implementation
26 strategies, one of which is incorporating mitigation measures into leases for the
27 terminal. The CAAP provides a menu of emission-reduction measures that can
28 be adopted as mitigation through a lease if determined feasible on a project-
29 specific level. In the Recirculated Draft EIS/EIR, all CAAP measures
30 determined by the Port to be feasible for the proposed Project are prescribed as
31 mitigation. Other CAAP measures were deemed not to be feasible on a project-
32 specific level because they either are not applicable to the proposed Project (or
33 alternatives) or they can be implemented only on a Port-wide basis.

34 The Port and USACE have prescribed a number of mitigation measures in the
35 Recirculated Draft EIS/EIR that together would substantially reduce the cancer-
36 risk impact of the proposed Project. These measures include **MM AQ-1** through
37 **MM AQ-8** for the construction phase, and **MM AQ-9** through **MM AQ-24** for
38 operation of the Terminal. The effects of these measures on the proposed Project
39 are evident by comparing Table 3.2-36 (before mitigation) with Table 3.2-37
40 (after mitigation). For example, the mitigation measures would reduce the
41 maximum NEPA increment at a residence by 79 chances in a million
42 (specifically, from 90 to 11 chances in a million, or just over the identified 10 in
43 a million significance threshold).

44 As mentioned in Comment 1-2, construction and operation of the proposed
45 Project would generate significant emissions of criteria pollutants without
46 mitigation. Therefore, while many of the mitigation measures for the proposed
47 Project originate directly from the CAAP, several mitigation measures for Project
48 operations would surpass the commitments of the CAAP, including:

- 1 ■ **MM AQ-13** (Reroute Cleaner Ships). The CAAP has no similar element.
- 2 ■ **MM AQ-15** (Alternative-Fueled Yard Tractors and Toppicks). The CAAP
- 3 has fuel-neutral elements for cargo handling equipment. By contrast, this
- 4 measure would replace diesel equipment with alternative-fueled equipment,
- 5 thereby eliminating DPM emissions and reducing health risk impacts.
- 6 ■ **MM AQ-17** (Electric RTGs and Electric Yard Tractors [pilot project]). The
- 7 CAAP has fuel-neutral elements for cargo-handling equipment. By contrast,
- 8 this measure would replace diesel rubber tired gantry cranes (RTGs)
- 9 equipment with electric RTGs, thereby eliminating criteria pollutant and
- 10 DPM emissions and reducing health risk impacts. In addition (as discussed
- 11 below), the measure includes an electric yard tractor pilot program. The
- 12 tenant at Berth 97-109 shall participate in a 1-year electric yard tractor (truck)
- 13 pilot project. As part of the pilot project, two electric tractors will be
- 14 deployed at the terminal within 1 year of lease approval. If the pilot project
- 15 is successful in terms of operation, costs, and availability, the tenant shall
- 16 replace half of the Berth 97-109 yard tractors with electric tractors within
- 17 5 years of the feasibility determination.
- 18 ■ **MM AQ-20** (LNG Trucks). The CAAP has fuel-neutral elements for trucks.
- 19 By contrast, this measure would replace diesel trucks with LNG trucks,
- 20 thereby eliminating DPM emissions and reducing health risk impacts.
- 21 ■ **MM AQ-21** (Truck Idling Reduction). The CAAP has no similar element.

22 In response to a number of comments received on the Recirculated Draft EIS/EIR,
23 **MM AQ-17** has been amended as shown below has been added to the Project:

24 **MM AQ-17: Yard Equipment at Berth 97-109 Terminal.**

- 25 ■ **September 30, 2004: All diesel-powered toppicks and sidepicks**
- 26 **operated at the Berth 97-109 terminal shall run on emulsified diesel**
- 27 **fuel plus a DOC (*ASJ Requirement*).**
- 28 ■ **January 1, 2009:**
 - 29 □ **All RTGs shall be electric.**
 - 30 □ **All toppicks shall have the cleanest available NO_x alternative**
 - 31 **fueled engines meeting 0.015 gm/hp-hr for PM**
 - 32 □ **All equipment purchases other than yard tractors, RTGs, and**
 - 33 **toppicks shall be either (1) the cleanest available NO_x**
 - 34 **alternative-fueled engine meeting 0.015 gm/hp-hr for PM or (2)**
 - 35 **the cleanest available NO_x diesel-fueled engine meeting**
 - 36 **0.015 gm/hp-hr for PM. If there are no engines available that**
 - 37 **meet 0.015 gm/hp-hr for PM, the new engines shall be the**
 - 38 **cleanest available (either fuel type) and will have the cleanest**
 - 39 **VDEC.**
- 40 ■ **By the end of 2012: all terminal equipment less than 750 hp other**
- 41 **than yard tractors, RTGs, and toppicks shall meet the USEPA Tier 4**
- 42 **on-road or Tier 4 non-road engine standards.**

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- **By the end of 2014: all terminal equipment other than yard tractors, RTGs, and toppicks shall meet USEPA Tier 4 non-road engine standards.**
 - **In addition to the above requirements, the tenant at Berth 97-109 shall participate in a 1-year electric yard tractor [truck] pilot project. As part of the pilot project, two electric tractors will be deployed at the terminal within 1 year of lease approval. If the pilot project is successful in terms of operation, costs and availability, the tenant shall replace half of the Berth 97-109 yard tractors with electric tractors within 5 years of the feasibility determination.**

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1-11 The response to Comment 1-10 discusses five mitigation measures for project operations that go beyond the commitments of the CAAP, and the response to Comment 1-9 describes how these mitigation measures would become lease measures and, therefore, would be unaffected by future changes to the CAAP except for possible strengthening through implementation of **MM AQ-22**. In addition, all proposed mitigation measures in the Recirculated Draft and Final EIS/EIR would be included in an MMRP and would be referenced in the ROD. The MMRP would describe how and when the mitigation measures would be implemented. Many of the mitigation measures take effect prior to or concurrent with construction of Phases II and III of the Project (as a reminder, Phase I was constructed and has been operating since 2004). As discussed in the response to Comment 1-10 above, while the USACE Final EIS discloses and discusses various construction and operational impacts and mitigation measures for the proposed Project and alternatives, the ROD would recognize that most of the mitigation measures identified in the Final EIS/EIR, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles as the local agency with continuing program control and responsibility through its tenant leases, pursuant to the MMRP required by the certified EIR.

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1-12 Thank you for your comment. Please see the detailed responses to Comments 1-10 and 1-11 above regarding mitigation in the ROD. Quantification of additional emission reductions from implementing construction mitigation is addressed below:

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- **MM AQ-5 (Best Management Practices)** – Some of the best management practices (BMPs) identified in this measure, such as idling restrictions and emission-control devices on diesel engines, are included in **MM AQ-3** and **MM AQ-4**; therefore, emissions reductions from this measure are quantified in the Recirculated Draft EIS/EIR. As stated in the measure, the construction contractor’s final equipment list would affect the extent to which additional BMP measures could be implemented. As a result, additional BMP measures were not quantified.

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- **MM AQ-7 (General Mitigation Measure)** – This measure depends on the availability and feasibility of future technologies; therefore, emissions reductions from this measure cannot be quantified at this time.

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- **MM AQ-8 (Special Precautions near Sensitive Sites)** – This measure involves public notification; therefore, this measure would have no effect on emissions.

1 The emission reductions associated with the following operational mitigation
2 measures were not quantified in the Recirculated Draft EIS/EIR:

- 3 ■ **MM AQ-13** (Reroute Cleaner Ships) – Although this measure would require
4 that 75 percent of ships comply with NO_x Annex VI limits, its effectiveness
5 was not quantified because the compliance rate of the unmitigated ship fleet
6 cannot be known with certainty. In other words, it is likely that some of the
7 ships in the unmitigated ship fleet would already be compliant with NO_x
8 Annex VI. Therefore, to avoid overstating the effectiveness of this measure,
9 the Port conservatively decided to treat all ships as noncompliant with
10 Annex VI. This approach would tend to slightly overestimate NO_x
11 emissions from ship main engines for both the unmitigated and mitigated
12 Project.
- 13 ■ **MM AQ-14** (New Vessel Builds) – The specific emission-reduction
14 technologies used on new vessels would depend on availability and
15 feasibility of the technology on a case-by-case basis; therefore, the
16 effectiveness of this measure was not quantified.
- 17 ■ **MM AQ-21** (Truck Idling Reduction Measure) – The effectiveness of this
18 measure depends on the extent to which the terminal operator can implement
19 the components of the measure; therefore, the effectiveness of this measure
20 was not quantified.
- 21 ■ **MM AQ-22** (Periodic Review of New Technology and Regulations) – This
22 measure depends on the availability and feasibility of future technologies;
23 therefore, emissions reductions from this measure cannot be quantified at this
24 time.
- 25 ■ **MM AQ-23** (Throughput Tracking) – This measure is a safeguard against
26 emissions exceeding the projections in the Recirculated Draft EIS/EIR.
27 Because throughput is not anticipated to exceed those projections, this
28 measure is not assumed to reduce emissions.
- 29 ■ **MM AQ-24** (General Mitigation Measure) – This measure depends on the
30 availability and feasibility of future technologies; therefore, it cannot be
31 quantified at this time.

32 **1-13** Please refer to the discussion of **MM AQ-13** (Reroute Cleaner Ships) in response
33 to Comment 1-12.

34 **1-14** This comment pertains to the emission calculations for tugboats used during
35 construction before mitigation. The tugs used for construction are often different
36 than those of the existing Port fleet because contractors could have their own
37 tugboats. Therefore, it is unknown if the fleet used during construction would
38 have the same percentage of Tier 2 engines as the entire tugboat fleet at the Port.
39 Therefore, to avoid understating the tugboat emissions, the emission calculations
40 for unmitigated tugboats during construction of the Project assumed the use of
41 uncontrolled engines. This represents a conservative approach in terms of
42 identification of potential impacts. Note that after mitigation, Tier 2 or Tier 3
43 engines would be used on all harborcraft during construction, per **MM AQ-1**.

44 **1-15** To facilitate the decision-making process under CEQA and NEPA, this
45 Recirculated Draft EIS/EIR used approved rules, regulations, and the best
46 available emission factors at the time of document preparation. Although

1 emissions could be further reduced in the future due to CAAP implementation,
2 the exact nature of those reductions is not currently foreseeable. It would be
3 speculation to assume any specific future changes to rules, regulations or related
4 emission factors. It should be noted that emission factors are likely to be
5 improved, so the assumptions in the Recirculated Draft EIS/EIR are considered
6 conservative.

7 **1-16** On November 30, 1993, EPA promulgated final general conformity regulations
8 at 40 CFR 93 Subpart B for all federal activities except those covered under
9 transportation conformity. On September 14, 1994, South Coast Air Quality
10 Management District (SCAQMD) adopted these regulations by reference as part
11 of Rule 1901. The general conformity regulations apply to a proposed federal
12 action in a nonattainment or maintenance area if the total of direct and indirect
13 emissions of the relevant criteria pollutants and precursor pollutants caused by
14 the proposed action equal or exceed certain de minimis amounts, thus requiring
15 the federal agency to make a determination of general conformity. Regardless of
16 the proposed action's exceedance of de minimis amounts, if this total represents
17 10 percent or more of the area's total emissions of that pollutant, the action is
18 considered regionally significant, and the federal agency must make a
19 determination of general conformity. By requiring an analysis of direct and
20 indirect emissions, EPA intended the regulating federal agency to make sure that
21 only those emissions that are reasonably foreseeable and that the federal agency
22 can practicably control subject to that agency's continuing program responsibility
23 will be addressed. The general conformity regulations incorporate a stepwise
24 process, beginning with an applicability analysis.

25 According to EPA guidance (EPA, 1994), before any approval is given for a
26 proposed action to go forward, the regulating federal agency must apply the
27 applicability requirements found at 40 CFR 93.153(b) to the proposed action
28 and/or determine the regional significance of the proposed action to evaluate
29 whether, on a pollutant-by-pollutant basis, a determination of general conformity
30 is required. The guidance states that the applicability analysis can be (but is not
31 required to be) completed concurrently with any analysis required under NEPA.
32 If the regulating federal agency determines that the general conformity
33 regulations do not apply to the proposed action, no further analysis or
34 documentation is required. If the general conformity regulations do apply to the
35 proposed action, the regulating federal agency must next conduct a conformity
36 evaluation in accord with the criteria and procedures in the implementing
37 regulations, publish a draft determination of general conformity for public review,
38 and then publish the final determination of general conformity.

39 A general conformity determination will be necessary for the proposed federal
40 action. The Draft Conformity Determination has been prepared and is included
41 as Appendix P in the Final EIS/EIR, and Section 3.2.3.1 (Conformity Statement)
42 has been updated to reflect this. It should be noted that the conformity finding is
43 not the same as an impact finding under NEPA.

44 **1-17** Thank you for your comment. The Recirculated Draft EIS/EIR identifies
45 substantial mitigation that will be applied to the selected alternative to address
46 Project-level impacts to air quality, transportation, and noise. These mitigation
47 measures would also minimize the contribution of the Project (or alternative) to
48 cumulative impacts. In Chapter 5 of the Recirculated EIS/EIR (Environmental
49 Justice), the Port and USACE have put forth a tremendous level of effort to

1 identify all feasible measures to reduce or avoid impacts of the proposed Project
2 that would disproportionately affect minority or low-income populations.

3 The USACE and Port are committed to mitigating disproportionate effects to the
4 extent feasible. The Port's primary means of mitigating the disproportionate
5 effects of air quality impacts is to address the source of the impact through a
6 variety of Port-wide clean air initiatives, including the CAAP, the Sustainable
7 Construction Guidelines, and the proposed CAAP San Pedro Bay (Health)
8 Standards. As part of the San Pedro Bay Standards, the Port will complete a
9 Port-wide Health Risk Assessment (HRA) covering both the Port of Los Angeles
10 and the Port of Long Beach that will include a quantitative estimate of health risk
11 impacts from diesel particulate matter (DPM) emissions of the Port's overall
12 existing and planned operations. Current and future proposed projects' approval
13 will be dependent on meeting the San Pedro Bay Standards.

14 The primary purpose of the proposed San Pedro Bay Standards is to provide a
15 valuable tool for long-term air quality planning, aiding the Ports and the agencies
16 with evaluating and substantially reducing the long-term overall health risk
17 effects of future projects and ongoing port operations' emissions over time. The
18 ports will use the San Pedro Bay Standards in CEQA documents as a tool in the
19 cumulative health risk discussions, although consistency with the Standards will
20 not serve as a standard of impact significance. When evaluating projects, a
21 consistency analysis with the assumptions used to develop the health risk and
22 criteria pollutant San Pedro Bay Standards will be performed in order to ensure
23 that the proposed project is fully contributing to attainment of the San Pedro Bay
24 Standards. The forecasting used to develop San Pedro Bay Standards assumed
25 implementation of the CAAP and on projected future Ports' operations through
26 the specified CAAP implementation mechanisms and also assumed
27 implementation of existing regulations. As long as the project is consistent with
28 growth projection assumptions used to develop the San Pedro Bay Standards, and
29 the CAAP mitigations for the project are consistent with the mitigation
30 assumptions used to develop the San Pedro Bay Standards, then the project can
31 be deemed consistent with the San Pedro Bay Standards. The proposed Project is
32 consistent with the San Pedro Bay Standards as it is consistent with projections
33 of the Ports' future operations used in formulating the San Pedro Bay Standards,
34 and as it exceeds compliance with applicable CAAP measures as shown in
35 Table 3.2-26 of the Recirculated Draft EIS/EIR.

36 The Port is also developing a comprehensive Climate Change Action Plan to
37 address GHG emissions from Port operations. GHG emissions at the Port are
38 largely a function of diesel combustion and thereby addressing these emissions
39 will not only help address potential climate change effects but also local health
40 issues from diesel sources.

41 In addition, through a Memorandum of Understanding (MOU), the Port
42 previously agreed to establish a Port Community Mitigation Trust Fund geared
43 towards addressing the overall off-port impacts created by Port operations
44 outside of the context of project-specific NEPA and/or CEQA documents. This
45 fund includes, for example, approximately \$6 million for air filtration in schools
46 and funding for an initial study of off-Port impacts on health and land use in
47 Wilmington and San Pedro, as well as a more detailed subsequent study of off-
48 Port impacts of existing Port operations, examining aesthetics, light and glare,
49 traffic, public safety and effects of vibration, recreation, and cultural resources

1 related to port impacts on harbor area communities. As part of the MOU, the
 2 Port would contribute \$3.50 per container received at the proposed Project
 3 terminal up to an amount of approximately \$4 million. The off-Port community
 4 benefits of the MOU are designed to offset overall effects of existing Port
 5 operations. While the MOU does not alter the legal obligations of the lead
 6 agencies under NEPA or CEQA to disclose and evaluate mitigation measures to
 7 reduce or avoid cumulative impacts of the Project, and therefore is not an
 8 environmental justice mitigation per se, it would have particular benefits for
 9 harbor area communities where disproportionate effects could occur.

10 Despite identification of all feasible mitigation measures, as required by CEQA,
 11 significant unavoidable adverse impacts will remain after implementation of the
 12 mitigation measures (under both CEQA and NEPA). The Environmental Justice
 13 evaluation bases its identification of high and adverse impacts to minority and
 14 low-income population upon these significant unavoidable adverse NEPA
 15 impacts. Regarding the comment that the Recirculated Draft EIS does not
 16 propose any measures to mitigate significant and unavoidable impacts identified
 17 in Chapter 5, all feasible mitigation measures have been identified for each
 18 environmental resource topic addressed in the Recirculated Draft EIS/EIR and
 19 would be implemented and tracked via the MMRP required under CEQA.

20 **1-18** Please see response to Comment 1-17. As part of the San Pedro Bay Standards,
 21 the Port will complete a Port-wide Health Risk Assessment (HRA) covering both
 22 the Ports of Los Angeles and Long Beach that will include a quantitative estimate
 23 of overall health risk impacts from the Ports' existing and planned operations.
 24 Current and future projects' approval will be dependent on meeting the San
 25 Pedro Bay Standards.

26 The primary purpose of the San Pedro Bay Standards is to provide a valuable tool
 27 for long-term air quality planning, aiding the Ports and the agencies with
 28 evaluating and substantially reducing the long-term overall effects of future
 29 projects and ongoing port operations emissions over time. The ports will use the
 30 San Pedro Bay Standards in CEQA documents as a tool in the cumulative health
 31 risk discussions, although consistency with the Standards will not serve as
 32 a standard of impact significance. When evaluating projects, a consistency
 33 analysis with the assumptions used to develop the health risk and criteria
 34 pollutant San Pedro Bay Standards will be performed to ensure that the proposed
 35 Project is contributing to attainment of the San Pedro Bay Standards. The
 36 forecasting used to develop San Pedro Bay Standards assumed implementation of
 37 the CAAP through the specified implementation mechanisms and
 38 implementation of existing regulations. As long as the mitigations for the project
 39 are consistent with the assumptions used to develop the San Pedro Bay Standards,
 40 then the project can be deemed consistent with the San Pedro Bay Standards.
 41 The proposed Project is consistent with the San Pedro Bay Standards because it
 42 is consistent with the growth projections assumed in developing the San Pedro
 43 Bay Standards and exceeds compliance with applicable CAAP measures as
 44 shown in Table 3.2-26 of the Recirculated Draft EIS/EIR. The San Pedro Bay
 45 Standards were developed in close coordination with the South Coast AQMD
 46 and CARB.

47 The comment suggests conducting a port-wide Health Impact Assessment (HIA).
 48 According to the World Health Organization (WHO), a Health Impact
 49 Assessment (HIA) is "*A combination of procedures, methods and tools by which*

1 *a policy, program or project may be judged as to its potential effects on the*
2 *health of a population, and the distribution of those effects within the*
3 *population.”* Recommendations are produced for decision makers and
4 stakeholders, with the aim of maximizing the proposal’s positive health effects
5 and minimizing the negative health effects. Because the Recirculated Draft
6 EIS/EIR discloses the environmental impacts, including health risk impacts, of
7 the proposed Project, the Recirculated Draft EIS/EIR is not required to
8 additionally include a separate, full-blown HIA. Nevertheless the Recirculated
9 Draft EIR/EIR included a number of health assessment tools to accomplish many
10 of the goals of an HIA. These tools include a full project-specific Health Risk
11 Assessment (HRA), criteria pollutant modeling, morbidity/mortality analysis, an
12 Environmental Justice analysis, and a Socioeconomic analysis. These analyses
13 are presented in the Recirculated Draft EIS/EIR for the proposed Project and all
14 project alternatives (including the No Federal Action/No Project Alternative),
15 allowing the reader, and subsequently the Board and USACE (the decision
16 makers) to compare and contrast the benefits and costs among all proposals.

17 The HRA, as presented in Section 3.2 and Appendix E, examined the cancer risks
18 and the acute and chronic noncancer health risks associated with the proposed
19 Project and all Project alternatives on the local communities. Health risks are
20 analyzed for five different receptor types: residential, sensitive (elderly and
21 immuno-compromised), student, recreational, and occupational. Health risks are
22 reported over geographical areas (for example, the HRA includes cancer risk
23 isopleths to illustrate risk patterns in the communities). The HRA is based on
24 procedures developed by public health agencies, most notably the California
25 Office of Environmental Health Hazards Assessment (OEHHA). Section 3.2 and
26 Appendix E also include a discussion of some recent studies that link pollution,
27 specifically DPM, to various health impacts including cancer, asthma, and
28 cardiovascular disease.

29 The Recirculated Draft EIS/EIR also includes a particulate matter mortality
30 analysis that assesses the incidence (as opposed to risk) of premature death as a
31 result of the proposed Project. As discussed in Section 3.2, epidemiological
32 studies substantiate the correlation between the inhalation of ambient Particulate
33 Matter (PM) and increased mortality and morbidity (CARB 2004a and CARB
34 2007). The analysis is based on guidance from CARB and relies on numerous
35 studies and research efforts that focused on PM and ozone because these
36 represent a large portion of known risk associated with exposure to outdoor air
37 pollution. CARB’s analysis of various studies allowed large-scale quantification
38 of the health effects associated with emission sources.

39 The Environmental Justice Section (Chapter 5) of the Recirculated Draft EIS/EIR
40 evaluates whether the proposed Project and its alternatives would result in
41 disproportionately high and adverse human health or environmental impacts on
42 minority populations and/or low-income populations. The Environmental Justice
43 analysis looks at the Project and cumulative impacts as assessed in Chapters 3
44 and 4 of the Recirculated Draft EIS/EIR on minority and/or low-income
45 individuals in the local communities surrounding the Port. The Socioeconomic
46 Section (Chapter 7) encompasses a number of topical areas including
47 employment and income, population, and housing. Within each of these areas,
48 subtopics include an examination of conditions at different geographical scales

1 that are relevant to the potential impacts associated with implementation of the
2 proposed Project.

3 In addition, please see response to Comment 1-17 regarding the Port Community
4 Mitigation Trust Fund geared toward addressing the overall off-Port impacts
5 created by Port operations.

6 **1-19** Please see the response to Comments 1-17 and 1-18. All feasible mitigation
7 measures as required by CEQA have been applied to the proposed Project in the
8 Recirculated Draft EIS/EIR. It should be noted that the mitigation measures
9 provided in the Recirculated Draft EIS/EIR are consistent with the CAAP, which
10 has undergone extensive public review and which serves as the overall guide to
11 minimizing Port-wide air quality impacts to local communities. Regarding the
12 recommendation to provide a health care clinic, such a measure would not reduce
13 air emissions from the proposed Project, and so would not be an effective
14 mitigation measure under CEQA or NEPA to avoid or reduce any significant
15 impacts of the proposed Project on the physical environment. It is the intention
16 of the Port to directly reduce or eliminate the source of emissions and, therefore,
17 to reduce any long-term health care costs that might be associated with Port
18 project development.

19 Regarding suggestion to engage in proactive efforts to hire local workers and the
20 suggestion to provide public education programs, the Port has an ongoing set of
21 mechanisms to promote inclusion of small, minority, woman-owned, and similar
22 business enterprises, many of which are in the local area, in its contracting. In
23 addition, job training targeted to Harbor Area communities is provided by
24 economic development organizations, the City of Los Angeles, and other entities.
25 The Port provides outreach to the communities in the form of meetings with
26 PCAC, other community groups, and individuals. The Port also provides
27 educational information on its Web site, in newsletters that are available in
28 English and Spanish, through outreach at community events and festivals, and by
29 other means. Related to the suggestion of establishing Environmental
30 Management Systems, the Port has developed and is implementing an award-
31 winning Environmental Management System (briefly summarized in Section 1 of
32 the Recirculated Draft EIS/EIR) that improves efficiency and reduces
33 environmental impacts from operations.

34 Related to the suggestion to improve access to healthy food by establishing
35 markets on Port lands, most of the land administered by LAHD is zoned to allow
36 for coast-dependent cargo transport activities and related facilities, including
37 Berth 97-109 which is zoned industrial. Thus, although some of the land
38 administered by LAHD is zoned in such a way that it could accommodate a retail
39 or commercial use, establishing a retail outlet or farmer's market would not be
40 consistent with the zoning at Berth 97-109. Such a facility might be more
41 appropriate for the San Pedro or Wilmington Waterfront Projects, projects that
42 are developing applicable Port land for community use.

43 Finally, related to the suggestion to continue expansion and improvements to the
44 local community's parks and recreation system, as described above, the Port
45 Community Mitigation Trust Fund will fund a study of off-Port impacts,
46 including recreation and other topics. In addition, the Port's proposed San Pedro
47 Waterfront Project, if approved, would provide open space, recreation and
48 pedestrian amenities.

1 The Port currently operates a monitoring station in Wilmington and is adding
2 real-time recording that will be displayed on a Web site operated jointly by the
3 Ports of Los Angeles and Long Beach. The Port focuses its health-related
4 mitigation primarily on a wide array of measures to reduce the emissions that
5 cause the health impacts. In addition, the Ports of Los Angeles and Long Beach
6 are in the process of finalizing the CAAP San Pedro Bay Standards in
7 coordination with SCAQMD and CARB. In support of the CAAP, the South
8 Bay Ports will prepare a Port-wide Health Risk Assessment to more
9 quantitatively estimate cumulative impacts from Port complex operations and
10 individual projects.

11 In addition to the Port's mitigation of CEQA and NEPA impacts of Port
12 construction and operations, the Port has previously agreed through an MOU, to
13 establish a Port Community Mitigation Trust Fund geared toward addressing the
14 overall off-Port impacts created by Port operations outside the context of project-
15 specific NEPA and/or CEQA documents. This fund includes, for example,
16 approximately \$6 million for air filtration in schools and funding for an initial
17 study of off-Port impacts on health and land use in Wilmington and San Pedro, as
18 well as a more detailed subsequent study of off-Port impacts of existing Port
19 operations, examining aesthetics, light and glare, traffic, public safety and effects
20 of vibration, recreation, and cultural resources related to port impacts on harbor
21 area communities. As part of the MOU, the Port would contribute \$3.50 per
22 container received at the proposed Project terminal up to an amount of
23 approximately \$4 million. The off-Port community benefits of the MOU are
24 designed to offset overall effects of existing Port operations. While the MOU
25 does not alter the legal obligations of the lead agencies under NEPA or CEQA to
26 disclose and evaluate mitigation measures to reduce or avoid cumulative impacts
27 of the Project, which means it is not an environmental justice mitigation per se, it
28 would have particular benefits for harbor area communities where
29 disproportionate effects could occur.

30 **1-20** Commenter states that the proposed Project does not appear to be the least
31 environmentally damaging practicable alternative (LEDPA) and that
32 Alternative 4 appears to be practicable. Alternative 4 does make efficient use of
33 backlands, but it has less wharf capacity and throughput capacity than the
34 proposed Project. As shown in Appendix I of the Recirculated Draft EIS/EIR,
35 the proposed Project is slightly more efficient than Alternative 4 based on TEUs
36 per acre (10,900 versus 10,700 TEUs, respectively). The more efficient TEU
37 throughput associated with the proposed Project is due to the southern extension
38 of Berth 100, which will result in the additional 1.3 acres of fill. However, it is
39 important to recognize this fill would not result in a permanent loss of waters of
40 the U.S.; rather, soft bottomed habitat in this industrialized portion of the Port
41 would be converted to hard substrates (rocks and piles), which studies have
42 shown are as biologically productive as soft-bottomed habitat in a port setting.
43 The only permanent impact would be the conversion from one aquatic habitat
44 type to another in an industrialized and degraded portion of the Port, which the
45 resource agencies have recognized is biologically less valuable than other areas
46 in the Port, such as the Outer Harbor. Because container throughput demand
47 (31.6 million TEUs) is projected to exceed the ultimate terminal capacity of the
48 entire Port complex (22.4 million TEUs) by 2030 (see Section 1.1.3 of the
49 Recirculated Draft EIS/EIR), a reduction in wharf length under Alternative 4
50 would likely still result in construction of additional wharfage elsewhere in the

1 Port complex (less likely because the other terminals are assumed in the
2 projections to be operating at maximum capacity) or conceivably at another
3 location along the California coast, with potentially greater impacts to air, land,
4 and coastal resources than would occur under the proposed Project.

5 Regarding the commenter's support for an alternative that reduces impacts by
6 constructing the Project over time and in phases commensurate with throughput,
7 it should be noted that the physical capacity of the Port complex would be
8 exceeded regardless of construction phasing. Even with conservative growth
9 projections, the issue from a terminal capacity standpoint is the level of future
10 capacity shortfall. Extending the construction phasing across a greater number of
11 years would result in the same or greater level of impacts, just spread across a
12 greater timeframe because demand for terminal capacity would exceed supply
13 (see Section 1.1.3 of the Recirculated Draft EIS/EIR). In addition, there are the
14 logistical and economical issues associated with spreading or phasing
15 construction over a greater timeframe, as detailed in the response to
16 Comment 1-25 below.

17 **1-21** The comment is noted. The majority of the dredging at Berth 102 was previously
18 performed as part of the Channel Deepening Project. Due to the duration
19 between when that dredging was performed and when the wharf at Berth 102
20 would be constructed, a minor amount of maintenance dredging may be required
21 to remove sediments that have since settled on the marine bottom. The Port
22 anticipates that if maintenance dredging is required, only a minimal or negligible
23 amount of material would be removed (less than 1,000 cubic yards). The Port
24 and USACE have established a dredging protocol to test for the presence of
25 contaminants and to determine if the dredge material is contaminated and
26 requires disposal or confinement as a contaminated material. This protocol has
27 been added to the Final EIS/EIR. The Port will commit to the beneficial reuse of
28 dredge materials, provided the material is not contaminated. However, if it is
29 contaminated, the dredge material will be disposed of at the Anchorage Road soil
30 storage site or another suitable site. In addition, it should be noted that POLA
31 has been and will continue to participate in the referenced Dredged Material
32 Management Team (DMMT) meetings, and would discuss Project dredging as
33 the in-water construction approaches (subject to Project approval).

34 **1-22** Thank you for the comments regarding mammal vessel strikes and the research
35 on whale detection. An acoustic detection program was initiated off Cape Cod
36 Bay, Massachusetts, to reduce the potential for vessel collisions with North
37 Atlantic right whales. This species was hunted to near extinction, and the current
38 population is now at an estimated 350 to 400 individuals. The Cape Cod Bay
39 system consists of 13 acoustic buoys that can detect right whales within a 5-mile
40 radius. The buoys are moored within Cape Cod Bay and offshore in the shipping
41 lanes. If right whales are detected, certain ships are required to slow to 10 knots
42 and post lookouts to assist in sighting whales.

43 Several differences exist between Cape Cod Bay and the waters off Los Angeles-
44 Long Beach Harbors. The shipping lanes where the buoys are moored off Cape
45 Cod are in waters ranging up to 400 feet deep. The shipping lanes off the harbors
46 of Los Angeles and Long Beach are considerably deeper, exceeding 400 fathoms
47 (2,400 feet) north of the harbors. It is technologically difficult and infeasible
48 from an economic standpoint to maintain a buoy system in water depths of this
49 magnitude. Additionally, because the existing system in Cape Cod Bay relies on

1 passive sonar (listening devices) to determine if whales are present, the lack of
2 vocalizations from the primary species (gray whales) to be protected in the
3 Project vicinity would offer little or no increased protection from ship strikes.
4 Grey whales are not as vocal as some other whale species, and they are likely to
5 be the most abundant whales in the area during specific times of year. Also, no
6 data are published on the effectiveness of the system.

7 The cost associated with the Cape Cod right whale detection system was
8 approximately \$47 million to maintain and operate a system of 15 buoys for
9 40 years in relatively shallow water up to 400 feet deep (Cornell University,
10 2008). The buoys being anchored in 400 feet are a manageable size that can be
11 serviced by a smaller boat in the 30- to 50-foot range. However, anchoring in
12 1,000 to 3,000 feet (the depth of the shipping separation zone in the project area)
13 would require a much greater-sized buoy just to hold the anchor cable because
14 the cable alone would weigh thousands of pounds, which would require yearly
15 maintenance using a 100- to 200-foot buoy tender vessel for maintenance. Costs
16 would be significantly more than the Cornell estimate of \$47 million for 40 years.

17 Based upon the Jensen and Silber (2003) whale strike database and Laist et al.
18 (2001), it is believed that vessel strikes where the vessel is traveling at a speed of
19 less than 14 knots greatly reduces the risk for fatalities. The National Oceanic
20 and Atmospheric Administration (NOAA) suggests speeds less than 10 knots.
21 However, it is not known how effective speed reductions are in reducing
22 collisions, as explained in response to Comment 2-8 below.

23 The Port also researched a paper regarding forward-looking sonar on ships. The
24 ship-mounted sonar gave a warning within a radius of up to 84 meters, which is
25 less than the length of most oceangoing vessels. Such a system would not
26 provide adequate warning time or distance for an oceangoing vessel to take
27 evasive action (Miller and Potter, 2001).

28 **1-23** The evaluation of construction-related noise impacts in the Recirculated Draft
29 EIS/EIR identifies the hours when noise-producing construction activities are
30 prohibited by local ordinance, and Project construction would comply with the
31 ordinance, as applicable. As a matter of course, construction activities for Port
32 projects typically conclude by 6:00 p.m. Monday through Saturday for safety
33 reasons. A review of past wharf construction logs at Berth 100 shows that pile-
34 driving activity ceased by 6:00 p.m.

35 **1-24** The comment is noted. The Port and USACE developed the purpose and need
36 statement in the Recirculated Draft EIS/EIR with consideration that Port-wide
37 terminal capacity will fall short of container throughput demand by the year 2030.
38 As pointed out in the response to Comment 1-20, the Port-wide terminal capacity
39 shortfall could be approximately 9.2 million TEUs, even with all terminals
40 operating at maximum capacity. Because there is a need for all the terminals to
41 maximize terminal capacity in the Port complex, it is not expected that any
42 reduction in capacity at this terminal (i.e., less than what is proposed) could be
43 accommodated at another terminal elsewhere in the Port. This would result in
44 more demand going unmet.

45 The Port and USACE understand the concern over the word “maximize” in the
46 overall Project purpose statement; therefore, the term “optimize” has replaced
47 “maximize” in the purpose and need. Nonetheless, the Port and USACE
48 recognize the supported need at this and other terminals in the Port of Los

1 Angeles, as discussed in Section 1.1.3 of the EIS/EIR, for maximizing
2 throughput (i.e., “terminals will need to function at *maximum* capacity to
3 accommodate the cargo volumes coming into the Port.”). It should be noted that
4 the Recirculated Draft EIS/EIR recognizes the need to consider terminals with
5 less capacity and, clearly, the Recirculated Draft EIS/EIR equally analyzed
6 multiple alternatives with a range of throughput capacity. The position of both
7 lead agencies is to provide as much capacity as possible (i.e., attempt to meet the
8 need) while still meeting the statutory and regulatory requirements of our
9 Regulatory Program. Therefore, in recognizing the need to provide and optimize
10 terminal capacity in the context of a projected capacity shortfall across the Port
11 complex, consistent with the Section 404(b)(1) Guidelines, we would still
12 consider the degree in which a particular project or alternative would practicably
13 avoid and minimize impacts to the aquatic ecosystem and would not result in
14 other potentially significant environmental consequences, in identifying the
15 LEDPA (i.e., the proposed Project is not automatically the LEDPA).

16 **1-25** Commenter recommended extending the construction duration to reduce overall
17 construction-related impacts. However, it is more economical and less disruptive
18 to construct the entire terminal as a single event early in the useful life of the
19 terminal, which would minimize conflicts between construction and operations.
20 Once a terminal is operational, throughput increases over time, and delaying
21 some phases of terminal construction to the future could cause greater impacts
22 due to conflicts between more intensive operations and new construction.
23 Additionally, stopping terminal construction for extended periods and then
24 restarting is not economical due to multiple mobilizations of equipment and
25 resources, related air emissions, and conflicts with business operations on
26 surrounding properties. As a consequence, delaying construction phases to a
27 future date would likely result in increased overall construction durations,
28 compared to the proposed Project. Furthermore, it is likely that the population
29 will increase in the surrounding area over time, and delays in construction phases
30 could actually result in impacts to a greater number of receptors (and minority
31 and low-income populations) than if construction occurs earlier.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

JUL 17 2003

Colonel Thomas H. Magness, IV
U.S. Army Corps of Engineers
Los Angeles District
Regulatory Branch
ATTN: CESPL-CO-R-2003-01029-AOA
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Colonel Magness:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the U.S. Army Corps of Engineers' (Corps) and the Port of Los Angeles's (POLA) Re-Circulated Draft Environmental Impact Statement/Environmental Impact Report (RDEIS/EIR) for the Berth 97-109 China Shipping Container Terminal Project (Project). NMFS offers the following comments pursuant to section 305(b)(4)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), Endangered Species Act (ESA), Marine Mammal and Protection Act (MMPA) and the Fish and Wildlife Coordination Act.

Proposed Project

The proposed Project consists of the development and operation of a new container terminal for the China Shipping Lines at Berths 97-109. The terminal would be developed by POLA in three phases of construction, Phase I (completed and in operation since 2004), Phase II (estimated completion in 2011), and Phase III (estimated completion in 2012). The main elements of the Project that concern NMFS include dredging and wharf construction.

Phase I involved discharge of fill in 1.3 acres of waters of the U.S. associated with construction and operation of a 1,200-foot wharf at Berth 100. Of the 1,300 feet of new wharf, approximately 925 feet would be constructed on a previously approved dike at Berth 102 that was built as part of the Channel Deepening Project. The new wharf at Berth 102 would extend northward from the existing Berth 100 wharf. New wharf would also be constructed to extend Berth 100 an additional approximately 375 feet south into the Catalina Express Terminal. Only the Berth 100 southern wharf extension (approximately 375 feet) would require new rock dike (116,000 cubic yards) and fill (24,000 cubic yards). According to the RDEIS/EIR, a total of 2.54 acres of waters of the U.S. will be filled by the Project.



The construction of new wharves at Berth 100 required clamshell dredging to remove approximately 41,000 cubic yards of sediments, with that material disposed of at the POLA's Anchorage Road soil storage site. Major dredging is not necessary for Berth 102 because dredging was previously conducted in this area as part of the Channel Deepening Project. However, some minor maintenance dredging may be needed to remove sediments near Berth 102 that have settled since the Channel Deepening Project dredging, and this material would also be disposed of at the Anchorage Road soil storage site.

Magnuson-Stevens Fishery Conservation and Management Act Comments

Action Area

- 2-1 The proposed project occurs in essential fish habitat (EFH) for various federally managed fish species within the Pacific Groundfish and Coastal Pelagics Fishery Management Plans (FMPs). In addition, the project occurs within estuarine habitat, which is considered a habitat area of particular concern (HAPC) for various federally managed fish species within the Pacific Groundfish FMP. HAPC are described in the regulations as subsets of EFH which are rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area. Designated HAPC are not afforded any additional regulatory protection under MSA; however, federally permitted projects with potential adverse impacts to HAPC will be more carefully scrutinized during the consultation process.

Effects of the Action

- 2-2 Adverse impacts to EFH from the introduction of fill material may include 1) loss of habitat function and 2) changes in hydrologic patterns. Based on the REIS/EIR, placement of 2.54 acres of fill will occur. Pursuant to the Inter-Agency Bolsa Chica Memorandum of Agreement and the Outer Harbor Mitigation Bank signed by NMFS and a number of other regulatory and resource agencies, areas of the harbor designated as "Inner Harbor" for habitat mitigation purposes require the application of 0.5 credit to offset each acre of lost habitat, whereas areas designated as "Outer Harbor" require the application of 1.0 credit per acre of loss. The POLA intends to apply 1.27 credits available in the Bolsa Chica or Outer Harbor mitigation banks to compensate for this loss of EFH and Inner Harbor habitat for other fish and wildlife resources.

- 2-3 Another potential project concern is the spread of the invasive alga *Caulerpa taxifolia* from dredging activities. As you may be aware, this alga has been introduced to our coastline. Evidence of harm that can ensue as a result of an uncontrolled spread of the alga has already been seen in the Mediterranean Sea where it has destroyed local ecosystems, impacted commercial fishing areas, and affected coastal navigation and recreational opportunities. Although it is not known to be present within POLA, it has been detected in two other locations in Southern California. If the invasive alga is present within the project area, the dredging activities would adversely affect EFH by promoting its spread and increasing its negative ecosystem impacts.

EFH Conservation Recommendations

As described in the above effects analysis, NMFS has determined that the proposed action would adversely affect EFH for various federally managed fish species within the Coastal Pelagics Species and the Pacific Coast Groundfish FMPs. NMFS believes the use of Bolsa Chica or Outer Harbor mitigation credits would adequately offset the adverse effects associated with the 2.54 acre fill. In addition to this proposed measure, NMFS offers the following EFH conservation recommendation to avoid, minimize, mitigate, or otherwise offset the adverse effects to EFH pursuant to section 305(b)(4)(A) of the MSA.

2-4

- If maintenance dredging is needed, a pre-construction survey for *Caulerpa* of the project area should be conducted in accordance with the *Caulerpa* Control Protocol (see <http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf>) not earlier than 90 days prior to planned construction and not later than 30 days prior to construction. The results of that survey should be transmitted to NMFS and the California Department of Fish and Game at least 15 days prior to initiation of proposed work. In the event that *Caulerpa* is detected within the project area, no work shall be conducted until such time as the infestation has been isolated, treated, and the risk of spread is eliminated.

Statutory Response Requirement

Please be advised that regulations at section 305(b)(4)(B) of the MSA and 50 CFR 600.920(k) of the MSA require your office to provide a written response to this letter within 30 days of its receipt and at least 10 days prior to final approval of the action. A preliminary response is acceptable if final action cannot be completed within 30 days. Your final response must include a description of measures to be required to avoid, mitigate, or offset the adverse impacts of the activity. If your response is inconsistent with our EFH conservation recommendations, you must provide an explanation of the reasons for not implementing those recommendations. The reasons must include the scientific justification for any disagreements over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects.

2-5

Supplemental Consultation

Pursuant to 50 CFR 600.920(l), the Corps must reinstate EFH consultation with NMFS if the proposed action is substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations.

2-6

Endangered Species Act Comments

Section 7 of the Endangered Species Act (ESA; see 16 U.S.C. § 1536(a)(2)) requires federal agencies to consult with the Secretary of Commerce to insure that "any action

authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species" See also 50 C.F.R. part 400.

2-7

On page 3.3-21 of the RDEIS/EIR, the Corps makes a *determination* that the proposed project would have "no effect" on marine mammals. Please note that the Corps should formally request concurrence from NMFS regarding any effects determination of possible impacts to those ESA-listed species under NMFS' jurisdiction.

Marine Mammal Protection Act Comments

2-8

An additional 234 ship calls to the Ports of Los Angeles and Long Beach, may increase the risk of a collision with a marine mammal. In the mitigation measure, MM BIO-2: The Vessel Speed Reduction Program, vessel speeds would be reduced to 12 knots between 40 nm from Point Fermin and in the Precautionary Area, with 100 percent compliance starting in 2009. Since the average ship speed for a container ship ranges from 18 to 25 knots, slowing the speed to 12 knots may reduce the likelihood of a collision with a whale (please note, when vessels travel at greater than 10 knots, collisions are usually fatal to the animal). NMFS supports this mitigation measure and reminds the Corps that in the unlikely event of a collision with a marine mammal, a report must be sent to the NMFS Southwest Regional Office's Stranding Coordinator, Mr. Joseph Cordaro.

Whales, dolphins, porpoises, seals, and sea lions are protected under the Marine Mammal Protection Act (MMPA). See 16 U.S.C. § 1361 *et seq.* Under the MMPA, it is generally illegal to "take" a marine mammal without prior authorization from NMFS. "Take" is defined as harassing, hunting, capturing, or killing, or attempting to harass, hunt, capture, or kill any marine mammal. Except with respect to military readiness activities and certain scientific research conducted by, or on behalf of, the Federal Government, "harassment" is defined as any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal in the wild, or has the potential to disturb a marine mammal in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

2-9

Marine mammals likely to be in the immediate project area are the California sea lion (*Zalophus californianus*) and possibly the Pacific harbor seal (*Phoca vitulina richardii*), although in fewer numbers than sea lions. The RDEIS/EIR mentions possible impacts to marine mammals from underwater sound from project-related vessels, dredging, and pile-driving. The noise generated from pile-driving or other construction could affect marine mammals located within the vicinity of the project site and has the potential to disturb a marine mammal. On page 3.3-46 of the RDEIS/EIR, temporary disturbance to fish and marine mammals was caused by dredging and wharf construction during Phase I activities. Underwater noise levels during dredging could range between 111 and 175 dB at 33 feet and pile-driving produces noise levels of 177 to 220 dB at 33 feet (page 3.3-21 RDEIS/EIR).

2-9

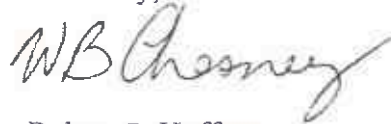
Sounds introduced into the sea by man-made devices could have a deleterious effect on marine mammals by causing stress or injury, interfering with communication and predator/prey detection, and changing behavior. Acoustic exposure to loud sounds, such as those produced by pile-driving activities, may result in a temporary or permanent loss of hearing (termed a temporary (TTS) or permanent (PTS) threshold shift) depending upon the location of the marine mammal in relation to the source of the sound. NMFS is currently in the process of determining safety criteria (i.e., guidelines) for marine species exposed to underwater sound. However, pending adoption of these guidelines we have preliminarily determined, based on past projects, consultations with experts, and published studies, that 180 dB re 1 $\mu\text{Pa}_{\text{RMS}}$ (190 dB re 1 $\mu\text{Pa}_{\text{RMS}}$ for pinnipeds) is the impulse sound pressure level that can be received by marine mammals without injury. Marine mammals have shown behavioral changes when exposed to impulse sound pressure levels of 160 dB re 1 $\mu\text{Pa}_{\text{RMS}}$.

2-10

The RDEIS/EIR refers to observations of pile-driving at the San Francisco-Oakland Bay Bridge East Span seismic safety project, where sea lions rapidly swam out of the area when piles were being driven and concluded based on the aforementioned observations, that sea lions, which are sometimes present in the West Basin, would be expected to avoid areas where sound pressure waves could affect them. The California Department of Transportation, the agency conducting the work described above for the seismic safety project, obtained an Incidental Harassment Authorization to cover the "take" of marine mammals, as defined above under the MMPA, caused by the bridge work (68 FR 64595). Based on the information provided in the RDEIS/EIR, it may be necessary to receive authorization from NMFS under the MMPA for this proposed project. Most incidental take authorizations to date have involved the incidental harassment of marine mammals by noise.

Thank you for consideration of our comments. If you have any questions about our EFH comments, please contact Mr. Bryant Chesney at 562-980-4037 or Bryant.Chesney@noaa.gov. For questions related to ESA or MMPA, please contact Monica DeAngelis at 562-980-3232 or Monica.DeAngelis@noaa.gov.

Sincerely,



for Robert S. Hoffman
Assistant Regional Administrator
for Habitat Conservation

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2.3.2 NMFS (Comment Letter 2)

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- 2 **2-1** Comment noted.
- 3 **2-2** This comment is accurate.
- 4 **2-3** All construction sites within the Port require Caulerpa surveys prior to dredging. Surveys will comply with methods and reporting (including project delay if the algae is found until it has been eradicated), as outlined in the *Caulerpa Control Protocol* (Version 4.0, adopted February 25, 2008) (NMFS and CDF&G, 2003) developed by the Southern California Caulerpa Action Team. Appendix L of the Recirculated Draft EIS/EIR contains Version 2 of the protocol, and Version 4 of this protocol has been added to Appendix L in Chapter 3 of this Final EIS/EIR.
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- 11 **2-4** The comment regarding the use of mitigation credits is noted. Regarding the comment about Caulerpa, please see the response to Comment 2-3 above.
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- 13 **2-5** Comment noted; please see the response to Comment 2-3 above. A Caulerpa survey pursuant to approved methods/protocols will be conducted, as specified in the conservation recommendation. The USACE has provided written notification that this conservation recommendation will be incorporated into any USACE permit issued for this Project.
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- 18 **2-6** The USACE and Port will consult NMFS if the Project is revised in a way to adversely impact essential fish habitat (EFH) or if new information becomes available that could affect the basis of EFH conservation recommendations.
- 19
- 20
- 21 **2-7** The comment is unclear in that the marine mammals that occur in the Project area are not listed under the Endangered Species Act (ESA). The statement on page 3.3-21 is that the USACE has determined the proposed Project would not affect any federally listed species (such as birds, fish, and mammals). Under Section 7 of the Endangered Species Act, the USACE does not have to consult with the NMFS or United States Fish and Wildlife Service (USFWS) for “no effect” determinations. If NMFS has information indicating that the proposed Project could affect federally listed species, NMFS is requested to provide this information. Our no-effect determination is based on available information, including what is in the Recirculated Draft EIS/EIR.
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- 31 **2-8** Comment noted. Please see response to comment 1-22 (USEPA). A review of the whale collision data (Jensen and Silber, 2003) shows that of the 134 collision cases where vessel type was known, only 58 cases had documented the speed of the vessel. In all of these cases, vessels were traveling in excess of 10 knots per hour. It is unknown at what speed the remaining ships were traveling, but as the majority of large ships travel at 10 knots or greater, it should be noted that if all of these large ships were to travel at speeds reduced to less than 10 knots, collisions/fatalities may or may not be reduced. As requested by NMFS, in the unlikely event of a vessel collision with a marine mammal, a report will be sent to the NMFS Southwest Regional Office Stranding Coordinator (Mr. Joseph Cordaro).
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- 42 **2-9** Comment noted. The Port and USACE have added a mitigation measure that requires slowly ramping up pile-driving activities (referred to as a “soft start”) at the start of pile-driving activities (at the beginning of the day and at restarting of
- 43
- 44

1 construction after lunch breaks or other pile-driving interruptions of longer than
2 15 minutes). The added mitigation measure reads as follows:

3 **MM BIO-3: Noise Reduction during Pile Driving. The contractor shall**
4 **be required to use sound abatement techniques to reduce**
5 **noise and vibrations from pile-driving activities. Sound**
6 **abatement techniques shall include, but not be limited to,**
7 **vibration or hydraulic insertion techniques, drilled or**
8 **augured holes for cast-in-place piles, bubble curtain**
9 **technology, and sound aprons where feasible. At the**
10 **initiation of each pile-driving event and after breaks of**
11 **more than 15 minutes, the pile driving shall also employ a**
12 **“soft-start” in which the hammer is operated at less than**
13 **full capacity (i.e., approximately 40 to 60 percent energy**
14 **levels) with no less than a 1-minute interval between each**
15 **strike for a 5-minute period.**

16 **In addition, a qualified biologist hired by the Port shall be**
17 **required to monitor the area in the vicinity of pile-driving**
18 **activities for any fish kills during pile driving. If there are**
19 **any reported fish kills, pile driving shall be halted and the**
20 **USACE and NMFS shall be notified via the Port’s**
21 **Environmental Management Division. The biological**
22 **monitor shall also note (surface scan only) whether marine**
23 **mammals are present within 100 meters of the pile driving**
24 **and, if any are observed, temporarily halt pile driving until**
25 **the observed mammals move beyond this distance.**

26 Note that the operation of the hammer at 40 to 60 percent energy level during the
27 soft start of pile driving is expected to result in similar levels of noise reduction
28 (40 to 60 percent) underwater. Marine mammals are expected to voluntarily
29 move away from the area upon commencement of the soft start of pile driving.
30 While impacts from pile driving on marine mammals were found to be less than
31 significant, **MM BIO-3** will further reduce the potential impact. In addition to
32 the above mitigation measure, the Port and USACE understand that NMFS is
33 pursuing a comprehensive study to evaluate noise levels and their effects on fish
34 and marine mammals, which could include addressing this issue at a Port-wide
35 level; the Port of Los Angeles is interested in working with NMFS and other
36 interested agencies on such a study.

37 **2-10** Please see the response to Comment 2-9 above. We believe inclusion of a soft-
38 start approach to pile driving will prevent “take” of marine mammals, and that an
39 Incidental Harassment Authorization under MMPA will not be required.



U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



FEMA

April 30, 2008

Dr. Spencer D. MacNeil
U. S. Army Corps of Engineers, Los Angeles District
Regulatory Division
Attn: CESPL-RG-2003-01029-SDM
P. O. Box 532711
Los Angeles, California 90053-2325

Dear Dr. MacNeil:

This is in response to your request for comments on the Public Notice/Application for Permit – Berth 97-109 [China Shipping] Container Terminal Re-Circulated Draft EIS/EIR.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the City of Los Angeles (Community Number 060137), Map revised May 4, 1999. Please note that the City of Los Angeles, Los Angeles County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

3-1

Dr. Spencer D. MacNeil
Page 2
April 30, 2008

3-1

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Los Angeles City floodplain manager can be reached by calling Rod Tashima at (213) 485-4559. The Los Angeles County floodplain manager can be reached by calling Rick Sun, Principal Engineer, at (626) 458-5911.

If you have any questions or concerns, please do not hesitate to call Cynthia McKenzie of the Mitigation staff at (510) 627-7190.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Rod Tashima, Floodplain Administrator, City of Los Angeles

Rick Sun, Principal Engineer, FPA, Los Angeles County Public Works, Watershed Management Division

Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern District

Cynthia McKenzie, Floodplanner, CFM, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

- 1 **2.3.3 FEMA (Comment Letter 3)**
- 2 **3-1** Comment noted. The requirements have been forwarded to the engineering staff
- 3 at the Port for incorporation into the Project design.

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From: David.H.Sulouff@uscg.mil [mailto:David.H.Sulouff@uscg.mil]
Sent: Friday, May 09, 2008 9:43 AM
To: Macneil, Spencer D SPL
Subject: PROPOSED BRIDGES, LA

Greetings Dr. MacNeil:

I've been unable to reach you by phone.

51-1

Please include my office concerning proposed bridges with this project. Bridges are permitted by the Coast Guard under the General Bridge Act of 1946, as amended. CG bridge permitting is subject to NEPA and we need to be listed in the EIS as a cooperating agency.

Are there any drawings or maps showing the location/ alignment of the proposed bridges?

It's been a while since we worked on this project so we should get caught up and review what is being proposed.

Thank you,

David H. Sulouff
Chief, Bridge Admin
Eleventh Coast Guard District
Bldg 50-2 Coast Guard Island
Alameda, CA 94501
(510) 437-3516
(510) 437-5836 fax
David.H.Sulouff@uscg.mil

...on 142 acres; install 10 new A-frame cranes at Berths 100 and 102; construct transportation infrastructure improvements in the vicinity of the existing terminal entrance (shared by the Berths 97-109 terminal and the Berths 121-131 terminal); construct two new bridge structures connecting Berths 97-109 terminal and Berths 121-131 terminal across the Southwest Slip; and relocate the Catalina Terminal to south of the Vincent Thomas Bridge at Berth 95.

FOR FURTHER INFORMATION CONTACT: Questions or comments concerning the recirculated Draft EIS/EIR should be directed to Dr. Spencer D. MacNeil, North Coast Branch, Regulatory Division, U.S. Army Corps of Engineers, P.O. Box 532711, Los Angeles, CA 90053-2325, (805) 585-2152.

SUPPLEMENTARY INFORMATION: The Port of Los Angeles and U.S. Army Corps of Engineers originally released the Berths 97-109 [China Shipping] Container Terminal Project Draft EIS/EIR in August 2006. Based on comments received on the Draft EIS/EIR, the Port of Los Angeles and U.S. Army Corps of Engineers decided to re-circulate the document. The April 2008 Draft EIS/EIR is a full recirculation of the original Draft EIS/EIR and addresses comments received on the August 2006 document. The Port of Los Angeles and U.S. Army Corps of Engineers will jointly hold a public meeting on June 5, 2008 at Banning's Landing Community Center in Wilmington, California, to receive public comments and assess public concerns regarding this recirculated Draft EIS/EIR and proposed terminal project.

Written comments will be accepted until the close of the public review period on June 30, 2008.

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1 **2.3.3.1 United States Coast Guard (Comment Letter 51)**

2 51-1 Thank you for the comment. The United States Coast Guard has been listed as a
3 Cooperating Agency in Table 1-1 (see Chapter 3 of the Final EIS/EIR). The
4 Coast Guard has also been listed as having permit authority for the bridges across
5 the Southwest Slip. In addition, the Port and USACE will coordinate with your
6 office during the bridge design process.

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DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
 IGR/CEQA BRANCH
 100 SO. MAIN ST.
 LOS ANGELES, CA 90012
 PHONE (213) 897-6536
 FAX (213) 897-1337



*Flex your power!
 Be energy efficient!*

Dr. Ralph G. Appy
 Los Angeles Harbor Department
 425 S. Palos Verdes St.
 San Pedro, CA. 90731

IGR/CEQA# 080504/NY
 DEIR/DEIS/Berth 97-109 Container Terminal
 SCH# 2003061153
 LA/110,SR-47

June 6, 2008

Dear Dr. Appy:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Berth 97-109 Container Terminal Project in San Pedro.

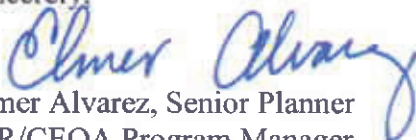
We have reviewed the traffic study contained in the Draft Environmental Impact Report (DEIR) document and we have the following comments:

- 4-1 1. Traffic analyses should include an analysis of the mid-day peak period. The mid-day total traffic (trucks and autos) may be less than the AM and PM peak hour volumes. However, its passenger car equivalent (PCE) may exceed the AM and PM PCE values because of large port truck volumes during mid-day. The significance of the traffic impacts generated by the project during mid-day is not determined unless the mid-day peak hour volumes are analyzed. The analysis outputs may be critical and could define a more appropriate improvement or mitigation that could not be concluded from the analysis results of the AM and PM peak periods.
- 4-2 2. The traffic analysis should include the analysis worksheets for Years 2015, 2030, and 2045 proposed project with mitigation. The levels of service shown in Tables 3.6-8 through 10 under future years with mitigation could not be verified.
- 4-3 3. Year 2000 peak hour volumes on SB 47 on-ramp to NB I-110 and NB 47 on-ramp from Harbor Blvd appear to be low. Please verify these volumes.

- 4-4 4. Based on our traffic data and V/C analysis during peak period, the Los Angeles County Congestion Management Program (CMP) monitoring station at NB I-710 and Willow Street is currently operating almost at capacity (LOS E) and expected to experience a level of service "F" in 2030. Project related truck traffic could potentially impact this section of the freeway significantly. We request the lead agency consult with Caltrans further to determine appropriate mitigation measures. Mitigation alternatives may include capacity enhancing improvements or fair share funding contribution towards pre-established or future improvements.
- 4-5 In Appendix A of 2004 Congestion Management Program for Los Angeles County, the 2003 Levels of Service at I-710/Willow St monitoring station (NB/EB) during AM and PM peak periods are reported to be "E". Appendix F5 of the EIS/EIR shows that the 2030 Baseline LOS for this station is to improve to LOS "D" during AM and PM peak. Is an improvement being assumed? Please explain.
- 4-6 5. The current level of service at the CMP location at NB I-110/"C" Street is "C" and expected to be "D" in 2030.
- 4-7 6. The LOS and D/C ratio outputs provided in the Appendix F5-CMP Analysis Tables could not be verified. Analysis worksheets are required to substantiate these outputs.
- 4-8 7. Analyses of future scenarios were based on the assumption that the anticipated transportation improvements enumerated under Section 3.6.3.1.5 will be in place in 2015. When the project is completed in 2012 and becomes operational, lane configurations at SR-47/Harbor Blvd, I-110/John S. Gibson Avenue and I-110/Figueroa/C St. interchanges are expected to be the same as the existing until the anticipated improvements are completed in 2015. Between 2012 and 2015 or until the anticipated improvements are in place, the existing lane configurations may not be able to effectively carry the cumulative and project-generated traffic. A significant transportation impact may occur between 2012 and 2015.

If you have any questions or would like to schedule a meeting, please contact project coordinator Nerses Yerjanian at 213-897-6536. Please refer to our record number 080504/NY.

Sincerely,


Elmer Alvarez, Senior Planner
IGR/CEQA Program Manager
District 7

2.3.4 Caltrans (Comment Letter 4)

4-1 Mid-day analysis is not normally completed for traffic studies that are part of a CEQA or NEPA document. Traffic impacts are normally measured during the period of time when traffic is highest (often called the “rush hour” or “peak hour” or “commute hour” of traffic on weekdays). Generally speaking, due to the relatively high levels of congestion caused by background nonproject traffic during peak hours, those hours are the periods during which traffic attributable to a proposed project is likely to be most strongly felt, and therefore to have the greatest impact on the environment. Since there are two commute peak hours per weekday (morning inbound to work and evening outbound from work), both of those time periods are analyzed in the Recirculated Draft EIS/EIR. During those hours, the relative incremental impact of the project’s traffic to total traffic is measured. Then, jurisdictions establish a threshold that determines whether an impact is significant. For example, in Los Angeles, at level of service (LOS) E conditions, a change in the volume-to-capacity ratio of 0.01 (or 1 percent) is considered significant. When background traffic conditions are better such as mid-day (better levels of service) the amount of project traffic that is considered significant would be greater, meaning the project could add more traffic mid-day and not have a significant impact as compared to the peak commute hours. Thus, the true measurement of a significant impact depends not only on project traffic, but also the background nonproject traffic conditions that the project traffic contributes to. Adding 1 or even 2 percent project traffic to good traffic conditions mid-day is usually a lesser impact than adding 1 percent project traffic during the peak commute hours. During the mid-day time period, the analysis would likely result in much different results. First, the overall background traffic is usually lower than during the a.m. and p.m. peak hours, and, second, project traffic is generally lower for most types of land uses. In general, Port traffic peaks mid-day for some terminals, but other traffic contributing to the background traffic conditions (non-Port local and regional traffic) usually is much lower mid-day. Thus, it is a balance, higher mid-day port volumes but lower mid-day background “regional volumes.” In response to the comment, mid-day traffic-count data in the area immediately surrounding the Project, on John S. Gibson Boulevard and on Harry Bridges Boulevard, were collected and reviewed, which revealed the following:

- Afternoon peak-hour traffic in the area near the project is much higher than mid-day or morning, both with and without the anticipated contribution of traffic attributable to the Project (and when trucks are converted for Passenger Car Equivalent)
- Morning is about the same or slightly lower than mid-day

Because the Recirculated Draft EIS/EIR evaluated traffic impacts of the proposed Project and the alternatives during the p.m. peak-hour conditions, the Recirculated Draft EIS/EIR addressed the worst-case conditions. Therefore, a mid-day traffic analysis would not disclose different or more significant impacts or require mitigation beyond that stipulated in the Recirculated Draft EIS/EIR.

4-2 Comment noted. Mitigation worksheets have been added to Appendix F, Traffic Data.

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 600
LOS ANGELES, CA 90013



June 26, 2008

Dr. Ralph Appy
Los Angeles Harbor Department
425 S. Palos Verdes
San Pedro, CA 90731



Dear Dr. Appy:

Re: SCH# 2003061153; Berth 97-109 [China Shipping] Container Terminal Project


The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

5-1 The Commission Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Completion & Environmental Document Transmittal-Re-circulated DEIR* from the State Clearinghouse. RCES recommends that any traffic studies undertaken by the Harbor should also consider traffic impacts at nearby crossings, especially in the movement of tractor-trailers and storage space availability at the crossings.

5-2 Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad right-of-way.

If you have any questions, please contact Varouj Jinbachian, Senior Utilities Engineer at 213-576-7081, vsj@cpuc.ca.gov, or me at rxm@cpuc.ca.gov, 213-576-7078.

Sincerely,



Rosa Muñoz, PE
Utilities Engineer

Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Andrew Fox, PHL

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2.3.5 Public Utilities Commission (Comment Letter 5)

5-1 Thank you for the comment. The analysis of potential impacts at nearby at-grade rail crossings in the Recirculated Draft EIS/EIR focuses on rail crossings along the public roadway system. These roadways would have the most potential for impacts because they are located between the Project site and the first point of drop-off and because the public roadways are most congested during the peak hours. The recommendation to also analyze nearby crossings appears to apply to crossings within or adjacent to existing terminals but not along public streets. Because at-grade crossings at internal Port locations are not used by the motoring public and would not result in traffic impacts on public streets, an evaluation of such locations is not warranted in this environmental document.

5-2 The Recirculated Draft EIS/EIR identified a potentially significant impact related to vehicle delays at two at-grade crossings in the vicinity of the Port (at Avalon Boulevard and at Henry Ford Avenue). Although these crossings are located close to terminal operations in the Port, neither conveys large numbers of general non-Port-related or background traffic. As an example, the hourly volumes along Avalon Boulevard (two lanes in each direction) at the grade crossings in the a.m. peak hour are projected to range from 145 to 155 vehicles in 2030 depending on the direction, and for Henry Ford Avenue (also two lanes in each direction), would range from 518 to 707 vehicles (or 259 to 353.5 vehicles per lane). During the p.m. peak in 2030, Avalon Boulevard volumes are projected to range from 226 to 262 vehicles, and for Henry Ford Avenue, would range from 483 to 1,103 (or 241.5 to 551.5 per lane) vehicles. Due to proximity to the Port, most of the vehicles would be serving the Port and would not comprise a large portion of background or regional traffic. Low traffic volumes such as these generally do not warrant grade separations because the costs are too high for the benefit received. To illustrate the cost-benefit decision-making, Los Angeles Metro considers at-grade operations to be feasible at volumes up to 800 vehicles per lane (Metro, 2003). Costs of grade separations vary depending on various physical constraints, but start at nearly \$102 million (based on actual costs from prior grade separation projects at the Port of Los Angeles and not assuming the increased costs of materials). Such projects also often take a number of years to be constructed, which often results in periodic delays in traffic. For relatively low traffic volumes such as the two at-grade crossings, the costs and potential traffic delays outweigh the potential benefits. In addition, as discussed in the Recirculated Draft EIS/EIR, a number of grade crossings and traffic improvements unrelated to the proposed in the area are expected to further decrease traffic congestion. The recommendation to install vandal-resistant fencing or other access barriers at these crossing locations would not serve as effective mitigation for the identified vehicle delay impacts.

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STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

July 1, 2008

Ralph G. Appy
City of Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: Berth 97-109 [China Shipping] Container Terminal Project
SCH#: 2003061153

Dear Ralph G. Appy:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 30, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003061153
Project Title Berth 97-109 [China Shipping] Container Terminal Project
Lead Agency Los Angeles, City of

Type EIR Draft EIR
Description The proposed project includes the expansion, redevelopment, and construction of marine container terminal facilities on 142 acres of backlands. The terminal would be developed by LAHD in three phases of construction, Phase I (completed in 2003 with operations starting in 2004), Phase II, and Phase III, with estimated completion dates of 2011 and 2012, respectively. The terminal would operate over a 40-year lease (2005 to 2045).

Lead Agency Contact

Name Ralph G. Appy
Agency City of Los Angeles Harbor Department
Phone (310) 732-3675 **Fax**
email
Address 425 S. Palos Verdes Street
City San Pedro **State** CA **Zip** 90731

Project Location

County Los Angeles
City
Region
Lat / Long
Cross Streets Berth 97-109 Port of Los Angeles
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways I-110
Airports
Railways
Waterways Port of Los Angeles, Main Channel
Schools
Land Use Industrial

Project Issues Aesthetic/Visual; Air Quality; Biological Resources

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 4; Department of Parks and Recreation; Native American Heritage Commission; Department of Fish and Game, Region 5; Department of Water Resources; California Coastal Commission; California Highway Patrol; Caltrans, District 7; Department of Boating and Waterways; Department of Toxic Substances Control; State Lands Commission

Date Received 04/30/2008 **Start of Review** 04/30/2008 **End of Review** 06/30/2008

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



May 16, 2008



clear
 6-30-08
 e

Dr. Ralph Appy
LOS ANGELES HARBOR DEPARTMENT
 425 S. Palos Verdes Street
 San Pedro, CA 90731

Re: SCH#2003061153: Joint NEPA/CEQA Notice of Completion; draft Environmental Impact Report (DEIR)/Environmental Impact Statement (DEIS) for the Berth 97-109 (Shina Shipping Container Terminal Port Project; South Bay Area; Los Angeles County, California

Dear Dr. Appy:

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- 6-1 ✓ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section: .
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

6-1 ↑ ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

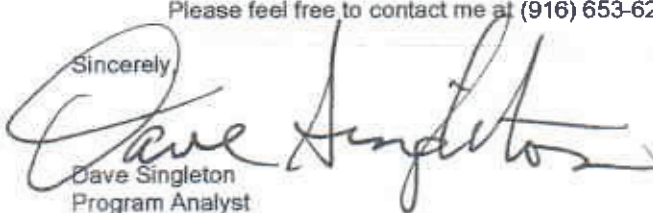
* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

✓ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely


Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

1 **2.3.6 Office of Planning and Research (Comment**
2 **Letter 6)**

3 There are no comments that require responses.

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Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

July 3, 2008

Dr. Ralph Appy
Director Environmental Management Division
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, California 90731
www.portoflosangeles.org

NOTICE OF AVAILABILITY OF A RECIRCULATED DRAFT ENVIRONMENTAL
IMPACT STATEMENT/ ENVIRONMENTAL IMPACT REPORT (EIS/EIR) FOR THE
BERTH 97-109 (CHINA SHIPPING) CONTAINER TERMINAL PROJECT; PORT
OF LOS ANGELES, SAN PEDRO, LOS ANGELES COUNTY (SCH#2003061153)

Dear Dr. Appy:

7-1

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Availability of a Recirculated EIS/EIR for the above-mentioned project. The following project description is stated in your document: "The proposed Project includes the expansion, redevelopment, and construction of marine container terminal facilities on 142 acres of backlands. The terminal would be developed by LAHD in three phases of construction, Phase I (completed in 2003 with operations starting in 2004), Phase II, and Phase III, with estimated completion dates of 2011, and 2012, respectively. The terminal would operate over a 40-year lease (2005 to 2045)."

Most of the issues identified in DTSC's letter to the Port of Los Angeles, dated September 7, 2006 for the previous CEQA document have been addressed.

If you have any questions regarding this letter, please contact Teresa Hom, Project Manager, preferably at thom@dtsc.ca.gov. Her phone is (714) 484-5477.

Sincerely,

Greg Holmes
Unit Chief

Brownfields and Environmental Restoration Program - Cypress

cc: See next page.

Dr. Ralph Appy
July 3, 2008
Page 2

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
gmoskat@dtsc.ca.gov

CEQA#2211

1 **2.3.7 Department of Toxic Substances Control**
2 **(Comment Letter 7)**

3 7-1 Comment noted.

1

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NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
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May 16, 2008

Dr. Ralph Appy

LOS ANGELES HARBOR DEPARTMENT

425 S. Palos Verdes Street
 San Pedro, CA 90731

Re: SCH#2003061153; Joint NEPA/CEQA Notice of Completion; draft Environmental Impact Report (DEIR)/Environmental Impact Statement (DEIS) for the Berth 97-109 [Shina Shipping Container Terminal Port Project, South Bay Area; Los Angeles County, California

Dear Dr. Appy:

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov>. The record search will determine:
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 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

8-1

8-1 ↑ √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

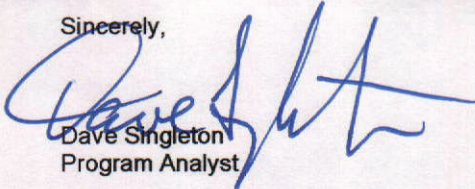
* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

√ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Native American Contacts
Los Angeles County
May 16, 2008

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th Street, Rm. 403
Los Angeles , CA 90020
(213) 351-5324
(213) 386-3995 FAX

Gabrielino/Tongva Council / Gabrielino Tongva Nation
Sam Dunlap, Tribal Secretary
761 Terminal Street; Bldg 1, 2nd floor Gabrielino Tongva
Los Angeles , CA 90021
office @tongvatribes.net
(213) 489-5001 - Office
(909) 262-9351 - cell
(213) 489-5002 Fax

Ti'At Society
Cindi Alvitre
6515 E. Seaside Walk, #C Gabrielino
Long Beach , CA 90803
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources
5450 Slauson, Ave, Suite 151 PMB Gabrielino Tongva
Culver City , CA 90230
gtongva@verizon.net
562-761-6417 - voice
562-925-7989 - fax

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
, Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
ChiefRBwife@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2003061153; Joint CEQA/NEPA ; Re-circulated DEIR5/16/2008DEIS for the Berth 97-109 [China Shipping] Container Terminal Port; Los Angeles Harbor Department; Los Angeles County, California.

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2.3.8 Native American Heritage Commission (Comment Letter 8)

8-1 Comment noted. Section 3.4 of the Recirculated Draft EIS/EIR includes a discussion of pertinent regulations, requirements, and Project impacts related to cultural resources.

Regarding the comment to conduct a records search at the appropriate California Historical Resources Information System (CHRIS), a records search was performed in 2003 at the South Central Coastal Information Center. Although not specifically named as such, the records search discussed in the Recirculated Draft EIS/EIR (Section 3.4.2.5.2.1) included a search of the CHRIS. As discussed in that section, the likelihood of finding any intact prehistoric cultural deposits is extremely low.

Regarding the comment about an archaeological inventory survey, the potential for encountering archaeological resources at the Project site is low, as described in Section 3.4.4.3.1.1 of the Recirculated Draft EIS/EIR. It should be noted that **MM CR-1** has been required in the unlikely event that any artifact or archaeological resource is encountered during construction.

Commenter recommended contacting the Native American Heritage Commission (NAHC) for a Sacred Lands File (SLF) search. An SLF search was conducted by the NAHC for the Project in October 2007. The NAHC responded in November 2007 that the SLF failed to indicate the presence of Native American cultural resources in the immediate project area. **MM CR-1** includes provisions for a trained archaeologist to monitor construction. In addition, the Native American Contacts recommended by NAHC were contacted in October 2007 to determine if the contacts know of traditional cultural properties or values at the Project site. To date, only one contact (Sam Dunlap of the Gabrielino Tongva Tribal Council) has responded to the requests, which requests that mitigation be included in the environmental document for a Native American monitoring component. **MM CR-1** includes archaeological resource monitoring.

The comment indicating the lack surface evidence of archaeological resources does not preclude their subsurface existence is noted. The Recirculated Draft EIS/EIR identifies a low potential for encountering such resources based on the records search and the extensively disturbed nature of the Project site. Nonetheless, **MM CR-1** was included in the Recirculated Draft EIS/EIR in the unlikely event that such resources are encountered during construction. Commenter stated that the CEQA Guidelines (Section 15064.5d) requires the Lead Agency to work with the Native Americans (identified by the NAHC) if the Initial Study identifies the presence or likely presence of Native American remains in the area of potential effects. The likelihood of such remains at the Project site is minimal given the records search and disturbed nature of the Project site, as discussed in Section 3.4 of the Recirculated Draft EIS/EIR, and given the coordination that has occurred with the recommended Native American Contacts.

Regarding the comment about an accidental discovery of human remains, the Port would comply with applicable laws and regulations, including the Health

1 and Safety Code, the Public Resources Code, and the California Code of
2 Regulations.

3 The comment that Lead Agencies should consider avoidance when significant
4 cultural resources are discovered during the course of project planning and
5 implementation is noted. As discussed in the Recirculated Draft EIS/EIR, the
6 likelihood of encountering cultural resources at the Project site is low. However,
7 LAHD/USACE will continue to coordinate with the tribal contacts to ensure
8 there is no conflict with traditional cultural properties as part of the proposed
9 Project.

SOUTHERN CALIFORNIA



ASSOCIATION of GOVERNMENTS

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Human Development

Jon Edney, El Centro

Energy and Environment

Debbie Cook, Huntington Beach

Transportation and Communications

Mike Ten, South Pasadena

May 16, 2008

Dr. Ralph Appy
Director Environmental Management Division
425 S. Palos Verdes Street
San Pedro, CA 90731

RE: SCAG Clearinghouse No. I 20080261 Berth 97-109 Container Terminal Project (Recirculated EIS/EIR)

Dear Dr. Appy:

Thank you for submitting the **Berth 97-109 Container Terminal Project (Recirculated EIS/EIR)** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Berth 97-109 Container Terminal Project (Recirculated EIS/EIR)**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's **April 1-30, 2008 Intergovernmental Review Clearinghouse Report** for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1857. Thank you.

Sincerely,

LAVERNE JONES, Planning Technician
Environmental Planning Division

9-1

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1 **2.3.9 Southern California Association of**
2 **Governments (Comment Letter 9)**

3 **9-1** Thank you for your comment.

1

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South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

E-MAILED: JULY 15, 2008

July 15, 2008

Dr. Spencer D. MacNeil, Commander
U.S. Army Corps of Engineers, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

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

Dear Dr. MacNeil and Dr. Appy:

Re-Circulated Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for Berth 97 – 109 (China Shipping) Container Terminal Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The China Shipping terminal is located in the Port of Los Angeles near already impacted residential communities that are currently experiencing health risks in excess of 500 in a million.¹ The proposed China Shipping project is a new container terminal project that will substantially increase the number of truck trips, annual ship calls, and trips by line-haul locomotives for the Port of Los Angeles area. At full implementation, the proposed China Shipping project will generate over 1.5 million truck trips, 230 ship calls, and 800 rail trips annually.

The SCAQMD staff acknowledges the efforts of the Lead Agencies to incorporate many of our comments that were made on the previous DEIS/EIR into the Re-Circulated DEIS/EIR. In addition, the SCAQMD staff recognizes some improvements made by the Lead Agencies to the mitigation measures since the approval of the TraPac expansion project, such as faster implementation of cold ironing for ships, all electric rubber tire gantry cranes by 2009, and use of LNG trucks. Implementation of these and other mitigation measures are expected to reduce future daily emissions and impacts to the surrounding community.

The re-circulated DEIS/EIR concludes, however, that air quality impacts and health risk from the mitigated proposed project are significant. Additional mitigation measures are feasible, and some measures included in the re-circulated DEIS/EIR can feasibly be accelerated. Such

¹ California Air Resources Board April 2006 "Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach"

measures must be included as required by CEQA Guidelines §15126.4 to reduce impacts below significance. As discussed in more detail below, the three most important mitigation measures that are currently insufficient include 1) earlier introduction of low sulfur fuel, 2) reducing emissions via on-dock rail, and 3) greater specificity and commitment to implement main engine control requirements for new vessel builds and for existing vessels. In addition, Attachment I identifies additional means to feasibly strengthen mitigation measures for the proposed project.

10-1 *Low Sulfur Fuel.* Reducing fuel sulfur is one of the most significant and feasible means of expeditiously reducing particulate and sulfur oxides emissions from the proposed China Shipping terminal. SCAQMD staff recommends accelerating (MM AQ-11) the use of low sulfur fuel in main and auxiliary engines of vessels calling at the proposed China Shipping terminal. Specifically, within 6 months after approval of the China Shipping project, all vessels calling at the terminal shall use fuels with sulfur content no higher than 0.2 percent when they are within 40 nautical miles (nm) of Pont Fermin. This measure is consistent with the low sulfur marine fuel requirements in the CAAP Control Measures OGV-3 and OGV-4. In addition, all vessels shall use fuel in main and auxiliary engines with sulfur content no higher than 0.1 percent sulfur fuel by 2010. Unlike the TraPac project, the China Shipping terminal does not have the issue of third party invitees and thus should be able to implement use of low sulfur fuel upon project approval similar to the proposed Middle Harbor project in the Port of Long Beach.

10-2 *On-dock Rail.* The proposed project should include sufficient on-dock rail capacity for all containers destined to be transported by rail. This will minimize highway congestion impacts caused by truck drayage to near and off-dock rail yards, and will reduce the need for additional capacity at near and off-dock rail yards. The re-circulated DEIS/DEIR identifies the use of on-dock rail for long-haul cargo as an air quality benefit which significantly reduces the number of short-distance truck trips. Based on the projected percent TEUs and train trips, the on-dock rail yard at the adjacent Berth 121-131 (Yang Ming) terminal does not have sufficient capacity to handle cargo from the China Shipping terminal and Yang Ming terminal. We understand that space for on-dock yards is limited, but CAAP measure RL-3 committed the ports to explore all opportunities to maximize on-dock rail and explore alternative operating procedures such as transporting containers by rail from the docks unsorted by destination as a means of freeing up space devoted to creating single destination trains.

10-3 *Main Engine Controls for New Vessel Builds and for Existing Vessels.* Mitigation measure (MM AQ-14) for new vessel builds should require new vessels to utilize a combination of advanced control technologies to achieve fleet average emission reductions of 30% for NOx and particulates by 2014, and a 70% reduction of NOx and 50% reduction of particulates by 2023. There are currently an extraordinary number of vessels on order to be constructed. Once those vessels are built and in the water, the technical and economic challenges to control them will be much greater. Controls such as water injection, emulsified fuels or humid air are feasible technologies. In addition, SCR is a mature technology in use on a wide variety of sources including marine vessels. The feasibility of using advanced controls on marine vessel engines, including main engines, is supported by the recent proposal by the Marine Environmental Protection Committee of the International Maritime Organization to establish increasingly stringent marine vessel emissions limits.

10-4

San Pedro Bay Standards. We urge the Ports to proceed as expeditiously as possible to adopt the San Pedro Bay Standards. The CAAP includes a Project Specific Standard stating that the contribution of emissions from a project to cumulative effects will allow for timely achievement of the San Pedro Bay Standards. The Ports have been working on emissions inventories and forecasting methodologies that they will use to develop projections to aid in establishing the San Pedro Bay Standards, but the Bay Standards have not yet been adopted. It is uncertain if the residual emissions and health risk from the China Shipping terminal over the course of the 40 year lease will allow for the timely achievement of the San Pedro Bay Standards. In the absence of the San Pedro Bay Standards, the SCAQMD staff urges the Lead Agencies to compare residual emissions from this proposed project, including cumulative emissions from all other foreseeable port actions, with the 2007 Air Quality Management Plan (AQMP) mass emissions and risk targets for the ports, and ensure project approval is consistent with achieving those targets.

The SCAQMD staff appreciates the opportunity to comment on this important project. We look forward to working with the Port of Los Angeles on this and future projects. If you have any questions, please call me at (909) 396-3105.

Sincerely,



Susan Nakamura
Planning Manager

Attachment

Attachment I
Additional Comments on the DEIS/EIR for Berth 97-109
(China Shipping) Container Terminal Project

The following includes more detailed and specific comments on the Proposed China Shipping Container Terminal Project.

Mitigation Measures

- 10-5 | ***MM AQ-1: Harbor Craft used during Construction***
SCAQMD staff recommends editing the circumstances when the Harbor Craft measure is not met. Specifically, SCAQMD staff recommends that the contractor be required to utilize the cleaner harbor craft if the order becomes available or completed during the construction time period.
- 10-6 | ***MM AQ-3: Fleet Modernization for On-road Trucks***
SCAQMD staff urges the lead agency to require as part of this mitigation measure, use of the cleanest available trucks. Specifically, trucks used during construction should operate on engines with the lowest certified NOx emissions levels, but no greater than the 2007 NOx emission standards. In addition, SCAQMD staff recommends editing the circumstances when the On-road Truck USEPA Standard is not met, similar to the MM AQ-1 for Harbor Craft used during construction.
- 10-7 | ***MM AQ-4: Fleet Modernization for Construction Equipment***
Similarly, it is feasible as part of this mitigation measure the use of the cleanest available construction equipment. In addition to requiring all construction equipment to be equipped with a Level 2 or 3 verified diesel emission control, construction equipment should meet the cleanest off-road diesel emission level available, but no greater than Tier 3 NOx emission standards. Finally, SCAQMD staff recommends editing the circumstances when the Construction Equipment Tier Specification is not met, similar to the MM AQ-1 for Harbor Craft used during construction.
- MM AQ-11: Low-Sulfur Fuel***
Mitigation measure AQ-11 calls for a phasing-in of low sulfur (<0.2 percent sulfur) marine fuel in the main and auxiliary engines of ships calling at the China Shipping terminal in San Pedro. As previously stated, reducing fuel sulfur is one of the most significant and feasible means of expeditiously reducing particulate and sulfur oxides emissions from the China Shipping terminal. SCAQMD staff believes that, given the experience implementing low sulfur fuel to date by Maersk and that the proposed China Shipping terminal does not have third party invitee constraints experienced at the TraPac terminal, the phase-in schedule proposed in the DEIR can feasibly be accelerated. It should also be noted that the proposed Port of Long Beach Middle Harbor project has committed to use 0.2 percent low sulfur fuel upon project approval. In addition, all vessels should utilize 0.1 percent sulfur fuel by 2010.
- 10-8 | We thus urge the lead agencies to accelerate use of low sulfur fuel in main and auxiliary engines of vessels calling at the China Shipping terminal, as follows:

10-8

- Within 6 months after approval of the China Shipping project, all vessels calling at the terminal shall use fuel with sulfur content no higher than 0.2 percent when they are within 40 nm of Point Fermin.
- Finally, on or before January 1, 2010, all vessels shall use fuel in main and auxiliary engines with sulfur content no higher than 0.1 percent within 40 nm of Point Fermin.

Such strengthening of the mitigation measure will ensure that all feasible mitigation measures are employed as specified in CEQA. This amendment would also help implement the South Coast AQMP which calls for 0.1 percent sulfur fuel by 2010.

MMAQ-12: Slide Valves in Ship Main Engines

The SCAQMD staff supports use of slide valves in ship main engines. Slide valves are available technology that can be readily retrofitted into existing engines without the need to enter dry-dock. Many such applications have occurred. The phase-in schedule in the re-circulated DEIS/EIR (culminating in 100 percent of ship calls by 2014) can be feasibly be expedited. We urge that 100 percent of ship calls be equipped with slide valves no later than two years after project approval.

Slide valves and other control technologies could be used in combination to obtain higher control rates, and can be retrofitted to existing vessels. These additional control technologies can feasibly be applied to ship main engines and should be required by the project approval. Below is a table listing feasible measures with the associated emission reduction estimates compiled by SCAQMD staff.

List of Feasible Controls

10-9

Control	Control Details	Estimated Emission Reductions		
		PM	NO _x	Other
SCR and DOC	Selective Catalytic Reduction with Urea Injection and Diesel Oxidation Catalyst	25-50%	90%	90% CO
Engine Optimization	Slide Valves, Injection Timing Delay	20-30%	30%	
Exhaust Gas Water Treatment	Exhaust Gas Mixes with Sea Water	80%	N/A	70-90% SO ₂
Water Injection	Humidification of Fuel-Air Mixture	10-20%	20-40%	N/A

Slide valves that provide a 30 percent reduction in NO_x emissions and 20-30% reduction in PM emissions are available from Mann, one of the leading marine engine manufacturers. These slide valves have been installed on several ocean-going vessels and are being demonstrated as part of a joint effort with the California Air Resources Board (CARB). Water injection, emulsified fuels, or humid air are established technologies in use in Europe. In addition, SCR is a mature technology in use on a wide variety of sources including marine vessels. It has not to the SCAQMD staff's knowledge been applied to a large container ship. However, based on SCAQMD staff visits to European marine vessel operators, such an application is feasible and

merely a matter of appropriate engineering. Utilization of the control device could be limited to areas adjacent to the coast. Space constraints would be an issue, thus making installation most feasible in new builds, but SCR may be retrofitted if space issues are addressed.

10-9

Many of the above retrofit technologies are summarized a report by Lovblad and Fridell (2006). The report can be found at www.profu.se or can be obtained from the SCAQMD staff.

Retrofits of existing vessels should meet the State Implementation Plan (SIP) of achieving fleet average emission reductions utilizing a combination of advanced controls technologies mentioned above. Those emission reductions include a 30% reduction of NOx and particulates by 2014, and a 70% reduction of NOx and 50% reduction of particulates by 2023.

MM AQ-14: Main Engines in New Vessel Builds

This mitigation measure lacks commitments that are specific or enforceable. Based on the information and plans summarized in the preceding section, SCAQMD staff urges inclusion of language in the mitigation measure requiring new vessel builds for the China Shipping terminal to meet at a minimum the SIP requirement for main engine controls for new vessel builds. As mentioned in MM AQ-12, the SIP assumes that new and existing vessels will utilize a combination of advanced control technologies to achieve fleet average emission reductions of 30% for NOx and particulates by 2014, and a 70% reduction of NOx and 50% reduction of particulates by 2023.

10-10

The relative feasibility of installing advanced control in new builds as discussed in MM AQ-12 underscores the importance of acting immediately to establish control requirements for new vessels in the proposed terminal operator's lease. There are currently an extraordinary number of vessels on order to be constructed. Once those vessels are built and in the water, the technical and economic challenges to control them will be much greater. The Port has eluded to the fact that MM AQ-22 (Periodic Review of New Technology and Regulations) as a "back-up" measure to MM AQ-14 in re-opening the lease agreements to require feasible advanced control technologies in the future. However, SCAQMD staff is concerned that MM AQ-22 waits until a mutual agreement on operational feasibility and cost sharing to occur prior to requiring advanced controls. Reductions from advanced controls on new vessel builds are feasible now and needed to ensure consistency with the adopted air quality plans to meet federal attainment deadlines.

The feasibility of using advanced controls on marine vessel engines, including main engines, is supported by the recent proposal by the Marine Environmental Protection Committee of the International Maritime Organization to establish increasingly stringent marine vessel emissions limits. These proposed limits include a requirement that new vessels built after January 2016 and operated in Emission Control Areas control NOx emissions by 80% beyond pre-existing standards. Approximately 100 nations agreed to propose these limits. The limits are similar to those in a proposal made by the United States government that was supported by the World Shipping Council – an industry organization made up of carriers of over 90% of containerized cargo. Under these circumstances, the failure of the China Shipping EIR to include emissions standards that are at least as stringent as those proposed at IMO is a failure to include all feasible mitigation measures. Indeed, we believe that, given that the proposed IMO standards are based

- 10-10 ↑ on existing technologies, the China Shipping EIR can and should *accelerate* implementation of such standards sufficiently for the emission reductions assumed in the SIP to be achieved.
- 10-11 *MM AQ-15: Yard Tractors*
SCAQMD staff understands that the electric yard tractor is still in the test phase. However, SCAQMD staff recommends the use of an all electric yard tractor fleet for the China Shipping terminal once the test phase is successfully completed. The mitigation measure should anticipate the electric yard tractor becoming commercially available for use at the terminal.
- 10-12 *MM AQ-18: Yard Locomotives at Berth 121-131 Rail Yard*
The mitigation measure states that beginning January 1, 2015, all yard locomotives at the Berth 121-131 Rail Yard that handle containers moving through the China Shipping terminal will be equipped with diesel particulate filters (DPF). SCAQMD staff recommends 90% control of PM and NOx for switchers and helper locomotives at the Berth 121-131 Rail Yard by 2011. In addition, SCAQMD staff recommends all line haul locomotives at the Berth 121-131 Rail Yard achieve a Tier 4 emission rate by 2014, as assumed in the SIP.
- 10-13 *MM AQ-19: Clean Truck Program and MM AQ-20: LNG Trucks*
SCAQMD staff understands that the electric drayage truck is still in the test phase. However, SCAQMD staff recommends a phase-in schedule of electric drayage trucks for the China Shipping terminal once the test phase is successfully completed. Both MM AQ-19 and MM AQ-20 should anticipate the electric drayage truck becoming available for use at the terminal.
- 10-14 *Green-Container Transport System.* The Final EIS/EIR should commit to a process of implementing zero- or near-zero emission transport technologies such as rail electrification. Through implementation of the CAAP the Ports of Los Angeles and Long Beach are evaluating advanced cargo transportation technologies. The Lead Agencies should include a mitigation measure that would incorporate this commitment. Freight rail electrification is clearly feasible, being in wide use in Europe.
- 10-15 *Cleaner Locomotives for Class I Railroad Operations.* SCAQMD staff recommends implementation of CAAP Measure RL-2 to reduce emissions from existing Class I railroad operations that will be servicing the on-dock rail. With roughly a four fold increase in annual rail movements from 2005 to 2030 for the proposed China Shipping project, CAAP Measure RL-2 implementation is critical to reducing emissions from existing Class I railroad operations at the Port. SCAQMD staff believes that the emissions reduction strategy for RL-2 should be based on the State Implementation Plan (SIP) strategy of accelerating introduction of cleaner locomotives achieving a Tier 4 Fleet-wide average by 2014 and require that all locomotives moving in and out of the Port would be equipped with Tier 3 equivalent controls by 2011.
- 10-16 ↓ *Air Quality Analysis*
Emission Estimates in California. The re-circulated DEIS/EIR, again did not calculate emissions in the state of California and only included emissions to the edge of the South Coast Air Basin. This same comment was made by SCAQMD staff in our previous comment letter on the China Shipping terminal DEIR/EIS released back in 2006. Page 3.2-32 of the re-circulated DEIS/EIR states that average one way truck trip distances from Berth 97-109 were assumed to be “82 miles

- 10-16 ↑ to the edge of the basin (for destinations outside the basin).” In addition, page 3.2-33 also states that, “the average one-way train trip distance is assumed to be 105 miles, which is the average travel distance from the Berth 121-131 rail yard to the edge of the South Coast Air Basin.” It is SCAQMD staff’s understanding that it is the intent of CEQA to apply to impacts occurring within the state. Further, CEQA Guidelines §21080(14) states that, “any emissions or discharge that would have significant effect on the environment in this state are subject to this division.” Thus, SCAQMD staff recommends the re-circulated DEIS/EIR include all emissions that would occur in the state of California.
- 10-17 | *Line-hauls.* Page 3.2-29 table 3.2-8 provides regulations and agreements assumed as part of the unmitigated project emissions. Under the Train column of the table, the 2005 CARB/Railroad Statewide Agreement is described as “reduced line-haul locomotive idling times assumed to take effect starting in 2006.” Although the Statewide Agreement includes a provision for idling, there are many exceptions to this provision. In addition, there is no assurance that even the agreed upon idling scenarios would be limited to 1.5 hours (page 3.2-33 line 10), since the Statewide Agreement contains exemptions for self-determined “essential” idling and CARB enforcement staff cannot feasibly enforce more than a small portion of idling events. If the analysis assumes a 1.5 hour idling limitation (page 3.2-33 line 10) for line-haul locomotives, the Lead Agencies should include an enforceable mitigation measure that would reflect this idling assumption. Lastly, SCAQMD staff recommends incorporating into the table the USEPA 2008 Locomotives and Marine Diesel Engines Emissions Standards rule as an assumption for trains. Additional information on this rule finalized March 2008 can be found at <http://epa.gov/otaq/locomotv.htm>.
- 10-18 | *Vessels.* Page 3.2-30 line 45 provides fleet mix assumptions for the future analysis years. Please reference where this information was obtained and how the fleet mix assumptions were determined.
- 10-19 | *Peak Daily 2010 Construction and Operational Emissions.* Page 3.2-65 line 25 states, “year 2010 was chosen as a representative year during which construction and operation activities would overlap.” SCQMD staff requests the lead agencies clarify the term “representative.” According to the construction schedule found on Page 2-17, for Phase II and Phase III, construction is anticipated to occur between 2009 through 2012. Does “representative” mean that the year 2010 overlapping emissions is the peak when evaluating construction and operational emissions? Please confirm in the Final EIS/EIR that 2010 represents the year in which peak daily emissions will occur.
- 10-20 ↓ *On-dock Rail Usage.* Page 3.6-23 provides on-dock rail usage assumptions. Line 2 and 3 of the page states, “Increased on-dock rail usage due to expanded rail yard is assumed to be as follows.” However, the proposed project description does not entail an expansion of the rail yard. SCAQMD staff requests clarification of the on-dock rail usage assumptions. Furthermore, please provide details of when the rail yard at Berth 121-131 (Yang Ming) will reach capacity. SCAQMD staff is concerned that the air quality analysis assumes 50 percent of the on-dock rail yard capacity will be China Shipping according to Page 2-25. Yet, due to capacity constraints and being that the rail yard is on the Yang Ming terminal, China Shipping containers that would be transported by on-dock rail would be limited and would have to be transported by trucks generating additional emissions not accounted by the air quality analysis. SCAQMD staff

10-20 ↑ recommends a requirement that 50 percent of containers transported by the Yang Ming terminal rail yard annually will be China Shipping terminal containers, at a minimum.

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2.3.10 South Coast Air Quality Management District (Comment Letter 10)

10-1 Thank you for your comment. Please see more detailed response to Comment 10-8. Contrary to the comment, there may be an occasional third party invitee that docks at the China Shipping berths; however, this number is expected to be minimal.

10-2 Thank you for your comment. Please see more detailed response to Comment 10-20. Because of space limitations, expansion of the Berth 121-131 on-dock rail yard would disrupt Berth 121-131 operations. Therefore, the air quality impacts of the proposed Project were assessed assuming that the on-dock rail yard would remain at its current physical capacity. Future addition of on-dock rail capacity at the Berth 121-131 terminal could occur as part of a future improvement project at that terminal.

10-3 Thank you for your comment. Please see more detailed response to Comment 10-10. The emission control technologies for main engines in new ships identified in **MM AQ-14** are currently not feasible for large oceangoing vessels such as container ships, and for this reason **MM AQ-14** was not included in the emissions calculations in the Recirculated Draft EIS/EIR. However, the Port expects that some or all of the technologies identified in **MM AQ-14** will be feasible and available in the future. Such technologies would be implemented through measure **MM AQ-22**.

10-4 Thank you for your comment. The primary purpose of the San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall effects of future projects and ongoing port operations emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a measure for impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutants in the San Pedro Bay Standards will be performed to ensure that the proposed Project is contributing to attainment of the San Pedro Bay Standards.

The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP through the specified implementation mechanisms and implementation of existing regulations. As long as the mitigations for the project are consistent with the assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards since it is consistent with the growth projections assumed in developing the San Pedro Bay Standards and exceeds compliance with applicable CAAP. Table 3.2-26 of the Recirculated Draft EIS/EIR demonstrates that the proposed Project's mitigation measures are consistent with, and in some cases exceed, the Project-Specific and Source-Specific Standards in the CAAP. The San Pedro Bay Standards were developed in close coordination with the South Coast AQMD and CARB.

1 **10-5** As stated in the Recirculated Draft EIS/EIR, all harbor craft used during
2 construction Phases II and III (Phase I has already occurred) shall be, at a
3 minimum, repowered to meet the cleanest existing marine engine emission
4 standards or USEPA Tier 2. Additionally, where available, harbor craft shall
5 meet the proposed USEPA Tier 3 (which are proposed to be phased-in beginning
6 2009) or cleaner marine engine emission standards. The construction mitigation
7 measures were based on the Port recently approved Sustainable Construction
8 Guidelines for Reducing Air Emissions (2008) by the Port. The Port conducted a
9 survey in early 2008 of construction contractors and equipment providers,
10 including information on future equipment orders. The survey found there would
11 be limited availability of Tier 3 tugboats in 2009 with inventories increasing over
12 the years. As discussed in the mitigation measure, the Port will encourage use of
13 Tier 3 tugs. In addition, as described below, the Port will encourage use of
14 cleaner construction equipment, including the cleanest available harbor craft,
15 through the Environmental Compliance Plan required of all contractors. Each
16 contractor is required to submit an Environmental Compliance Plan for work
17 completed as part of the Berth 97-109 Container Terminal Project. The
18 Environmental Compliance Plan will be developed by the contractor and must:

- 19 ■ Identify the overall construction area
- 20 ■ Identify work hours and days
- 21 ■ Describe the overall construction scope of work
- 22 ■ Identify all construction equipment to be used to complete the project
- 23 ■ Identify all applicable mitigation measures depending on scope of work and
24 construction equipment list
- 25 ■ Develop a plan to adhere to all applicable mitigation measures
- 26 ■ Develop a record-keeping system to track mitigation and any pertinent
27 permits and/or verification documents, such as equipment specifications,
28 equipment logs, and receipts
- 29 ■ Develop a tracking system to ensure mitigation is completed within the
30 specified plan
- 31 ■ Identify one lead person, plus one backup person to be responsible for
32 environmental compliance
- 33 ■ Identify additional measures, practices or project elements to further reduce
34 environmental impacts

35 The Environmental Compliance Plan must be submitted to the Port of
36 Los Angeles for review prior to commencing construction. The Port of
37 Los Angeles reserves the right to modify the Plan, in conjunction with the
38 contractor, to identify additional measures, practices or project elements to
39 further reduce environmental impacts.

40 **10-6** Please see the response to Comment 10-5. Per the LAHD Sustainable
41 Construction Guidelines for Reducing Air Emissions, all on-road heavy-duty
42 diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or
43 greater shall comply with USEPA 2004 on-road emission standards for PM₁₀ and
44 NO_x prior to December 31, 2011. Beginning January 1, 2012, on, all on-road

1 heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater shall comply
 2 with USEPA 2007 on-road emission standards for PM₁₀ and NO_x. According to
 3 the Project construction schedule, construction will be completed prior to
 4 December 31, 2012. As a result, construction beginning January 1, 2012, will
 5 require the use of USEPA 2007 on-road trucks. The Guidelines were developed
 6 based on equipment availability. The Port conducted a survey in early 2008 of
 7 construction contractors and equipment providers, including information on
 8 future equipment orders. As a result of this survey, it was found that 2007
 9 compliant trucks would not be available in sufficient quantities before the end of
 10 2012 (construction is anticipated to be complete by the end of 2012). However,
 11 as described above, the Port will encourage use of USEPA 2007 compliant trucks
 12 through the Environmental Compliance Plan required of all contractors.

13 **10-7** Please see responses to Comments 10-5 and 10-6. The construction contractor
 14 would be required to use construction equipment meeting Tier 3 standards
 15 beginning in January 2012. The Guidelines were developed based on equipment
 16 availability. The Port conducted a survey in early 2008 of construction
 17 contractors and equipment providers, including information on future equipment
 18 orders. As a result of this survey, it was found that Tier 3 construction
 19 equipment would not be available in large quantities before 2012. However, as
 20 described above, the Port will encourage use of the cleanest construction
 21 equipment through the Environmental Compliance Plan required of all
 22 contractors]

23 **10-8** In response to a number of comments received on the Recirculated Draft EIS/EIR,
 24 **MM AQ-11** has been revised as follows:

25 **MM AQ-11: ~~Low-Sulfur Fuel. Ships owned by the terminal operator~~**
 26 **~~calling at Berths 97-109 shall use low-sulfur fuel~~**
 27 **~~(maximum sulfur content of 0.2 percent) in auxiliary~~**
 28 **~~engines, main engines, and boilers within 40 nautical~~**
 29 **~~miles (nm) of Point Fermin (including hoteling for non-~~**
 30 **~~AMP ships) at the following annual participation rates:~~**
 31 **All ships (100 percent) calling at Berth 97-109 shall use**
 32 **low-sulfur fuel (maximum sulfur content of 0.2 percent)**
 33 **in auxiliary engines, main engines, and boilers within**
 34 **40 nm of Point Fermin (including hoteling for non-AMP**
 35 **ships) beginning on Day 1 of operation. Ships with mono-**
 36 **tank systems or having technical issues prohibiting use of**
 37 **low-sulfur fuel would be exempt from this requirement.**
 38 **The tenant shall notify the Port of such vessels prior to**
 39 **arrival and shall make every effort to retrofit such ships**
 40 **within 1 year.**

41 The following annual participation rates were assumed in
 42 the air quality analysis:

- 43 ■ **2009 and thereafter: 30 percent of auxiliary engines,**
- 44 **main engines, and boilers**
- 45 ■ **2010: 50 percent of auxiliary engines, main engines,**
- 46 **and boilers**

1 **■ 2013 and thereafter: 100 percent of auxiliary engines,**
2 **main engines, and boilers**

3 The incremental mitigation benefits of accelerating the implementation of
4 **MM AQ-11** have not been quantified. Nevertheless, it is certain that
5 accelerated implementation of **MM AQ-11** would result in emissions lower
6 than those identified in the Draft Recirculated EIS/EIR, although not
7 sufficiently low that any significant and unavoidable impact identified in the
8 Draft Recirculated EIS/EIR would be reduced to a less-than-significant level.
9 Therefore, the findings in the Recirculated Draft EIS/EIR with regard to air
10 quality impacts would remain the same.

11 The comment also calls for the phase-in of fuel with a maximum sulfur
12 content of 0.1 percent. To allow for some margin of error and product
13 contamination in the distribution system, when a shipping line orders
14 0.2 percent sulfur fuel, the shipping line is actually receiving a fuel with a
15 lower sulfur content of between 0.13 and 0.16 percent (POLA, 2007).
16 Therefore, if the mitigation measure required 0.1 percent fuel, the supplier
17 would have to provide fuel at a content of lower than 0.1 percent, which
18 might not be possible in current refineries (POLA, 2007). Additionally,
19 0.2 percent is consistent with the CAAP. In developing and approving the
20 CAAP, the Ports of Los Angeles and Long Beach met and collaborated with
21 agencies (including CARB, SCAQMD, and USEPA), environmental and
22 community groups, and the shipping industry. As a result of this
23 collaborative process, 0.2 percent sulfur fuel was found to be the lowest-
24 sulfur-level fuel feasible Port-wide and for mitigation of the impacts of the
25 proposed Project, and use of this fuel for that purpose represents consensus.

26 **10-9** Slide valves are relatively easy to install as a retrofit on container ships, not
27 overly expensive, and provide good reductions of NO_x and PM. However, slide
28 valves are specific to Man B&W engines and currently cannot be installed on
29 ships with engines of different manufacture. Other engine manufactures are
30 working on equivalent technologies, and preliminary tests appear promising.
31 Therefore, slide valves are being phased in over time in **MM AQ-12** to allow for
32 this research and development.

33 The other emission control technologies for ship main engines mentioned in the
34 comment are currently not feasible for retrofits on large oceangoing vessels
35 (OGVs), such as container ships. For example, although selective catalytic
36 reduction (SCR) technology has been demonstrated on four new OGVs carrying
37 scrap/steel in the San Francisco Bay Area, the applicability of low-emissions
38 technologies like SCR to large OGVs such as container ships needs to be further
39 evaluated and demonstrated. SCR is currently being tested as part of the CAAP
40 TAP. There are still a number of feasibility questions regarding SCR, including
41 spatial needs and available reactant (ammonia) and by-product issues. At this
42 time, SCR is not considered feasible.

43 However, the Port expects that some or all of the technologies mentioned in the
44 comment will be feasible for retrofits in the future. **MM AQ-22** provides a
45 process to consider new or alternative emission control technologies in the future
46 and an implementation strategy to ensure compliance. Under **MM AQ-22**, the
47 opportunity to add new measures to the lease would occur not less frequently
48 than once every 7 years.

1 **10-10** The emission control technologies for main engines in new ships identified in
 2 **MM AQ-14** are currently not feasible for large oceangoing vessels such as
 3 container ships. For example, although SCR technology has been demonstrated
 4 on four new smaller vessels with a limited geographical range carrying
 5 scrap/steel in the San Francisco Bay area, the applicability of low-emission
 6 technologies like SCR to large OGVs that travel long distances such as container
 7 ships needs to be further evaluated and demonstrated.

8 However, as discussed above, the Port expects that some or all of the
 9 technologies identified in **MM AQ-14** will be feasible and available in the future.
 10 **MM AQ-22** provides a process to consider new or alternative emission control
 11 technologies in the future and an implementation strategy to ensure compliance.
 12 Under **MM AQ-22**, the opportunity to add new measures to the lease would
 13 occur not less frequently than once every 7 years.

14 Regarding the recent proposal by the IMO, the Port fully supports such efforts.
 15 The IMO regulation, however, sets emissions limits and does not dictate specific
 16 technology. As discussed above, specific technologies identified in **MM AQ-14**
 17 are not yet considered feasible; therefore, the Port at this time cannot require such
 18 technology.

19 **10-11** Please see response to Comment 1-10. In response to a number of comments
 20 received on the Recirculated Draft EIS/EIR, **MM AQ-17** has been amended as
 21 shown below:

22 **MM AQ-17: Yard Equipment at Berth 97-109 Terminal.**

- 23 ■ **September 30, 2004: All diesel-powered toppicks and**
 24 **sidepicks operated at the Berth 97-109 terminal shall**
 25 **run on emulsified diesel fuel plus a DOC (*ASJ***
 26 ***Requirement*).**
- 27 ■ **January 1, 2009:**
 - 28 □ **All RTGs shall be electric.**
 - 29 □ **All toppicks shall have the cleanest available NO_x**
 30 **alternative fueled engines meeting 0.015 gm/hp-**
 31 **hr for PM**
 - 32 □ **All equipment purchases other than yard tractors,**
 33 **RTGs, and toppicks shall be either (1) the**
 34 **cleanest available NO_x alternative-fueled engine**
 35 **meeting 0.015 gm/hp-hr for PM or (2) the**
 36 **cleanest available NO_x diesel-fueled engine**
 37 **meeting 0.015 gm/hp-hr for PM. If there are no**
 38 **engines available that meet 0.015 gm/hp-hr for**
 39 **PM, the new engines shall be the cleanest**
 40 **available (either fuel type) and will have the**
 41 **cleanest VDEC.**
- 42 ■ **By the end of 2012: all terminal equipment less than**
 43 **750 hp other than yard tractors, RTGs, and toppicks**
 44 **shall meet the USEPA Tier 4 on-road or Tier 4 non-**
 45 **road engine standards.**

- 1 ■ **By the end of 2014: all terminal equipment other**
- 2 **than yard tractors, RTGs, and toppicks shall meet**
- 3 **USEPA Tier 4 non-road engine standards.**
- 4 ■ **In addition to the above requirements, the tenant at**
- 5 **Berth 97-109 shall participate in a 1-year electric**
- 6 **yard tractor [truck] pilot project. As part of the pilot**
- 7 **project, two electric tractors will be deployed at the**
- 8 **terminal within 1 year of lease approval. If the pilot**
- 9 **project is successful in terms of operation, costs and**
- 10 **availability, the tenant shall replace half of the**
- 11 **Berth 97-109 yard tractors with electric tractors**
- 12 **within 5 years of the feasibility determination.**

13 Because electric yard tractor is a pilot program at this time, no additional
14 emissions reductions were assumed as part of the Final EIS/EIR.

15 **10-12** China Shipping has no direct control over locomotive operations at the
16 Berth 121-131 (on-dock) rail yard. The current yard locomotive operator at the
17 Berth 121-131 rail yard is PHL. PHL is a third-party independent rail company
18 that provides rail transportation, yard switching, maintenance, and dispatching
19 services to the San Pedro Bay Ports. PHL manages all rail dispatching and
20 switching functions at the on-dock rail yards at the two ports. PHL's current
21 lease at the Port of Los Angeles expires at the end of 2014. Therefore,
22 January 1, 2015, represents the earliest date at which the Port can require diesel
23 particulate filters (DPFs) on yard locomotives through new lease measures.

24 In contrast to switchers operating at on-dock rail yards, the Port has much less
25 control over main line locomotives, which enter the South Coast Air Basin from
26 all parts of the U.S. (although CARB has had some success in reducing
27 locomotive emissions through their MOU with the rail lines). The railroads are a
28 federal source and controlled by federal regulation under the purview of USEPA.
29 The Ports, therefore, would request that USEPA move to strengthen and/or speed
30 up implementation of emission controls on main line locomotives. In the
31 meantime, the Port will continue to negotiate with Class 1 railroads to work
32 toward reducing emissions from line-haul locomotives using on-dock rail yards,
33 consistent with the schedule set forth in CAAP measures RL-2 and RL-3.

34 **10-13** Electric (on-road) drayage trucks are currently being tested in certain applications
35 around the Port as part of the TAP. Electric drayage trucks are not currently
36 feasible. To illustrate the difficulties, a recent test of an electric drayage trip
37 found that the electric truck did not have enough power to traverse the Vincent
38 Thomas Bridge. Although the solutions are being worked on, it is unclear if or
39 when feasibility will be demonstrated. If electric drayage trucks are determined
40 to be feasible and become commercially available in the future, they can be
41 considered a new lease measure through **MM AQ-22** (Periodic Review of New
42 Technology and Regulations).

43 **10-14** Due to the complexity and cost of implementing new low-emission technologies,
44 such as rail electrification, development and implementation of these
45 technologies are best handled on a Port-wide basis. The CAAP TAP is a process
46 to achieve this objective. Although technical feasibility might exist for some
47 technologies, the Port must also consider economic feasibility.

1 **10-15** Please see response to Comment 10-12.

2 **10-16** Criteria pollutant emissions were quantified within the South Coast Air Basin to
3 match the SCAQMD emission thresholds, upon which the significance thresholds
4 for the Port are based. Although the Project would generate substantially more
5 emissions within the South Coast Air Basin than any other affected air basin, the
6 Port acknowledges that criteria pollutant emissions from Project operations
7 would also occur across numerous other air basins beyond the South Coast Air
8 Basin and beyond California borders. However, in response to the comment
9 regarding emissions from trucks and rail traveling within California, for the
10 purposes of assessing significance, the Port conservatively chose to compare
11 emissions within the South Coast Air Basin to the SCAQMD thresholds as its
12 means of determining significance of regional emission impacts.

13 The Port acknowledges that trucks would generate emissions in the San Joaquin
14 Valley, Mojave Desert, Salton Sea, and San Diego air basins. However, as
15 discussed in Section 2.4.2.7 of the Recirculated Draft EIS/EIR, only 13.5 percent
16 of total truck trips are projected to travel outside the South Coast Air Basin, and
17 actual travel routes in these areas; therefore, the number of truck trips through
18 any given air basin outside the South Coast Air Basin is speculative because the
19 ultimate destination of cargo varies. Trains would also generate emissions in the
20 Mojave Desert and Salton Sea air basins. As discussed in Chapter 2 and in
21 Section 3.6 of the Recirculated Draft EIS/EIR, the Port is serviced by two Class I
22 railroad companies, and the percentages of China Shipping cargo per train and
23 ultimate rail routes outside the air basin would be different depending on which
24 rail company serviced the actual retailer purchasing the goods.

25 Criteria pollutant emissions were quantified within the South Coast Air Basin
26 and compared against the SCAQMD emission thresholds, which apply to the
27 South Coast Air Basin. This approach is conservative for the air basins adjacent
28 to the South Coast Air Basin because substantially more Project-generated truck
29 and rail emissions would occur within the South Coast Air Basin than in any
30 other affected air basin. The Recirculated Draft EIS/EIR identifies significant
31 impacts for volatile organic compounds (VOCs), carbon monoxide (CO),
32 nitrogen oxide (NO_x), sulfur oxide (SO_x), and particulate matter with diameters
33 of 10 microns or smaller (PM₁₀) and 2.5 microns or smaller (PM_{2.5}) based on the
34 thresholds issued by the SCAQMD and adopted by the City of Los Angeles. No
35 new or substantially more severe significant impact would occur due to criteria
36 pollutant emissions outside the South Coast Air Basin; these impacts would
37 occur over numerous adjacent air basins and would be substantially less in
38 volume or concentration in any other air basin compared to emissions within the
39 South Coast Air Basin. Additionally, all technically feasible and/or
40 commercially viable mitigation measures as required by CEQA have been
41 applied to the proposed Project in the Recirculated Draft EIS/EIR, and no
42 additional feasible mitigation measures would avoid or substantially lessen the
43 impacts of the Project's air quality emissions.

44 **10-17** The reduction in line-haul locomotive idling time per the 2005 Memorandum of
45 Agreement (MOA) is an assumption of how the MOA will affect actual in-
46 practice idling times based on the best estimate from railroad staff. It is an
47 average idling time; some locomotives would idle longer, some shorter. This
48 assumption in the Air Quality analysis is not intended to be a mandated limit on
49 idling times, but rather a best estimate of actual operating conditions.

1 The USEPA 2008 Locomotives and Marine Diesel Engines Emissions Standards
2 rule was promulgated after the air quality analysis in the EIS/EIR was completed.
3 As a result, the emission benefits of this rule, which would affect harbor craft and
4 locomotives, are not accounted for in the EIS/EIR. Nevertheless, a description of
5 this rule has been added to Section 3.2.3.1 of the Final EIS/EIR.

6 **10-18** The ship fleet mix for future Project analysis years was provided by the Port
7 Marketing and Engineering group based on the Vessel Forecast Study (*Forecast*
8 *of Container Vessel Specifications and Port Calls Within San Pedro Bay Final*
9 *Report, 2005*) completed for the Port by the Mercator Group and direct
10 communication with the proposed tenant.

11 **10-19** In the air quality analysis, the year 2010 was a designated analysis year for
12 Project operations that happened to coincide with the construction period of
13 Phases II and III. Therefore, for Impacts AQ-3 and AQ-4, the Recirculated Draft
14 EIS/EIR analyzed the year 2010 by adding the construction emissions of
15 Phases II and III to the 2010 operational emissions. To ensure a worst-case
16 analysis, the peak construction emissions during Phases II and III were added to
17 the 2010 operational emissions, even though the peak construction emissions
18 may, in actuality, occur in a year other than 2010.

19 **10-20** The “expanded rail yard” language is an error. The existing on-dock rail yard
20 would not be expanded under the proposed Project or any of the alternatives, and
21 corrections have been made in Chapter 3. The Recirculated Draft EIS/EIR
22 assumes that the existing rail yard at Berth 121-131 is not expanded; therefore,
23 eliminating that language from the document would not result in any new
24 impacts or more severe impacts than is discussed.

25 The Port, through consultation with the transportation engineer, determined that
26 the most appropriate way to estimate the China Shipping throughput at the on-
27 dock rail yard is to assume that its throughput share is proportional to its total
28 TEU throughput relative to the total TEU throughput at both the China Shipping
29 and Yang Ming terminals. For example, in years when China Shipping TEU
30 throughput is less than Yang Ming TEU throughput, the air quality analysis
31 assumed that the China Shipping share of on-dock rail yard throughput would be
32 smaller than the Yang Ming share. Conversely, in years when China Shipping
33 TEU throughput is greater than Yang Ming TEU throughput, the air quality
34 analysis assumed that the China Shipping share of on-dock rail yard throughput
35 would be larger than the Yang Ming share. Using this approach, the air quality
36 analysis assumed that China Shipping containers would account for 17, 34, 51,
37 57, and 57 percent of the on-dock rail yard capacity in the years 2005, 2010,
38 2015, 2030, and 2045, respectively. These percentages represent a best estimate
39 from the Port; they are not intended to be minimum usage requirements for China
40 Shipping. Regardless of which terminal captures the largest share of throughput
41 at the on-dock rail yard, the same overall container throughput would occur, and
42 the same overall number of containers would need to be hauled by truck to near-
43 dock rail yards due to on-dock rail yard capacity constraints.

17 June 2008

Commander, U.S. Army Corps of Engineers
Los Angeles District
% Dr. Spencer D. MacNeil
PO Box 532711
Los Angeles, CA 90053-2325

Port of Los Angeles
Environmental Management Division
% Dr. Ralph Appy, Director
425 S. Palos Verdes St.
San Pedro, CA 90731

SUBJECT: Comments on Re-Circulated Draft EIS/EIR for the Berths 97-109 Container Terminal (China Shipping) Project

Dear Drs. MacNeil and Appy:

The following are the City of Rancho Palos Verdes' comments on the Re-Circulated Draft EIS/EIR for the above-mentioned project. We previously commented on the project in correspondence dated 3 October 2006.

- 11-1
1. With respect to Aesthetics and Visual Resources (Section 3.1), the City appreciates that, as we had previously requested, a photograph representing a "typical" harbor view from Rancho Palos Verdes was taken in the vicinity of Clevis Road and Palos Verdes Drive East for inclusion in the Re-Circulated DEIS/EIR. However, we note that more extensive "before-and-after" view simulations in the document are still limited to a handful of sites nearer to the proposed project and located mostly east of the Harbor Freeway and Gaffey Street. Why were similar simulations not provided for all of the sites from which photographs were taken?
- 11-2
2. With respect to Air Quality (Section 3.2), it is clear that this project would have both construction-related and operational air quality impacts upon surrounding communities. As we noted in our previous comments of 3 October 2006, the baseline air quality conditions for this project are based upon a small number of sampling sites, only two (2) of which are located in or adjacent to residential areas. There still appears to have been no sampling conducted west of the Harbor Freeway and/or Gaffey Street; the City of Rancho Palos Verdes is located at least a mile west of these thoroughfares. Figure 3.2-10 appears to depict an increase in annual particulate matter (i.e., PM_{10}) concentration in the extreme easterly portion of the City (i.e., $0.1 \mu\text{g}/\text{m}^3$) that is directly attributable to the proposed project. What are the likely human health effects of such a change upon the residents of our City? Has a corresponding analysis of annual $PM_{2.5}$ concentration been conducted? If so, what human health effects does it identify for our residents?

- 11-3 3. With respect to Ground Transportation (Section 3.6), as we noted in our previous comments of 3 October 2006, there appears to have been no consideration of project-related traffic west of the Harbor Freeway and/or Gaffey Street. Although the likelihood of project-related traffic being diverted all the way to Western Avenue—our City's major north/south arterial on the east side—seems remote, it does not seem to us remote that the cumulative effects of this project's construction and operational traffic with the large number of new residential units proposed in the San Pedro area would be insignificant. For example, the list of cumulative traffic generators (Table 3.6-2) does not include the proposed 1,950-unit *Ponte Vista* project on Western Avenue at the former Navy housing site, nor does it include the numerous other mixed-use and residential developments in northwest and central San Pedro. We continue to believe that the analysis of the cumulative ground transportation impacts of the project is inadequate.
- 11-4 4. With respect to Noise (Section 3.11), there (again) appears to have been no consideration given to project-related noise impacts for areas west of the Harbor Freeway and/or Gaffey Street. Most of the proposed noise mitigation measures deal with short-term, construction-related impacts and none reduces these impacts to less-than-significant levels. Many Rancho Palos Verdes residents find that sounds from the harbor area are amplified as they move uphill to the west. With the ports of Los Angeles and Long Beach moving increasingly to 24-hour operations, we believe that the long-term operational noise impacts upon our residents may be significant. Why has no noise monitoring been conducted at higher elevations to the west of the project site? What kind of mitigation measures might be imposed to reduce long-term operational noise impacts to surrounding communities?

Thank you for the opportunity to comment again on this important project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5228 or via e-mail at kittf@rpv.com.

Sincerely,



Kit Fox, AICP
Associate Planner

cc: Mayor Stern and City Council
Carolyn Lehr, City Manager
Carol Lynch, City Attorney
Joel Rojas, Director of Planning, Building and Code Enforcement

2.3.11 Rancho Palos Verdes (Comment Letter 11)

11-1 The professional protocols that have been established for conducting visual analyses call for selecting views for simulation and analysis that are sensitive, are accessible to the public, and are generally representative of views seen in a larger viewing area. The referenced photograph from the vicinity of Clevis Road and Palos Verdes Drive East was included in the Recirculated Draft EIS/EIR because it provides a good representation of the views toward the Project site from a range of viewpoints in Rancho Palos Verdes and because it provides a sound basis for understanding how the presence of the Project would affect views from other Rancho Palos Verdes viewing locations. As the distance from the Project site increases, the Project site becomes a smaller part of the overall field of view, and the potential for visual impacts is reduced. As can be seen from Photograph 18 in the Recirculated Draft EIS/EIR, the Project site represents a very small part of the composition that comprises the views from the vicinity of Clevis Road and Palos Verdes Drive. Because of this, no substantial view impacts or view blockages were anticipated; therefore, no simulations from this perspective were performed.

11-2 Following public release of the Recirculated Draft EIR/EIS, CARB developed a long-term mortality methodology for particulate matter of less than 2.5 micrometers in aerodynamic diameter (PM_{2.5}) that would be appropriate for individual projects. The methodology is similar to that used in the Recirculated Draft EIR/EIS, but it is based on a more conservative estimate of the relative risk of premature death.

Based on the new CARB methodology, the long-term impacts associated with the proposed Project after mitigation would be:

1. An increase in the mortality incidence rate from baseline in 2005
2. An increase in the mortality incidence rate from baseline in 2010
3. A decrease to below baseline in the mortality incidence rate for future project years 2015, 2030, and 2045

The incremental increase in 2005 would be 0.138 premature deaths. The incremental increase in 2010 would be 0.078 premature deaths. However, in subsequent analysis years, the long-term incidence rate would decrease below the baseline, resulting in a net improvement in the mortality incidence rate. Specifically, the incremental change would be -0.043 premature deaths in 2015, -0.008 premature deaths in 2030, and -0.010 premature deaths in 2045. These results represent an analysis of long-term mortality from the overall Project to the surrounding community.

The eastern boundary of the City of Rancho Palos Verdes is just outside the 0.01-microgram-per-cubic-meter ($\mu\text{g}/\text{m}^3$) PM_{2.5} annual concentration isopleth during the maximum impact year, as predicted by the AERMOD dispersion model. This means that the increase in annual PM_{2.5} concentrations associated with the mitigated Project would be less than 0.01 $\mu\text{g}/\text{m}^3$ during all Project analysis years. Therefore, the City of Rancho Palos Verdes would not see a measurable increase in annual PM_{2.5} concentrations associated with the mitigated Project relative to baseline conditions.

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- 11-3** The Project would contribute virtually no truck traffic to Gaffey Street or any other non-freeway roadway west of Interstate (I-) 110. The vast majority of trucks are oriented to and from the north and east, with origins and destinations many miles from the Port. The truck origins and destinations are not in the local area west of the Port or west of I-110; thus, none or very few trucks would ever be expected to use streets to the west of I-110. The majority of trucks would use I-110 itself and Alameda Street to reach the Project area. Some employee trips might occur on Gaffey or other streets west of I-110. Again, this would be a very small proportion of employee trips and would include only those who live near the Project terminal. Nearly all employee trips are expected to use I-110 to reach the Project area. Thus, the I-110 freeway acts as a natural barrier to travel and is the main travel corridor to the Project site. Cumulative impacts on Gaffey Street and other streets west of I-110 likely would be the result of other cumulative projects in the San Pedro, not a result of the proposed Project. In addition, the background ambient traffic growth rate and cumulative project analysis that was applied in the Recirculated Draft EIS/EIR would account for any contribution of expected projects, including the subject Project.
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- 11-4** Regarding the areas west of the Harbor Freeway and Gaffey Street, these locations would have lower exposure to noise from the proposed Project than the Knoll Hill receivers that have been included in the evaluation due to the greater distance of these areas from the Project site and shielding from intervening structures. However, given the existing noise exposure from I-110 at the referenced locations of concern, they would not experience the same impacts as anticipated for other locations closer to the site. Furthermore, the nearest areas in Rancho Palos Verdes are approximately 0.75 miles away from the project site. At such locations, potential Project-related contributions to overall noise levels would be much lower than those at receiver locations adjacent to the Project. This is due to the distance attenuation that would reduce Project noise levels to a point where they would not contribute to overall noise levels. Therefore, no significant noise impacts are expected at the referenced areas in Rancho Palos Verdes.



Office of the
City Attorney

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REGULATORY BRANCH
LOS ANGELES OFFICE

June 30, 2008

U.S. Army Corps of Engineers
Los Angeles District Regulatory Branch
c/o Spencer D. MacNeil, D. Env.
ATTN: CESPL-CO-R-2003-01029-AOA
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Comments on the China Shipping Terminal Recirculated Draft EIR/EIS;
Our File No. 08-0567

Dear Mr. MacNeil:

The City of Riverside appreciates this opportunity to review the Recirculated Draft EIR/EIS (the "RDEIR") for the China Shipping Container Terminal at Berth 97-107 (the "Project"). At this point in the process, Riverside submits the following comments:

- 12-1 • The data and calculations underlying the 817 estimated rail round-trips were not included in the RDEIR or its appendices. There is a passing citation to the "Rail Master Plan and actual Yang Ming rail yard projections" on RDEIR page 2-2, but those projections are never revealed. There is no way to verify the timeliness, accuracy, applicability, or even the existence of the data. Those data must be included and analyzed in the RDEIR discussions and analysis, or at the very least, as an appendix.
- 12-2 • The rail impacts analyses refer to "on-dock" and "near-dock" rail facilities, but they are never defined. Without knowing what an on- or near-dock facility is, one cannot effectively evaluate the rail discussions and analyses.
- 12-3 • The annual 817 "round trip" figure is misleading. In actuality, there will be 1,634 discrete trips.
- 12-4 • The Middle Harbor Redevelopment Project at the adjacent Port of Long Beach will also generate rail traffic. That cumulative analysis was not performed, but must be.



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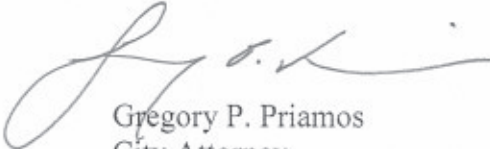
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LOS ANGELES OFFICE

- 12-5 • In section 3.6, the RDEIR admits that increased rail traffic will cause adverse traffic impacts, particularly at “at-grade crossings.” Yet, the RDEIR claims those impacts are not feasible to mitigate. That is incorrect. “Grade separations” are common, accepted, and effective mitigation of at-grade rail impacts by vertically separating the rail and vehicular traffic. There is no explanation given to support the conclusion that grade separations are infeasible.
- 12-6 • The RDEIR admits that the rail freight will eventually travel north and east. There are limited rail lines leading east; in fact, there are only two – the Union Pacific and the Burlington Northern Santa Fe. As a result, the increase in rail traffic flowing east (and north) can be easily estimated, and so can the impacts from those increases. The Port need not control the rails to know where the freight is going, and how much freight is moving. The baseline and with-Project number of trains can be estimated also.
- 12-7 • Riverside is particularly impacted by rail traffic. As explained in the attached documents (which are all incorporated in these comments by reference as if set forth in full), Riverside has 26 at-grade main-line rail crossings within the City limits. Riverside is currently burdened with up to 128 trains per day carrying approximately 75% of the containers from the Ports of Los Angeles and Long Beach. The Project will add 6 trains per day, a 5% increase. That is a significant impact, which becomes even more significant in an already-impacted City. There are also 37 passenger trains competing for rail access through Riverside, further complicating the delays.
- 12-8 • The RDEIR is incorrect that there is remaining rail capacity, and thus no impacts. Repeated rail-scheduling conflicts result in serious delays in Riverside, and elsewhere.
- 12-9 • For example, idling vehicles stopped at at-grade crossings contribute 45 tons of air pollutants annually. By 2020, idling vehicles stopped at at-grade crossings will generate 208 tons of air pollutants annually; a staggering 450 percent increase in just 12 years. The Riverside County Department of Health indicates that City of Riverside children, 5-14 years of age, suffer more asthma-related hospitalizations than any other group.
- 12-10 • Riverside residents are forced to wait an average of three and up to six hours a day per crossing for trains to pass.
- 12-11 • Police, fire and EMT officials reported 491 delays at Riverside's at-grade crossings between 2002 and 2007. Responder delays averaged 3 minutes and were as long as 21 minutes.
- 12-12 • In the first half of 2007, Riverside experienced 82 rail-delayed fire trucks and ambulances, for a total of 256 minutes. Each of those minutes can represent life or

- 12-12 ↑ death. Heart attack survival rates can drop from 7% to 10% for each minute of delay. Brain damage can occur in 3 to 4 minutes. From December 1, 2006 to April 24, 2007, rail delays affected 270 police vehicles, for a total of 1,327 minutes (22.12 hours). Again, those minutes can mean life or death.
- 12-13 | • The stopped trains and stopped traffic cause local air quality impacts and waste fuel. Disturbed traffic flow can create more dangerous driving conditions. More rail traffic also causes more rail/traffic and rail/pedestrian impacts, and additional noise.
- 12-14 | • Fortunately, grade separations can mitigate the additional rail impacts. Riverside has an active program for grade separations. The Port can readily mitigate the additional rail burden through Riverside by fair-share contributions to grade separations. This does not require the railroads to mitigate. The Port need not control the rails or railroads at all to mitigate this way.

In closing, Riverside again thanks the Port for the opportunity to comment on the RDEIR, and looks forward to working together with the Port to improve and protect the environment. If you have any questions, please do not hesitate to contact me at your convenience.

Very truly yours,



Gregory P. Priamos
City Attorney

ALB/jw

Attachments

c: Michael Beck, Assistant City Manager
Siobhan Foster, Public Works Director
Dr. Ralph Appy, Director of Environmental Management

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2.3.12 City of Riverside (Comment Letter 12)

- 12-1 The count of 817 rail round trips required for the proposed Project is based on the projected terminal TEU throughput and the percentage of total throughput that would be transported via rail. Please see Table E12.-13 in Appendix E of the Recirculated Draft EIS/EIR.
- 12-2 On-dock rail yards are located at the container terminal, whereas off-dock rail yards are located farther inland such as in Carson or downtown Los Angeles.
- 12-3 Commenter is correct that one round trip is equal to two one-way trips. The presentation of the data does not change the underlying analysis.
- 12-4 The Middle Harbor Project is included as a related project in Table 4-1 of the Recirculated Draft EIS/EIR, and the discussion of cumulative impacts in Chapter 4 assumes implementation of the Middle Harbor Project.
- 12-5 See the response to Comment 5-2 above.
- 12-6 Please see the response to Comment 13-27 below. As shown in the associated evaluation in that response, the proposed Project is not expected to result in a significant vehicle delay impact at the at-grade crossings in Riverside County and City of Riverside.
- 12-7 The Port would like to thank the City for the supplemental information, in particular, the 2006 Federal Railroad Administration (FRA) report entitled *Impact of Blocked Highway/Rail Grade Crossings on Emergency Response Services*. The FRA report acknowledges (in Section IV.A) that in many parts of the country, communities grew up around the railroad, which means the railroad often runs right through the middle of town. The report further acknowledges that, as the towns spread out into the suburbs, development leads to new roads and demands for additional grade crossings if there is no nearby grade-separated highway. Investigation by the Port confirms that circumstances in the City of Riverside conform to this typical pattern. Aerial photographs show that the railroad rights-of-way extend through the City of Riverside, with development around the rights-of-way and numerous grade crossings. Areas along the railroad rights-of-way and in the areas surrounding the railroad rights-of-way have been developed with industrial, commercial, and residential uses, and various roadway infrastructure features have been developed. Southern California Association of Governments (SCAG) documents show that the City of Riverside, Riverside County, and the Inland Empire are the fastest growing areas in the state. The EIRs for Riverside General Plans show that land use development in the City of Riverside and the nearby jurisdictions has resulted in numerous environmental impacts, such as traffic congestion on local roadways, freeway congestion, air emissions, and noise. As discussed in the Recirculated Draft EIS/DEIR, roadway congestion, in combination with passing trains, contributes to at-grade rail crossing delay impacts.

However, the assertion by the City that Project-related rail traffic would cause significant environmental impacts in the City of Riverside is inconsistent with the conclusions of the Final EIR for the City's General Plan (City of Riverside, 2007). In that EIR, the City acknowledged that traffic delays at the at-grade rail crossings would occur under the Plan. However, the City did not identify those delays as potentially significant environmental impacts. In a letter dated

1 September 7, 2007, the Friends of Riverside Hills commented on the Draft EIR,
 2 urging that the EIR consider impacts of the City’s growth upon the at-grade
 3 crossings and include a study of the present and projected delays at the City’s
 4 grade crossings. The City responded to the Friends of Riverside Hills stating the
 5 following (City of Riverside, 2007):

- 6 ■ *In 2003, the City completed the Railroad Grade Separation Report that*
 7 *will help the City prioritize the grade separation projects. The City has*
 8 *identified a total of 28 grade separation projects, listed below. Of the*
 9 *28 grade separation projects, one project is fully funded, and four are*
 10 *partially funded.*
- 11 ■ *The report will help the City prioritize future grade separations in a*
 12 *comprehensive manner, similar to but on a smaller scale than the*
 13 *Alameda Corridor project . . .”*
- 14 ■ *. . . the General Plan includes Policy CCM-12.3 which calls for the City*
 15 *to “Aggressively pursue grade-separated rail crossings to alleviate*
 16 *traffic congestion and associated air quality and noise impacts.”*
- 17 ■ *Thus, because the City has already studied the impacts of railroad*
 18 *crossings in its 2003 Railroad Grade Separation Report, which was*
 19 *specifically referenced in the Draft PEIR, and has already identified a*
 20 *priority list of grade separation projects, no further analysis is required*
 21 *in the Draft PEIR.*

22 However, although the City’s response acknowledged the role of “expected
 23 growth” of the City in contributing to at-grade rail crossing delays, the City did
 24 not revise its EIR to provide the requested detailed traffic impact delay analysis
 25 at the at-grade crossings. Instead, the City in reliance on the above-quoted
 26 statements, declined to make any change to its conclusion that at-grade rail
 27 crossings in the City would not be significantly impacted or require mitigation.
 28 Please see the response to Comment 13-27 below.

29 **12-8** Comment noted. Regarding the rail capacity comment, based upon the vehicle
 30 delay analysis in the responses to Comments 13-9 and 13-27 below, adequate
 31 capacity on rail tracks is apparent.

32 **12-9** Comment noted. Please see the response to Comments 12-7 and 12-8. This
 33 comment appears to be quoting regional emissions data rather than emissions
 34 generated by the proposed Project. Comment noted.

35 **12-10** Comment noted. Please see the response to Comment 12-7.

36 **12-11** Comment noted. Please see the response to Comment 12-7.

37 **12-12** Comment noted. Please see the response to Comment 12-7.

38 **12-13** Please see the response to Comment 12-7.

39 **12-14** Regarding the comment that the Port should consider a fair-share contribution to
 40 grade separation projects (presumably in the City of Riverside), it should be
 41 noted that many of the problems described by the City are being addressed by a
 42 partnership of regional and state organizations. Various Southern California
 43 counties (including the County of Riverside) comprise the Southern California
 44 National Freight Gateway, referred to as the Trade Corridor Improvement Fund
 45 (TCIF). During the past 2 years, the following Southern California agencies have

1 worked closely together to develop of list of Tier I and Tier II projects to address
 2 various goods movement issues throughout all of the respective counties.

- Port of Los Angeles
- Port of Long Beach
- Alameda Corridor Transportation Authority
- Alameda Corridor East Construction Authority
- Ventura County Transportation Commission
- Southern California Association of Governments
- Riverside County Transportation Agency (to which the City of Riverside belongs)
- San Bernardino Associated Governments
- Orange County Transportation Authority
- Los Angeles County METRO
- Southern California Rail Authority

3 These agencies have submitted numerous applications to the California
 4 Transportation Commission for the TCIF funding of individual projects in each
 5 county, including grade separation projects. Furthermore, as indicated on
 6 page 20 of the Federal Railroad Administration report that the City of Riverside
 7 provided, grade separations generally are funded by the State Department of
 8 Transportation (Caltrans) or local agencies (FRA, 2006). The FRA report also
 9 calls for communities to work with the railroad (in their communities) to
 10 determine the most effective methods for addressing at-grade crossing traffic
 11 congestion and to minimize costs for grade separations.

12 Lastly, the response to Comment 13-8 below is also applicable to the City of
 13 Riverside, which is a member of RCTC.

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Riverside County Regional Complex
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Mailing Address: Post Office Box 12008 • Riverside, California 92502-2208
Phone (951) 787-7141 • Fax (951) 787-7920 • www.rctc.org

VIA U.S. CERTIFIED MAIL



June 23, 2008

Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Attn: Dr. Ralph Appy, Director Environmental Division

Re: California Environmental Quality Act ("CEQA") Comments on Berths 97-109 [China Shipping] Container Terminal Project Re-circulated Draft Environmental Impact Statement/Environmental Impact Report

Dear Dr. Appy,

Thank you for providing the Riverside County Transportation Commission ("RCTC") with the opportunity to review and comment on the Berths 97-109 [China Shipping] Container Terminal Project Re-circulated Draft Environmental Impact Statement/Environmental Impact Report ("Draft EIS/EIR"). Herein, RCTC raises several issues showing the deficiency of the environmental review under the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq. and California Code of Regulations, title 14, section 15000 et seq. ["State CEQA Guidelines"]). RCTC wishes to work cooperatively with the Port of Los Angeles to ensure that these deficiencies are addressed and submits this comment letter with that goal in mind.

As you may know, CEQA is intended to "[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities." (State CEQA Guidelines, § 15002, subd. (a)(1).) An EIR achieves this objective by "identifying possible ways to minimize the significant effects, and describe reasonable alternatives to the project" for consideration by the public and the lead agency approving the project. (State CEQA Guidelines, § 15121, subd. (a).) Significant effect on the environment means a substantial, or potentially substantial, adverse change in the environment or in any of the physical conditions within the area affected by the project including land, air, and ambient noise. (Pub. Res. Code, § 21068;

State CEQA Guidelines, § 15382, *Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1333.)

“In assessing the impact of a proposed project on the environment, the lead agency normally examines the ‘changes’ in existing environmental conditions in the affected area that would occur if the proposed activity is implemented.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 660; see also State CEQA Guidelines, § 15126.2, subd. (a).) In evaluating the significance of the environmental effect of a project, the lead agency must consider direct and reasonably foreseeable indirect physical changes in the environment which may be caused by the project. (See Pub. Res. Code, § 21065; *Citizens for Responsible & Open Government, supra*, 160 Cal.App.4th 1323, 1333.) Direct impacts are those occurring at the same time or place as the project while indirect impacts are those that are reasonably foreseeable to occur at some distance or at a later time. “Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects.” (State CEQA Guidelines, § 15126.2, subd. (a); *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1205).)

In *County Sanitation Dist. No. 2 of Los Angeles County v. County of Kern* (2005) 127 Cal.App.4th 1544, various cities and counties eliminated much of their sewage sludge by shipping it to Kern County to be used as fertilizer by farmers. Kern County adopted an ordinance that prohibited the land application of sewage sludge without preparing an EIR. The County argued that since the ordinance was effective only in Kern County, only the impacts to Kern County land subject to the ordinance should be considered for CEQA purposes. Because the overall effect of the ordinance would produce environmental benefits to Kern County, the County argued that the ordinance had no significant environmental impacts and no EIR was required. The court agreed that the ordinance could have a beneficial effect on Kern County’s environment; however, the court found that the County had inappropriately restricted its environmental analysis to Kern County. Instead, the County should have evaluated whatever physical conditions would be affected by the proposed project, regardless of their location. The court found that the County could reasonably foresee that its adoption of the ordinance would cause environmental impacts as far away as Los Angeles because sewage sludge generators would have to find alternative disposal methods for sludge, which had the potential for creating additional air pollution, loss of landfill capacity, and increased consumption of energy and other resources. Accordingly, CEQA requires that impacts be analyzed and disclosed even if they occur hundreds of miles away and not within the control of the lead agency.

Additionally, in *County of San Diego v. Grossmont-Cuyamaca Community College District* (2006) 141 Cal.App.4th 86, the community college district’s EIR indicated that off-campus intersections and roadways would be affected by the Master Plan and that implementation of the Plan would result in significant impacts to transportation unless mitigation were imposed. However, the district’s CEQA findings in support of the Master Plan approval found that the mitigation of the adverse traffic impacts identified in the EIR was infeasible because the district lacked jurisdiction over the affected roads and could not assure the needed road improvements would actually be implemented. (*Id.* at 97.) The court rejected these arguments, holding

[t]o the extent the District is required under CEQA to help fund off-campus road and intersection improvements that are needed to mitigate adverse offsite traffic impacts that are created by the project, but fall within the responsibility of the County, the CEQA compliance mandate set forth in California Code of Regulations, title 5, section 57121, subdivision (f) and Education Code section 81949 authorize the District to make those expenditure. (*Id.* at 104.)

13-1 Accordingly, the fact that an impact is outside the jurisdiction of the lead agency does not necessarily excuse a lead agency from meaningfully analyzing and mitigating for an impact if enough information is available to determine the impact. RCTC's intent with this comment letter is to make you aware of the deficiencies in the Draft EIS/EIR. Specifically, the Traffic/Circulation, Air Quality and Cumulative Analysis Sections of the Draft EIS/EIR have failed to analyze or mitigate for reasonably foreseeable impacts of the Project in Riverside County despite the availability of meaningful information to do so. As such, the Draft EIS/EIR must be substantially revised to include reasonably foreseeable Project impacts in Riverside County and mitigation for these impacts must be imposed.

TRAFFIC/CIRCULATION

13-2 As you may be aware, traffic congestion is a serious problem in the Inland Empire, which includes Riverside and San Bernardino Counties. One of the main causes of traffic snarls is port traffic. More railcars are being added to trains to make room for increased numbers of cargo containers, making the trains longer and resulting in extended automobile and truck wait times at at-grade train crossings. For example, a given street may be blocked for an average of 12 minutes by a typical port train and individual delays of 28 minutes have been recorded. (Draft EIS/EIR, at p. 4-97.)¹ Specifically, more than 500 police cars and emergency response vehicles have been delayed by freight trains in the City of Riverside in the past five years.² Additionally, increased numbers of trucks carrying port cargo containers also add to congestion in the Riverside County freeways. Moreover, only a fraction of the cargo from the ports is handled in the Inland Empire, while the majority merely passes through. Thus, the Riverside County is forced to subsidize this increased rail and truck traffic in a manner that is onerous and disproportionate to the benefits that Riverside County receives from the Port. There is concern that "increased traffic in and trade through [the Inland Empire] will make the place impassable within a few years."³

13-5 Routes 60 and 90, and Interstate 15, all running through the Riverside County, serve as key transportation corridors for freight movement to and from the Ports. (Port of Los Angeles Baseline Transportation Study, April 2004, at p. 38.) These freeways "carry goods to distribution warehouses and rail yards within the region, and serve not only direct port truck trips, but also trips associated with transloaded [as opposed to direct trips through and from the

¹ Weikel and Rabin, *Cargo Has L.A. Traffic at a Crawl*, Los Angeles Times (June 10, 2008).

² *Ibid.*

³ *Ibid.*

13-5 ↑ Ports] goods on the second or third link of the goods movement chain.” (*Id.*) Currently, there are over 2,879 daily direct truck trips on Route 91 to and from the Long Beach and Los Angeles Ports, not including secondary or transloaded truck trips. (*Id.* at p. 37.) This figure is expected to rise to 7,000 by the year 2025, a staggering 147% increase. (*Id.*) Additionally, the peak hour port trucks on Route 60 is expected to increase from 180 to 385 by the year 2025, an astounding 114% increase. (*Id.* at p. 39.) Moreover, currently, about 60% of the total goods that are transported outside of California move along the I-15 corridor.⁴ The number of truck trips on the 710, 60 and 10 freeways are expected to double in order to accommodate port growth by the year 2025.⁵

13-7 The Project is projected to handle 1,164,400 and 1,551,000 Twenty-foot Equivalent Units in the years 2015 and 2030 respectively. (Draft EIS/EIR, at p. 2-2.) About 50% of the containers are for local delivery within the South Coast Air Basin (“SCAB”), which includes Riverside and San Bernardino Counties, while about 13.5% will be destined for national markets by the year 2030. (Draft EIS/EIR, at p. 2-24.) Moreover, table E1.2-13 in Appendix E1.2 to the Draft EIS/EIR indicates that the Project will generate an estimated 303,996 train trips to and from off-dock rail yards by the year 2030. Additionally, the Project is expected to generate 634,864 annual truck trips within the SCAB and an additional 170,762 annual truck trips outside the SCAB. (Draft EIS/EIR, Appendix E1.2, Table E1.2-11.) These are enormous increases in annual trips.

13-8 In spite of the clearly articulated foreseeable increase in cargo traffic through the Inland Empire as a result of the Project, the Transportation/Circulation section of the Draft EIS/EIR appears only to analyze local impacts adjacent to and nearby the Port and does not analyze reasonably foreseeable inland impacts in Riverside County. (See Attached Technical Review of Draft EIS/EIR for Berth 97-109 Container Terminal Project (June 16, 2008).) With respect to trains, the Draft EIS/EIR states merely that the Project will “not cause significant rail-related impact on lines that lead . . . east of the . . . rail yards” and that the number of trains generated by the project would not cause the mainline rail tracks to exceed the regional capacity. (Draft EIS/EIR, at p. 3.6-46.) This “analysis” of impacts to traffic is deficient in light of the traffic problems experienced in Riverside County due to port cargo movement. As conceded by the Port’s own Transportation Study, the majority of these trains will be using the train tracks going through the Inland Empire, with resulting foreseeable significant adverse impacts to circulation, including longer wait times at at-grade train crossings, the interruption of traffic flows and attendant congestion and air quality impacts. There is no analysis of the length of the trains and impacts to traffic at at-grade crossings. Additionally, the Draft EIS/EIR lacks any analysis of what the regional capacity of the rail tracks is and how the increase in train traffic generated by the Project will impact this capacity.

13-9 ↓ Additionally, the Draft EIS/EIR states that “rail-related impacts due to the proposed Project are limited to the at-grade crossings that are located south of the downtown rail yards, and are focused on the at-grade crossings on local lines in and near the Port.” (Draft EIS/EIR, at p. 3.6-

⁴ State Senator George Runner, *Innovative Solutions to Relieve Truck Traffic on Our Freeways*, 2005 (available at <http://republican.sen.ca.gov/opeds/17/oped2602.asp>).

⁵ Weikel and Rabin, *Cargo Has L.A. Traffic at a Crawl*, Los Angeles Times (June 10, 2008).

13-9 ↑ 46.) This statement is inadequate in view of *County of Kern and Grossmont-Cuyamaca Community College District*. The Port is required to analyze reasonably foreseeable impacts and discuss mitigation measures, if the impact is reasonably foreseeable. The Draft EIR/EIS, however, does not explain why traffic impacts associated with rail impacts are foreseeable at near-Port intersections but not on roadways in Riverside County. Simply asserting that “rail operators make choices about train routes” does not alleviate the Port’s responsibility of analyzing Project related impacts if those impacts are known.

13-10 Moreover, the Project is projected to generate an additional 805,626 annual truck trips, many of which will be made via Inland Empire freeways, including Interstate 15 and Routes 60 and 91. Because more than 75% of all goods shipped from California sites are now transported on trucks, these additional truck trips will cause traffic problems similar to those generated by the trains.⁶

13-11 The freeways in Riverside County are already suffering from congestion due to Port traffic. This additional projected traffic will exacerbate the traffic problem for various reasons. First, trucks generally travel at slower speeds than automobiles, leading to a slow-down of freeway traffic generally. Second, trucks slowing down and merging leads to congestion and increases the likelihood of accidents. Third, trucks carrying heavy cargo causes greater wear and tear on the freeways. Fourth, trucks take up 25-30% of valuable freeway space, which leaves less room for commuters and leads to traffic congestion.⁷ The Draft EIS/EIR must analyze these truck impacts on freeways in Riverside County. Furthermore, the Draft EIS/EIR should discuss mitigation measures for Port traffic related impacts.

13-12 RCTC staff would be pleased to work with the Port to develop and implement appropriate mitigation for these impacts. For example, mitigation could include expansion of the trade corridors so they can operate more efficiently. Grade separations could be built in Riverside County at-grade crossings which have dire traffic backlogs, alleviating some of the congestion.

13-13 Expanding or redesigning certain off-ramps and on-ramps that cause congestion due to trucks slowing or merging could be another mitigation measure. Other mitigation measures could include shifting truck operation hours from peak hours to off-peak and weekends, as well as shifting cargo transport from trucks to trains because each train is equivalent to 700 truck trips. (Port of Los Angeles Portwide Rail Synopsis Review Draft, July 2004, at p. 9.) Similarly, the Port could contribute into a Transportation Uniform Mitigation Fee fund or other similar funds, with proceeds to be used to improve traffic circulation in Riverside County.

AIR QUALITY

13-14 ↓ In addition to the serious deficiencies in the traffic/circulation analysis, the Air Quality and Meteorology section of the Draft EIS/EIR is also deficient. “It has long been recognized that emissions from trains and trucks can significantly affect air quality locally and regionally.” (*Id.* at p. 41.) The section states that the Project is located within the SCAB, which includes

⁶ *Traffic Congestion is California's Economic Roadblock*, May 7, 2001, All Business (available at <http://www.allbusiness.com/economy-economic-indicators/economic-conditions-recovery/6069990-1.html>).

⁷ State Senator George Runner, *Innovative Solutions to Relieve Truck Traffic on Our Freeways*, 2005 (available at <http://republican.sen.ca.gov/opeds/17/oped2602.asp>).

13-14 ↑ Riverside and San Bernardino Counties. Several air quality standards in the SCAB are exceeded frequently and by a wide margin. It currently does not meet the federal standards for ozone, nitrogen dioxide, carbon monoxide and is in non-attainment for 8-hour ozone, PM₁₀, and PM_{2.5}. (Draft EIS/EIR, at p. 3.2-5.) The main concern with these “pollutants is that they contribute directly to regional human health problems.” (*Id.* at p. 3.2-3.) Furthermore, trucks are responsible for 40% of nitrous oxide emissions and 60% of particulate matter emissions produced from all vehicles.⁸ Moreover, the Draft EIS/EIR states that “most Project-related emission sources would be diesel-powered, generating diesel particulate matter,” a “component of PM₁₀ and PM_{2.5}” which has been “classified as a toxic air contaminant.” (*Ibid.*) The Draft EIS/EIR further reports that the Ports “contributed approximately 21 percent of the total diesel PM emissions in the air basin in 2002” which resulted in elevated cancer risks. (*Id.* at p. 3.2-8.)

13-15 | Although the air quality section does discuss operational emissions associated with trucks and trains, it is not clear what the emissions associated with travel through Riverside County are. This is problematic in light of the fact that the impact of these emissions will be greater in the Inland Empire because of the increased amount of Project-generated truck and train traffic traveling though the Inland Empire. Moreover, since trucks and trains emit excessive particulate matter, the projected increase in such traffic has a foreseeable cumulative impact which needs to be analyzed. Additionally, since emission per ton-mile from rail cargo are less than from truck cargo, the Draft EIS/EIR should thoroughly discuss the impact of cargo hauled by train instead of by truck. (See Port of Los Angeles Portwide Rail Synopsis Review Draft, July 2004, at p. 46-47.) Furthermore, the required mitigation measures do not address the impacts to Riverside County. (See Draft EIS/EIR, at p. 3.2-76—3.2-83.) Therefore, some mitigation needs to be directed at improving air quality in Riverside County.

CUMULATIVE ANALYSIS

13-19 ↓ The cumulative analysis section of the Draft EIS/EIR is similarly deficient. CEQA requires a reasonable analysis of the significant cumulative impacts of a proposed project. (Pub. Res. Code, § 21083(b).) “An EIR must be prepared if the cumulative impact may be significant and the project’s incremental effect, though individually limited, is cumulatively considerable.” (State CEQA Guidelines, § 15064(h).) “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. (*Ibid.*) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence. (State CEQA Guidelines, § 15130.) An EIR may determine that a project’s contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. (*Ibid.*) A project’s contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. (*Ibid.*)

⁸ *Truck Emissions*, ACFNewssource (available at http://www.acfnewssource.org/science/truck_emissions.html); cf. Port of Los Angeles Portwide Rail Synopsis Review Draft, July 2004, at p. 41.)

↑ The Draft EIS/EIR identifies 84 present or reasonably foreseeable future projects that could contribute to cumulative impacts. (Draft EIS/EIR, at p. 4-4.) The Draft EIS/EIR states that

13-19

[h]istorically, traffic volumes on all nearby freeways have increased over the past decade. The cumulative projects would be expected to result in significant impacts on the freeway system in the future as well. The cumulative projects will add traffic to the freeways, some of which are already operating at level of service F, which exceeds the State of California Congestion Management Program (CMP) threshold for acceptable operating conditions. (Draft EIS/EIR, at p. 4-94.)

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Other than this generalized statement, however, the Transportation and Circulation section of the cumulative analysis does not analyze the cumulative impacts of individual port growth related projects, such as the Middle Harbor Redevelopment Project at the Port of Long Beach, on Riverside County. Additionally, there is no analysis of fact that the Riverside County is currently one of the state's most rapidly growing areas, adding more commuters on the freeways in

13-21

addition to truck traffic. More importantly, after affirmatively stating that there would be significant cumulative impacts, the Draft EIS/EIR inexplicably asserts without any discussion that "no feasible mitigation measures are available." (*Id.* at p. 4-95.) Additionally, the Draft EIS/EIR asserts that there would be significant cumulative impact on at-grade rail crossings east of downtown Los Angeles (i.e. Riverside County). (*Id.* at p. 4-96.)

13-22

However, the cumulative analysis on "traffic delays due to increase in rail activity" does not adequately discuss cumulative impacts of trains in Riverside County and merely repeats that "rail operators, and not the Ports," make decisions about train routes. (*Id.* at p. 4-96; cf. *Id.* at p. 3.6-46.) Moreover, there is no analysis of any mitigation measures that would alleviate these cumulative impacts.

13-23

The cumulative analysis section of the Draft EIS/EIR lacks detail and is deficient. It should include an analysis of cumulative impacts in Riverside County, a thorough discussion of various mitigation measures designed to reduce or negate those impacts, and a discussion of how the Port will "fund its fair share" of these mitigation measures.

CONCLUSION

13-24

RCTC urges the Port to diligently consider and analyze all of the Project's potential environmental impacts before determining whether the Board of Harbor Commissioners should certify the EIS/EIR and approve the Project. CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, unless the measures necessary to mitigate those effects are truly infeasible. (*City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, 368-369; see also Pub. Res. Code, § 21081, subd. (a) and State CEQA Guidelines, § 15091, subd. (a).)


13-25

↓ Again, I would like to thank you for providing RCTC with this opportunity to comment on the Berths 97-109 [China Shipping] Container Terminal Project and its Draft EIS/EIR. However, as discussed above, the Draft EIS/EIR is currently deficient and does not comply with CEQA. Further environmental analysis and mitigation must be completed before the Board of Harbor

13-25 ↑ Commissioners can consider certifying the Draft EIS/EIR or approving the Project. RCTC staff would be pleased to further discuss the impacts that the Port's actions have on Riverside County and to work with the Port to develop feasible mitigation.

13-26 | Finally, I should note that RCTC has previously requested in writing to be added to the Port's mailing list and to receive copies of all CEQA and public meeting/hearing notices as is permitted under CEQA and the Ralph M. Brown Act. Thank you for your attention to these comments. As a public agency, RCTC looks forward to receiving your written response at least ten days prior to the certification of the Draft EIS/EIR. (Pub. Res. Code, § 21092.5.)

Sincerely,



Jeff Stone, Chairman
Riverside County Transportation Commission

Attachment: Technical Review of Draft EIS/EIR for Berth 97-109 Container Terminal Project
(June 16, 2008).

**Technical Review of
Draft EIS/EIR for
Berth 97-109 Container Terminal Project**

Prepared for:

Riverside County Transportation Commission (RCTC)
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13-27

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June 16, 2008

**Technical Review of Draft EIS/EIR for
Berth 97-109 Container Terminal Project**

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Background

The Port of Los Angeles has posted the Re-circulated Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR) for the proposed Berth 97-109 Container Terminal Project (China Shipping). With the posting of the draft document, a public comment period is now effect until close of business day June 30, 2008.

The Port of Los Angeles and The U.S. Army Corps of Engineers originally released the DEIS/DEIR in August 2006. Based on the comments received on the Draft EIS/EIR, a decision was made to re-circulate the document. The Aprils 2008 DEIS/DEIR includes a re-assessment of existing project components, assessment of proposed components, and new environmental measures in response to community feedback on the previously released DEIS/DEIR.

The proposed project consists of the development and operation of a new container terminal for the China Shipping Lines at Berths 97-109. The terminal would be developed by the Los Angeles Harbor District (LAHD) in three phases of construction. Phase I was completed in 2003 with operations starting in 2004. (The analysis of the already-completed Phase I is one of the requirements of a court-ordered settlement agreement.) The estimated completion dates of Phase II and Phase III are 2011 and 2012, respectively. The proposed project would operate at maximum capacity by 2030.

The EIS/EIR is intended to evaluate the impacts associated with the construction and operation of this container terminal.

This report consists of two components:

1. A review of the EIS/EIR document that presents how it handles and reports potential impacts that could affect Riverside County;
2. Supplemental technical analysis that estimates the impacts of the additional container traffic in Riverside County.

Review

This section presents the findings of the EIS/EIR document review. The findings are presented in four sections: (1) what the document says about potential impacts in Riverside County; (2) identification of the types of impacts anticipated in Riverside County; and (3&4) how the document treats the types of impacts (truck and rail) anticipated in Riverside County, even if its analysis does not include locations in Riverside County.

Treatment of Potential Impacts in Riverside County

The EIS/EIR does not identify potential impacts in Riverside County. The Region of Influence (ROI) of the project is defined as the following five counties: Los Angeles, Orange, Riverside, San Bernardino, and Ventura. However, the analysis of impacts is focused only on the Port and its surrounding areas. Some of the EIS/EIR's rationale for this is presented later in this chapter, where the document's treatment of truck and rail crossing impacts is discussed.

Types of Impacts Anticipated in Riverside County

The additional container terminal capacity at the Port of Los Angeles would result in additional containers being carried by rail and by truck to locations around the greater Los Angeles metropolitan area and to destinations across the country. Riverside County is home to many warehousing and truck terminal facilities, and is crossed by three rail lines that carry freight rail destined for points outside California. So the two primary types of anticipated impacts would be associated with additional truck traffic on Riverside County roads (including the trucks' impact on traffic operations, their emission of greenhouse gases and air pollutants, and the health risks associated with these pollutants), and with additional freight rail traffic carrying containers through Riverside County (particularly the impacts caused by the trains passing through at-grade rail crossings, where traffic is delayed waiting for the trains).

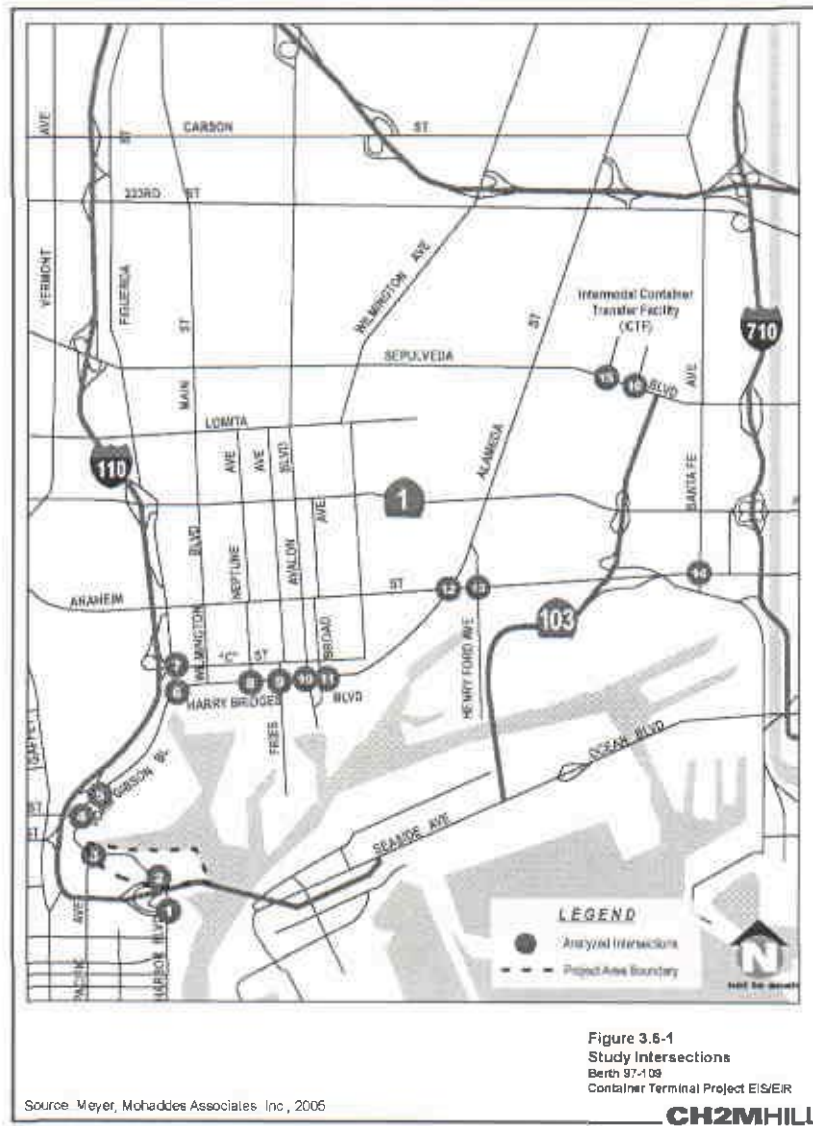
Treatment of the Impacts of Additional Truck Trips

By 2030, the proposed terminal would generate approximately 5,055 daily truck trips. Those trips would include local cargo (principally from Southern California but including northern California, Arizona, Nevada, and Utah), national cargo hauled entirely by truck, and intermodal cargo bound for or coming from locations farther east.

The transportation analysis of the proposed Project evaluates traffic impacts on the streets and 16 key intersections that would be used by truck and automobile traffic to gain access to and from the Berth 97-109 Container Terminal. The streets and intersections included in the technical analysis were chosen based on the "known routes of travel for trucks and autos to and from the project site as well as the locations most likely to experience a potential significant traffic impact." These locations are all located within seven miles of the proposed terminal. The impact analysis evaluates changes in peak hour intersection levels of service at these 16 locations due to automobile and truck traffic to/from the project site. The determination of significance of transportation/circulation impacts of the proposed project were based on criteria identified in the L.A. CEQA Thresholds Guide (City of Los Angeles, 2006). For the traffic analysis, the project would have a significant impact under CEQA or an adverse impact under NEPA if it would increase an intersection's volume/capacity (V/C) ratio in accordance with the following guidelines:

- V/C ratio increase greater than or equal to 0.040 if final LOS is C,
- V/C ratio increase greater than or equal to 0.020 if final LOS is D, or
- V/C ratio increase greater than or equal to 0.010 if final LOS is E or F.

The study intersections are shown in the following figure.



Traffic impacts on freeways were assessed in conformance with guidelines from the Los Angeles County Congestion Management Program (CMP), adopted by the Metropolitan Transportation Authority (Metro). Two freeway monitoring stations were selected for analysis because the proposed Project would add 150 or more trips to these locations during peak hours: I-110 south of "C" Street and I-710 north of Willow Street. The I-710 monitoring station is the further of the two from the Project site and is within eight

miles of the proposed terminal. The CMP analysis of freeway impacts evaluates changes in peak hour freeway levels of service at these monitoring stations.

Treatment of Potential Rail Crossing Delay Impacts

Rail activity causes delay at at-grade crossings where the trains pass and cause auto and truck traffic to stop. The amount of delay is related to the length of the train, the speed of the train and the amount of auto and truck traffic that is blocked.

The report discusses potential rail impacts in terms of three areas:

1. Local rail lines in and near the Port
2. The regional rail corridor north of the Port (i.e., the Alameda Corridor)
3. The rail lines that lead north or east of the downtown rail yards (these include the rail lines through Riverside County)

Local rail line impacts: Between the proposed Project rail yards and the beginning of the Alameda Corridor, there are two local grade crossings of public roadways – Avalon Boulevard and Henry Ford Avenue. The grade crossing at Fries Avenue is not analyzed because it is to be eliminated as part of the South Wilmington Grade Separation project. Impacts to crossings of private roadways within the Port are not assessed in the EIS/EIR.

The rail crossing impact analysis evaluates vehicle delay that would result from one additional train passing through these two affected rail crossings during the peak hour of street traffic. (Note: Although proposed Project operations alone would not result in an additional train during the peak hour on a regular basis, the document notes that it is possible that the cumulative development of the West Basin – Berths 97-109, 121-131, and 136-147 – may together result in an added train during the peak hour. Therefore, for the purpose of the impact analysis the conservative assumption has been made that one additional train would operate on this line during the peak hour.) The analysis determines that there would be significant adverse delay impacts to crossing traffic at these locations, since the average delay per vehicle during the peak hour would increase to more than 55 seconds. This threshold of significance criterion was based on the L.A. CEQA Thresholds Guide – a project is considered to have a significant impact at the affected at-grade crossings if the average vehicle control delay caused by the project at the crossing would exceed the Highway Capacity Manual (HCM) threshold for level of service E at a signalized intersection, which is 55 seconds of average vehicle delay.

Regional rail corridor north of the Port: The report states that the proposed Project would not have any significant impact on regional rail corridors north of the proposed Project site since the Alameda Corridor project has been completed. The completion of the corridor has eliminated all of the regional at-grade rail/highway crossings between the Port and the downtown rail yards; therefore, there would be no change in vehicular delay at any of those crossings due to Project related rail activity (they are now all grade separated).

Rail lines leading north or east of downtown rail yards: The report states that the Project will not cause significant rail-related impacts on lines that lead north or east of the downtown rail yards (this includes the lines through Riverside County). The reasoning in the EIS/EIR that leads to this conclusion is as follows:

Rail trips are not controlled by the Port. Currently, the unit trains built at the on-dock and near dock facilities can be picked up by BNSF and/or UP. Both rail companies use the Alameda Corridor to travel to the downtown rail yards. To the east of the downtown rail yards, some of the trains are broken down, reconfigured and otherwise modified at the location of the downtown rail yards from that point to the east. Other trains remain unit trains through the downtown rail yard; there are approximately nine major routes with a number of sub-routes that the trains can take to leave the state. The rail operators, and not the Port, make the choice of what routes the trains will take, the day they will move and the time of day the trains will move. Furthermore, the rail mainline tracks were designed and built to accommodate the anticipated rail activity in the region. Rail volumes on the mainline are controlled and limited by the capacity of the mainline itself, thus by definition the project's trains could not traverse the mainline unless it still has remaining capacity. The number of trains generated by the project would not cause the mainline rail tracks to exceed the regional capacity. Once the regional mainline rail track capacity would be exceeded due to increases in regional rail activity, separate environmental studies on the mainline expansion would be undertaken by the rail companies, not by each shipper or carrier generating rail volumes.

Supplemental Analysis

Since the draft EIS/EIR does not evaluate impacts in Riverside County, supplemental analysis was performed to quantify potential impacts considered to be of importance in Riverside County.

The Project is expected to add truck trips to the Riverside County roadway system, but quantification of the impact on any particular location in Riverside County is problematic due to a lack of specific data about truck trip terminus points. Of the additional 5,055 truck trips attributable to the Project, the primary origins/destinations in Riverside County would be truck terminal facilities and warehouses, of which the greatest concentration is in the Mira Loma area of northwest Riverside County. The Port of Los Angeles Port-wide Transportation Master Plan has estimated that about 29% of the truck traffic generated at the Ports is oriented toward warehousing and distribution centers in the Inland Empire (including San Bernardino County), meaning that the project's direct truck traffic impact on all of the Inland Empire would be on the order of 1,465 truck trips per day. (This does not include the indirect impact of additional trucks taking the goods from the warehouses and terminal facilities and making deliveries to other intermediate or final destinations.) Since these truck trips would affect both Riverside and San Bernardino Counties and their terminus points cannot be determined with available information, the project's truck impacts on Riverside County highways have not been quantified for this supplemental analysis.

Much of the additional container traffic from the Project will be carried through the region by rail to destinations outside California, and most of this additional rail traffic will pass through Riverside County. Therefore, the supplemental analysis quantifies the impacts of the additional freight rail traffic on at-grade crossings in Riverside County.

Rail Crossing Traffic Delay

The proposed container terminal is expected to handle 1,551,000 TEUs (twenty-foot equivalent units) of container traffic per year. According to the recent Multi-County Goods Movement Action Plan (MCGMAP) study, that volume represents just under 10% of the 15.7 million TEUs of containers handled by the Ports of Los Angeles and Long Beach combined in the Year 2006 (MCGMAP p. 3-8).

To estimate the effects on rail crossing delay in Riverside County, the total container volume was first split into modes of transport. Of the international container market, 52% is carried by rail and transported outside the Southern California region (MCGMAP p. 3-7), some of it after being warehoused or transloaded locally before being transported eastbound in domestic containers. Applying this percentage and a typical ratio of 1/350 to convert annual volume to daily volume, the total amount of daily container traffic to be carried on trains is estimated to be 2,304 TEUs per day. Since rail cars typically carry 2 TEU (i.e., forty-foot) containers in a double-stack configuration, each rail car carries 4 TEUs, this equates to 576 rail cars from the Project.

To conservatively estimate the daily volume of rail cars passing through Riverside County, this number was reduced to 500 based on the fact that Riverside County is the conduit for 87% of the freight passing through the Ports of Los Angeles and Long Beach. (This percentage represents all freight passing through the Ports, so it is probably conservatively low for container traffic carried by rail.) Assuming a typical flatcar length of 53 feet to carry the 40-foot long containers, the 500 daily rail cars equate to 26,500 feet of rail cars passing through Riverside County, or four trains each 6,000 feet long. (The

assumption that the rail cars would consist of four 6,000-foot trains is also a conservative assumption in terms of calculating delay, since a larger number of shorter trains would create greater total delay.)

To calculate the impact in terms of traffic delay at Riverside County rail crossings, the analysis assumed that the four trains would be split evenly between the two rail companies (two would use the BNSF line and two would use UP lines), and that they would use the following rail lines:

- Two trains on the BNSF Transcontinental rail line through Corona and Riverside
- One train on the UP LA Sub through Jurupa and Riverside
- One train on the UP Alhambra Line through Ontario and Colton (outside Riverside County) and continuing along the UP Yuma Main line through Banning Pass and the Coachella Valley

These assumptions are consistent with the existing relative volumes of freight rail traffic on these lines (MCGMAP p. 3-15).

The calculations of rail crossing delay prepared for RCTC as part of the TCIF application and Alameda Corridor East rail crossing priority analysis were used as the baseline for this calculation, assuming that the train volumes already include the additional container traffic from the Project. The without-Project scenario was obtained by subtracting the number of trains from each rail line as outlined above. The calculation was performed for both existing conditions (Year 2005) and future conditions (Year 2030), assuming that one of each company's trains would operate during daytime hours and the other during evening/night hours.

As shown in the table below, the cumulative effect of these additional containers passing through Riverside County today would be a difference of 36.3 vehicle hours of delay per day. The projected difference in delay in Year 2030 is an overall difference of 119.2 vehicle hours of delay per day in Riverside County.

	Vehicle-Hours of Delay (VHD) per day in Riverside County	
	Year 2005	Year 2030
Without Project	809.5	4,321.8
With Project	845.8	4,441.0
Difference	36.3	119.2

There are twelve crossings in Riverside County where the additional container traffic would increase the existing delay by at least one vehicle-hour of delay per day. The estimated vehicle-hours of delay at each of these locations for existing (Year 2005) and future conditions (Year 2030) are shown in the following table:

Train Line	Location	Jurisdiction	2005 Baseline Vehicle Hrs. of Delay per Day	2005 with Project Vehicle Hrs. of Delay per Day	Difference in Vehicle Hrs. of Delay per Day	2030 Baseline Vehicle Hrs. of Delay per Day	2030 with Project Vehicle Hrs. of Delay per Day	Difference in Vehicle Hrs. of Delay per Day
BNSF (SB SUB)	McKinley St	Corona	55.4	58.7	3.2	254.1	265.2	11.2
BNSF & UP (SB SUB)	Iowa Av	Riverside	44.7	47.4	2.7	237.0	246.2	9.3
BNSF (SB SUB)	Adams St	Riverside	35.1	37.1	2.0	108.7	112.9	4.2
BNSF & UP (SB SUB)	3rd St	Riverside	32.3	34.2	1.9	138.2	143.4	5.2
BNSF & UP (SB SUB)	Columbia Av	Riverside	29.4	31.1	1.7	135.8	141.0	5.1
UP (LA SUB)	Clay St	Riverside County	28.8	30.5	1.7	110.8	115.2	4.4
BNSF & UP (SB SUB)	Chicago Av	Riverside	28.5	30.2	1.7	157.0	162.9	6.0
BNSF (SB SUB)	Magnolia Av	Riverside County	22.7	23.9	1.2	98.2	102.0	3.8
UP (LA SUB)	Riverside Av	Riverside	19.9	21.0	1.2	62.6	65.0	2.5
UP (LA SUB)	Magnolia Av	Riverside	20.3	21.5	1.2	77.0	80.0	3.0
BNSF & UP (SB SUB)	7th St	Riverside	18.5	19.6	1.1	136.4	141.6	5.2
BNSF (SB SUB)	Smith Av	Corona	18.1	19.1	1.0	119.6	124.3	4.7

Emissions from Rail Crossing Delays

Not only would the additional rail traffic delay Riverside County drivers needing to wait for trains at at-grade crossings, but these delays would also result in additional emission of pollutants by the idling vehicles. Typical average emission rates for idling vehicles obtained from the California Air Resources Board (CARB) EMFAC model were applied to the overall vehicle-hours of delay in 2005 and 2030 to estimate daily levels of pollution emissions associated with various air pollutants and greenhouse gases. These estimates of additional pollution emissions are summarized in the following table. It is important to note that these estimates assume that all vehicles will leave their engines idling while they wait for the train to pass. This is likely a high (worst case potential) estimate, since some automobile drivers will turn off their engine while they wait, especially for long freight trains.

	Potential Change in Emissions (grams per day) Due to Increased Idling at Rail Crossings in Riverside County	
	Year 2005	Year 2030
Particulate Matter (PM ₁₀)	3.8	12.9
Nitrous Oxides (NO _x)	213	705
Volatile Organic Compounds (VOC)	613	2,016
Carbon Monoxide (CO)	8,777	28,878
Greenhouse Gases (CO ₂ equivalents)	16,611	54,545

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2.3.13 Riverside County Transportation Commission (Comment Letter 13)

13-1 The commenter’s opinion is noted. Please see the detailed responses regarding rail, truck, air quality, and cumulative impacts that follow

13-2 Comment noted. The comment characterizes "port traffic" as one of the "main causes" of traffic snarls in Riverside County. As a point of clarification, the Port does not own or operate trucks or trains that call upon container terminals. Trucks are owned by trucking companies or independent owner-operators, and trains are owned by railroad companies.

The comment fails to acknowledge the contribution of planning by local land use agencies in the Inland Empire to at-grade rail crossing delay impacts. The commenter is referred to the response to Comment 12-7 for discussion of the role of traffic congestion due to land use development as an underlying cause of at-grade crossing delay impacts in the counties of Riverside and San Bernardino. The ultimate source of traffic congestion along major highways and arterials, including at-grade rail crossings within these counties, is from planned and approved land developments and the associated population growth that has occurred on either side of long-standing railroad rights-of-way. A review of the County of Riverside 2003 General Plan and EIR shows that “it is projected that at build out, a population of 1.77 million persons will reside in unincorporated areas of Riverside County” (<http://www.rctlma.org/genplan/content/eir/volume1.html>). Nevertheless, despite the substantial growth planned for the unincorporated areas of Riverside County, the County General Plan EIR did not identify traffic delays at the at-grade rail crossings as potentially significant environmental impacts.

13-3 The City of Riverside provided similar comments about existing delays to emergency service providers in the City of Riverside. Please see responses to Comments 12-7 and 12-12. The Final EIR for the City’s 2007 General Plan concluded that the planned grade separations in the City would address at-grade rail crossing impacts sufficiently to keep them from having to be evaluated as potentially significant impacts in that EIR.

13-4 In response to the comment the contribution of trucks carrying cargo containers to congestion on the freeways in Riverside County, please see the response to the Caltrans comments regarding the Congestion Management Plan analysis (Comments 4-4 and 4-5). The proposed Project would not result in significant CMP impacts at freeways near the Port and, with greater dilution of the proposed Project's traffic contribution at greater distances, is not expected to result in significant impacts to freeways in Riverside County.

While some trucks that service the Ports of Los Angeles and Long Beach use the roadway system in Riverside County, identifying truck traffic from the Ports as one of the “main causes” of that congestion is a gross overstatement. Trips from the Ports constitute a small percentage of trips in Riverside County. Analysis prepared by the RCTC consultant in 2006 (Cambridge Systematics, Inc., 2006) indicated that the traffic volume on freeways into Riverside County includes only 0.5 to 0.7 percent Port truck traffic. Those data include trucks from both ports (Los Angeles and Long Beach), so the volume from the Port of Los Angeles only is even smaller (Cambridge Systematics, Inc., 2006).

1 Most of the technical support in the comment letter appears to be drawn from two
2 sources: an article in the Los Angeles *Times* (Weikel and Rubin, June 10, 2008)
3 and personal opinions from State Senator George Runner. Both of these sources
4 have technical limitations:

- 5 ■ The Los Angeles *Times* article states that the truck trips on Riverside County
6 freeways “are expected to double in order to accommodate port growth by
7 the year 2025.” There is no citation for this projection in the article, and
8 some simple calculations illustrate the inaccuracy of that statement:
 - 9 □ Only a small percentage of the projected increase in truck volumes can
10 be attributed to Port traffic. Based on RCTC statistics, less than
11 1 percent of freeway traffic in Riverside County comes from the Ports of
12 Los Angeles and Long Beach (Cambridge Systematics, Inc., 2006).
 - 13 □ Approximately 10 percent of all freeway traffic in Riverside County is
14 trucks (based on Caltrans data available from its Web site
15 <http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/truck2007final.pdf>).
 - 16 □ If 1 percent of all traffic comes from the Ports, and nearly all of this
17 traffic is trucks, less than 10 percent of the truck traffic on Riverside
18 County freeways comes from the Ports.
 - 19 □ If overall Riverside County freeway truck traffic doubled due to Port-
20 related traffic only, the percentage of overall Riverside County freeway
21 truck traffic that is Port-related would have to increase to over 50 percent.

22 There is no evidence to support a contention that the percentage of overall
23 Riverside County freeway truck traffic that is Port-related has or will
24 increase so substantially.

- 25 ■ The second citation (Runner) is to a partisan political statement by an elected
26 official. For example, one of the assertions in the cited document begins
27 with the rhetorical question, “What is the typical left-wing radical
28 response...?” (As an aside, the cited Web site is no longer active, but an
29 updated address is <http://cssrc.us/web/17/publications.aspx?id=3391>).
30 Senator Runner’s staff identified one piece of data (about trucks taking 25 to
31 30 percent of freeway space) from a document prepared by the Reason
32 Foundation (<http://www.reason.org/ps324.pdf>). The accuracy of this
33 particular “fact” is addressed later in this document, but third-hand,
34 unsupported statements are not sufficiently credible to constitute substantial
35 evidence.

36 It should be noted that Riverside County, through its land use policies, has
37 located a large number of industrial facilities, warehouses, and commercial uses
38 (including big boxes) that generate numerous daily truck trips not only within the
39 county but also between the county and the rest of the nation. These
40 developments or their tenants import, export, or otherwise transport goods, raw
41 materials, and finished products to and from Riverside County. Although there
42 are Port-related trips that travel on freeways that extend through Riverside
43 County, the congestion along the freeways in the county is more predominantly a
44 result of agency-approved land use planning and development throughout the
45 county. As discussed in the response to Comment 13-2 above, the Riverside
46 County General Plan projects a population of 1.77 million, with associated
47 vehicular growth on the transportation system.

1 It should also be pointed out that freeways are public transportation resources
2 that do not belong to any one county. As discussed in the response to
3 Comment 12-14, various regional and statewide efforts exist to address various
4 goods movement issues and to fund solutions. The Riverside County
5 Transportation Authority has been an integral part of those processes.

6 **13-5** Comment noted. As a point of clarification, freeways and interstate highways
7 across the nation serve as transportation corridors for goods between origins and
8 destinations, as well as for local, regional, and national passenger vehicle trips.
9 Truck trips that travel to and from the “distribution warehouses and rail yards
10 within the region (presumed to be the Inland Empire)” are a direct result of the
11 land use permitting of warehouse operations. Truck traffic that carries containers
12 to and from facilities in the region would have been addressed in the CEQA
13 analysis conducted for the facilities and would have been referenced in the land
14 use decisions of local agencies.

15 **13-6** Comment noted, please see the response to Comment 13-7 below. While the
16 numbers are provided in terms of daily traffic, traffic impacts are measured
17 during peak hours. Peak-hour traffic varies by facility but typically ranges from
18 approximately 6 to 12 percent of average daily traffic.

19 **13-7** In addition, although the truck trip numbers and the respective percentage
20 increases provided in the comment letter might appear to be large, they are in fact
21 minimal when compared to the capacities of the referenced freeways. As an
22 example, U.S. Route 60 has a peak-hour capacity of between 12,400 to
23 21,600 vehicles per hour (based on County of San Bernardino CMP capacity
24 values, and depending on location and number of mixed-flow and high-
25 occupancy vehicle lanes), and the effects of alleged 180 to 385 total port truck
26 trips by 2025 during the peak hour would be minimal. It should be noted that the
27 proposed Project’s peak-hour truck trips are 342 total coming out of the driveway
28 of the Project site at the highest peak in 2015 in the p.m. peak hour; thus, the
29 actual peak hour trucks on any freeway in Riverside County would be
30 substantially lower.

31 Furthermore, regarding the likely effects of the proposed Project on freeways at
32 more distant locations from the terminal site, please see the response to
33 Comment 4-5. The level of truck trips from the proposed Project would not
34 result in a CMP impact or even require a CMP analysis. The Port concurs that
35 the proposed Project will generate the number of annual truck trips that are stated
36 in the Recirculated Draft EIS/EIR. However, Riverside County Transportation
37 Commission (RCTC) substantially overstates the number of train trips expected
38 to serve the proposed Project. A review of referenced Table E1.2-13 in the
39 Recirculated Draft EIS/EIR shows that 303,996 TEUs annually would be hauled
40 by trains serving the Project, not that 303,996 train trips would result. As shown
41 in Table 2-1 of the Recirculated Draft EIS/EIR, the proposed Project would result
42 in 817 annual rail round trips, not 303,996 train trips as indicated in the letter.
43 The Recirculated Draft EIS/EIR uses the number of anticipated truck trips as the
44 basis for part of its analysis and presents the information using truck trips during
45 the peak hour, consistent with the significance thresholds and consistent with
46 industry standards for performing traffic analyses. Although the number of
47 annual truck trips might appear “enormous” to the commenter, CEQA and NEPA
48 traffic impact analyses on freeways are performed based on peak-hour impacts,
49 not aggregated annual trip generation. The impacts of the proposed Project on
50 the local freeway system are discussed on page 3.6-43 of the Recirculated Draft

1 EIS/EIR, which shows that the proposed Project would not result in impacts to
2 freeways in the vicinity of the Project. Furthermore, regarding potential effects
3 on freeways at more distant locations from the terminal site, please see the
4 response to Comment 4-5 above. Truck trips from the proposed Project would
5 not result in a CMP impact or even require a CMP analysis.

- 6 **13-8** This comment attempts to draw a nexus between Port and/or Project-related truck
7 and rail traffic and allegedly significant environmental impacts in Riverside
8 County, including allegedly significant at-grade rail crossing delay impacts.
9 However, the commenter's assertion that analysis in the Recirculated Draft
10 EIS/EIR is "deficient in light of the traffic problems experienced in Riverside
11 County due to port cargo movement" is undercut by analysis in RCTC's own
12 *Grade Separation Funding Strategy: A Blueprint for Advancing Projects (2006)*,
13 page 21, which concludes that the County has not identified significant traffic
14 delays at the at-grade crossings:

15 *If the ports of Los Angeles and Long Beach believe goods*
16 *movement through the port is constrained by ACE grade*
17 *crossings, they might be willing to make contributions. However,*
18 *because no significant delays due to the at-grade nature of the*
19 *crossings have been identified as of yet, this type of contribution*
20 *is unlikely.*

21 Additionally, with regard to impacts of Project-related trucks on traffic
22 congestion in Riverside County, there is no dispute that there are traffic
23 operations issues in Riverside County. However, those deficiencies are
24 predominantly due, not to Port cargo movement, but to work, social, and
25 recreational travel from Riverside County residents, employees, and visitors. As
26 discussed in response to Comment 13-4, approximately 10 percent of vehicles on
27 Riverside County freeways are trucks, and less than 1 percent of traffic on
28 Riverside County freeways is related to operations of the Ports of Los Angeles
29 and Long Beach, combined. Regarding the rail capacity comment, based upon
30 the vehicle delay analysis in the responses to Comments 13-9 and 13-27 below,
31 adequate capacity on rail tracks is apparent.

- 32 **13-9** As explained in the Recirculated Draft EIS/EIR (Chapter 2 and Section 3.6),
33 some project trains would be built at the on-dock rail yard (at Berths 121-131)
34 and others would be built at off-dock rail yards. A railroad company would then
35 pick up the train for conveyance via the Alameda Corridor. The Recirculated
36 Draft EIS/EIR addressed impacts at the at-grade crossings between the terminal
37 and the Alameda Corridor because the on-dock rail yard at Berth 121-131 has a
38 limited capacity and must move trains out of the yard to accommodate incoming
39 containers. The movement of trains from the on-dock yard can be reasonably
40 predicted and is close to Port operations such that operational scheduling can be
41 assumed as nearby at-grade crossings. For more distant rail yard locations, larger
42 capacities to store and build trains, and to manage incoming and outgoing
43 containers, such as at the Hobart Yard in downtown Los Angeles, factor in the
44 railroad company operations. The railroad companies control and determine the
45 disassembly and assembly of trains, their scheduling, and their routing, and these
46 operational factors are based on product and material demand, as well as other
47 market forces throughout the United States. In addition, regarding the issue of
48 rail impacts at the at-grade rail crossings in Riverside County, please see the
49 response to Comment 13-27 below (Kimley-Horn evaluation provided by RCTC).

1 **13-10** Please see the response to Comment 13-6 above regarding potential impacts to
2 freeways in the Inland Empire. In addition, the commenter is directed to the
3 presentation that was made to the RCTC presented in *Critical Goods Movement*
4 *Issues Scan for Riverside County* (page 13) (Cambridge Systematics, 2006),
5 which shows that direct port-related trucks using freeways (I-10, SR-60, and
6 SR-91) that approach Riverside County represent “a small percentage of total
7 traffic.” The proposed Project would not result in significant impacts to the
8 freeway system at locations close to the Port because the number of truck trips
9 during the peak hour would not exceed the threshold established by the CMP
10 guidelines (see page 3.6-43 of the Recirculated Draft EIS/EIR). At freeway
11 locations more distant from the terminal site, truck trips would likely be less than
12 those at closer locations because trucks would be traveling to more dispersed
13 locations. Thus, the proposed project would not result in significant impacts to
14 freeways in the Inland Empire.

15 **13-11** In response to the comment that the freeways in Riverside County are already
16 congested with Port traffic, please see the responses to Comments 13-4 and
17 13-10 above. In addition, characterizing congestion in Riverside County as
18 caused by the Ports is incorrect and unsubstantiated. Rather, congestion in
19 Riverside County is predominantly a result of land use planning and growth
20 policies and decisions of the jurisdictions within the county (please see the
21 response to Comment 13-2 above).

22 RCTC suggests that trucks traveling at slower speeds will lead to a “slow-down
23 of freeway traffic generally.” While trucks do travel at slower speeds than cars,
24 the effects are not significant. A small change in speed will have a negligible
25 impact on overall capacity. For example, a 5-mile-per-hour (mph) difference in
26 free-flow speed (FFS) of the overall traffic stream translates to a difference of
27 50 vehicles per hour per lane in the capacity of a freeway, per the Highway
28 Capacity Manual (HCM). If trucks travel 20 percent slower than the current
29 average traffic, and 10 percent more trucks are added, the average travel speed
30 will be reduced by less than 0.2 percent. Even a 1 percent difference in average
31 speed would translate to a capacity difference of only 6 vehicles per hour per lane
32 (or 24 vehicles per hour on a four-lane directional freeway). While this might be
33 loosely interpreted as a “general slow-down,” it is not significant.

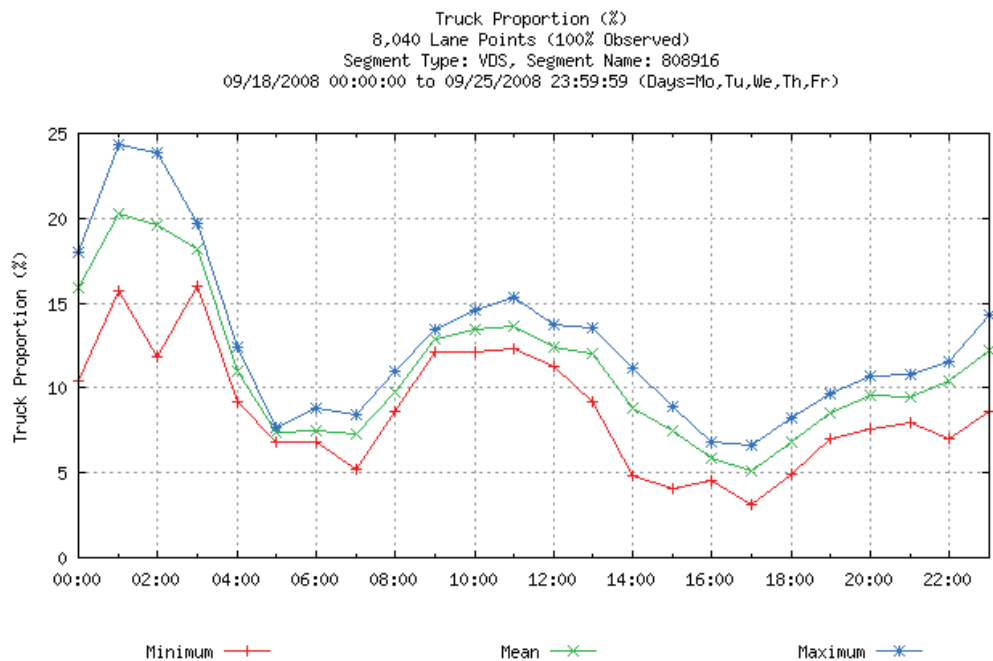
34 RCTC asserts that “trucks slowing down and merging leads to congestion and
35 increases the likelihood of accidents.” While most research suggests that speed
36 differentials do have an effect on safety, quantifying these effects due to a
37 specific increase in truck volumes is not possible. Similarly, the congestion
38 impacts of an increase in truck traffic can only be quantified if the exact volume
39 of trucks on a specific freeway is known. Note also that the trucks in question
40 (from Project traffic) are either through-trucks or trucks destined for local land
41 uses (e.g., distribution centers, warehouses, or manufacturing facilities in
42 Riverside County). Through-trucks do not use the ramps in Riverside County
43 (i.e., they do not need to slow down and merge). Based on RCTC data, these are
44 somewhat less than 50 percent of Port trucks in Riverside County (see page 2 of
45 the *Critical Goods Movement Issues Scan for Riverside County*) (Cambridge
46 Systematics, 2006). Furthermore, if trucks traveling on freeways within
47 Riverside County slow down to exit the freeway or merge onto the freeway, it is
48 because they are traveling to and from destinations such as businesses or
49 warehouse facilities within the Inland Empire. These destinations or origins are

likely land uses that have been approved by a local jurisdiction, which has also considered the environmental impacts of its approvals.

The statement that “trucks take up 25-30% of valuable freeway space” is without merit. The original source (<http://www.reason.org/ps324.pdf>) states that

On some of these routes, even though very heavily trafficked by commuters and other light vehicle traffic, trucks constitute over 10 percent of the traffic stream. Considering that a tractor/semitrailer [sic] occupies about 2.5 to 3 times the road space of a light vehicle, trucks often take up 25 to 35 percent of highway capacity in these corridors.

This calculation is not correct. First, while trucks are up to three times longer than passenger vehicles, they do not take up “2.5 to 3 times” more space. The space requirements for all vehicles depend on the size of the vehicle and the gaps between vehicles. The standard traffic engineering reference on this topic is the HCM, which has factors to estimate the amount of capacity (“road space” in the common vernacular) for different vehicle types. On level freeways (which constitute most of the congested freeways in Riverside County), the passenger car equivalent (PCE) factor for trucks is 1.5 (per the HCM). While the word “space” hasn’t been clearly defined, trucks constitute 25 to 30 percent of available freeway capacity only if they constitute 19 to 25 percent of the vehicles on the freeway. As examples, average daily truck percentages in Riverside County range from 6 to 8 percent on SR-91, from 11 to 14 percent on SR-60, 6 to 9 percent on I-15, and 6 to 7 percent on I-215 (Caltrans, USDOT, and FHWA, 2008). During the peak periods, when congestion occurs, the percentages are much lower. For example, on I-15 near SR-60, the graph below shows the reduced truck percentages during the peak periods. The average percentage for trucks at that location is about 9 percent, but the peak average is 5 to 7 percent (Caltrans, 2008).



1 The comment expresses concern regarding wear and tear of the freeways caused
2 by trucks. However, all vehicular users of the freeways pay taxes applied to fuels,
3 which are used to fund highway maintenance and improvements. Wear and tear
4 from trucks traveling on any section of freeway are treated the same as wear and
5 tear generated by any other vehicle traveling on the freeway, and is not generally
6 regarded as an environmental impact for purposes of CEQA or NEPA analysis.
7 As discussed in the response to Comment 12-14, there are various regional and
8 statewide efforts to address various goods movement issues and fund solutions,
9 and the RCTC has been an integral part of those processes.

10 **13-12** As concluded in these responses to comments, the Project will not have a
11 significant impact on transportation in Riverside County; therefore, no mitigation
12 is required. Nevertheless, in response to the statement that RCTC staff would
13 like to work with the Port to develop and implement appropriate mitigation for
14 impacts, please see the response to Comment 12-14 for a description of the
15 regional- and state-level efforts to address issues pertaining to goods movement.
16 In addition, it is the understanding of the Port that RCTC and the City of
17 Riverside are implementing various grade-separation projects to address the
18 impacts associated with land use development and growth in their respective
19 jurisdictions. The Port would appreciate meeting with RCTC staff to better
20 understand the implementation plans of RCTC grade separation projects.

21 **13-13** Comments were made that on/off-ramp improvements could serve as mitigation
22 for Project impacts to freeways in Riverside County. As concluded in these
23 responses to comments, the Project will not have a significant impact on
24 transportation in Riverside County; therefore, no mitigation is required. If a
25 truck uses freeway ramps in Riverside County, the trucks are most likely
26 traveling to and from origins or destination land uses in Riverside County such as
27 warehouses, industrial facilities, and commercial “big box” retailers. Local
28 agencies have approved these facilities and other land uses, for which appropriate
29 CEQA certifications have been made, either at the individual project level or the
30 General Plan level. In addition, please see the response to Comment 13-11.

31 **13-14** Please see response to comment 10-16 (SCAQMD). The air quality impacts
32 from project-generated truck and locomotive trips were assessed together with
33 ships, harbor craft, and cargo-handling equipment in Section 3.2 of the
34 Recirculated Draft EIS/EIR. For example, Impact AQ-3 determines total project-
35 generated criteria pollutant emissions within the South Coast Air Basin and
36 compares the emissions to the SCAQMD significance thresholds. Because the
37 thresholds apply to the South Coast Air Basin as a whole, it was not necessary in
38 the Recirculated Draft EIS/EIR to perform this assessment on a county-by-county
39 basis. In addition, Impacts AQ-4 and AQ-7 include a dispersion modeling
40 analysis and health risk assessment, respectively, of project-generated emissions.
41 As discussed in Recirculated Draft EIS/EIR Appendixes E2 and E3, the
42 dispersion modeling performed for Impacts AQ-4 and AQ-7 focused on the
43 communities close to the Berth 97-109 Container Terminal. The concentration of
44 project-generated emission sources (i.e., trucks, locomotives, ships, harbor craft,
45 and cargo-handling equipment) in and around the Berth 97-109 terminal would
46 far exceed the concentration of project-generated emission sources in any other
47 location, including Riverside County. Therefore, the project-associated increases
48 in pollutant concentrations and health risks (i.e., Project minus Baseline) reported
49 in Impacts AQ-4 and AQ-7 would be greater than the Project-associated

- 1 increases in Riverside County or other locations away from the Berth 97-109
2 terminal.
- 3 **13-15** Please refer to response to Comment 13-14.
- 4 **13-16** Cumulative air quality impacts associated with trucks, trains, and all other
5 project-related emission sources are discussed in Section 4.2.2 of the
6 Recirculated Draft EIS/EIR. Also, please refer to response to Comment 13-14.
- 7 **13-17** Because the proposed Project would have both truck and train usage, the
8 Recirculated Draft EIS/EIR discusses the air quality impacts from a combination
9 of both source types. Tables 3.2-23 through 3.2-25, 3.2-28 through 3.2-30, and
10 Figures 3.2-7, through 3.2-9 in the Recirculated Draft EIS/EIR give an indication
11 of the relative magnitude of emissions between Project-associated truck and train
12 trips. Tables E3-7-2 and E3-7-5 in Appendix E3 give an indication of the
13 relative magnitude of health risk impacts between project-associated truck and
14 train trips at the maximum receptor locations. While interpreting these tables and
15 figures, it should be noted that approximately twice as many TEUs would be
16 hauled by truck (either deliveries or drayage) than by train for the proposed
17 Project. Also please note that **MM AQ-20** would convert all diesel trucks
18 entering the Berth 97-109 Terminal to LNG by 2018, thereby substantially
19 reducing cancer risk impacts from trucks.
- 20 **13-18** See response to Comment 13-16. **MM AQ-19** (Clean Truck Program) and
21 **MM AQ-20** (LNG Trucks) for the proposed Project would reduce air quality
22 impacts from trucks in the South Coast Air Basin, including those portions of that
23 Air Basin that lie within Riverside County.
- 24 China Shipping has no direct control over locomotive operations at any of the
25 off-dock rail yards, nor does the Port have control over main line locomotives,
26 which enter the South Coast Air Basin from all parts of the United States
27 (although CARB has had some success in reducing locomotive emissions
28 through their MOU with the rail lines). The railroads are a federal source and
29 controlled by federal regulation under the purview of USEPA. The Ports,
30 therefore, would request that USEPA move to strengthen and/or speed up
31 implementation of emission controls on main line locomotives. In the meantime,
32 the Port will continue to negotiate with Class 1 railroads to work toward reducing
33 emissions from line-haul locomotives using on-dock rail yards, consistent with
34 the schedule set forth in CAAP measures RL-2 and RL-3.
- 35 In addition to Project mitigation, Section 3.2.3 (Applicable Regulations) of the
36 Recirculated Draft EIS/EIR describes a number of regulations and agreements
37 that will reduce truck and locomotive emissions in the South Coast Air Basin,
38 including Riverside County. They include: Emission Standards for Locomotives,
39 Emission Standards for On-Road Trucks, Nonroad Diesel Fuel Rule, Highway
40 Diesel Fuel Rule, Heavy-Duty Diesel-Truck Idling Regulation, 1998 South Coast
41 Locomotive Emissions Agreement, 2005 CARB/Railroad Statewide Agreement,
42 and California Diesel Fuel Regulations.
- 43 **13-19** The Middle Harbor project is listed in Table 4-1, Related Projects, and is
44 included in the cumulative impacts analyses throughout Chapter 4 of the
45 Recirculated Draft EIS/EIR. The cumulative impacts discussion in Chapter 4
46 regarding transportation impacts includes a quantitative analysis based on the
47 container terminal projects in the West Basin because these projects are located

1 near each other and could affect the same localized transportation system. In
2 response to the potential for cumulative impacts to the transportation system in
3 Riverside County, please see the response to Comment 13-4.

4 **13-20** The comment correctly points out that Riverside County is one of the “state’s
5 fastest growing areas, adding more commuters on the freeways in addition to
6 truck traffic.” As discussed in response to Comment 13-2, the land use
7 development governed by the growth policies of the County of Riverside
8 jurisdictions are predominantly responsible for the generation of secondary
9 traffic effects within its county boundaries. RCTC, as a body composed of
10 municipalities in Riverside County, is tasked with addressing congestion in
11 Riverside County. As such, it is the responsibility of RCTC member
12 jurisdictions to analyze all significant impacts of their long-standing growth
13 policies, including secondary impacts, and to identify mitigation for those
14 impacts.

15 **13-21** The commenter is correct that the Recirculated Draft EIS/EIR identifies a
16 significant cumulative transportation impact, but should refer to Section 3.6,
17 which identifies feasible measures to mitigate the Project-level impacts to a less
18 than significant level. However, additional feasible measure do not exist to
19 entirely eliminate the Project contribution to cumulative traffic impacts, as the
20 only way to fully reduce such impacts would be to reduce the total amount of
21 truck trips. As discussed in the Recirculated Draft EIS/EIR, the Port and other
22 agencies are studying the implementation of large-scale transportation systems,
23 including alternatives to trucks and the existing rail systems, at the ports.
24 However, such alternative transportation systems are not feasible for
25 consideration as mitigation for the impacts of the proposed Project. These
26 systems generally require very large capital investments, have extensive
27 geographical coverage, and are disproportionate to the impacts of an individual
28 project. Additionally, the project applicant has no means to implement such
29 system-wide transportation improvements. The recommendations of alternative
30 transportation systems are better implemented on a Port-wide or regional basis.

31 **13-22** Please see the responses to Comments 12-14, 13-4, and 13-9. As discussed in the
32 Recirculated Draft EIS/EIR and the responses above, the Port does not assemble
33 trains, make routing decisions, or otherwise determine the scheduling of trains.
34 The City of Riverside submitted a comment similar to Comment 13-22 and
35 included a study by the FRA regarding at-grade rail crossing issues. That study
36 recommends that local agencies work with the railroad companies to develop
37 solutions to address these issues.

38 Contrary to the comment, the cumulative analysis regarding rail delay does not
39 merely repeat that rail operators, not the ports, make decisions about train route.
40 Rather, the cumulative impacts discussion regarding rail delay in Section 4.2.6.6
41 (page 4-97) of the Recirculated Draft EIS/EIR acknowledges that “it is possible
42 that the cumulative development of the West Basin (Berths 97-109, Berths 121-
43 131, Berths 136-147) may together result in an added train during the peak hour.”
44 Section 4.2.6.6 also calculates the average vehicle delay at near-Port at-grade rail
45 crossings (based on gate closure times that are, in turn, based on average train
46 speed and length), and determined that the added train during the peak hour from
47 the three combined West Basin terminals would result in an average vehicle
48 delay greater than the significance threshold of 55 seconds per vehicle. Because
49 of this, the proposed Project was deemed to make a cumulatively considerable

1 contribution to a significant impact related to at-grade crossings at the two near-
2 Port crossings.

3 As described in the response to Comment 13-27 below, the Port conducted a field
4 survey of trains traveling along rail lines through Riverside County and the City
5 of Riverside, and confirmed that trains in outlying areas travel at an average
6 speed that is much greater than the 9 miles per hour assumed in the Recirculated
7 Draft EIS/EIR for at-grade crossings in the near-Port areas. Close to the project
8 site and the Port, trains are just leaving the on-dock rail yards and traveling at
9 slower speeds (less than 9 mph) because they have not yet reached full travel
10 speeds. The speeds would increase once they enter the Alameda Corridor and/or
11 after they leave off-dock rail yards. The substantially higher-speed trains in the
12 outlying region translated into an average gate closure time at the at-grade
13 crossings that is substantially less than the gate closures at near-Port locations
14 (approximately 3 minutes in the Riverside area compared to an estimated
15 11.7 minutes at the near-Port locations). As shown in the response to Comment
16 13-27 below, one additional train in the peak hour in Riverside County and City
17 of Riverside would result in an average vehicle delay of approximately 5 to
18 6 seconds, which is considerably below the significance threshold in the
19 Recirculated Draft EIS/EIR of 55 seconds per vehicle.

20 A cumulative analysis considers the impact of multiple trains from different
21 sources. While the delay would increase, multiple trains would cumulatively
22 contribute to an impact that is less than significant. For example, four trains
23 arriving in a peak hour (with an average gate time of 3 minutes) would result in
24 an average delay of approximately 24 seconds per vehicle. It should be noted
25 that the likelihood of even four trains per hour is very low. During 48 separate
26 hours of observations in Riverside County in October 2008, there were only
27 3 hours (out of 48) when more than two trains were observed. The breakdown of
28 trains per hour was as follows:

29 0 trains per hour: 29 percent
30 1 train per hour: 35 percent
31 2 trains per hour: 29 percent
32 3 trains per hour: 4 percent
33 4 trains per hour: 2 percent
34 5 or more trains per hour: 0 percent

35 It should also be pointed out that this average vehicle delay of 5 to 6 seconds per
36 vehicle represents a cumulative impact of the trains assembled from three West
37 Basin terminals combined. Because the average vehicle delay from cumulative
38 trains from the West Basin terminals would be substantially less than the
39 significance threshold of 55 seconds per vehicle, there is no requirement to
40 provide mitigation, as suggested in the comment.

41 **13-23** Please see the response to Comment 13-22. In addition, please see the responses
42 to Comments 12-14, 13-4, and 13-9 regarding the regional and state efforts to
43 address issues pertaining to goods movement.

44 **13-24** Thank you for your recommendation.

45 **13-25** Thank you for your comment; your opinion has been noted.

46 **13-26** The Port has added RCTC to the list of agencies that received CEQA
47 notifications.

1 **13-27** This response discusses the attachment to the RCTC Comment Letter (*Technical*
2 *Review of Draft EIS/EIR for Berth 97-109 Container Terminal Project* prepared
3 by Kimley-Horn and Associates, Inc.). The first part of the technical review
4 (pages 1 to 5) does not provide new information; it reiterates information already
5 provided in the Recirculated Draft EIS/EIR. Nevertheless, two items in the
6 introductory sections of the technical review are of note:

- 7 ■ The standards cited for impacts on the top of page 3 (of the Kimley-Horn
8 *Technical Review*) are drawn from the City of Los Angeles CEQA
9 Thresholds Guide, and so are automatically applicable only to the City of
10 Los Angeles. While these could be applied elsewhere, CEQA analysis is
11 typically based on the relevant standards for the affected jurisdictions (e.g.,
12 in the General Plan).
- 13 ■ Similarly, the threshold for vehicle delay of 55 seconds per vehicle (cited on
14 page 4 of the *Technical Review*) is based on national resource (the HCM) that
15 are consistent with traffic analysis guidelines in Los Angeles. There is no
16 specific applicable guidance for Riverside County rail crossings, although the
17 HCM procedures could be applied. Note also that the HCM is not a standard;
18 it simply provides an analysis tool. For example, the HCM describes the
19 conditions at different levels of service, but does not identify an acceptable
20 LOS.

21 The supplemental analysis (starting on page 6 of the *Technical Review*) is
22 organized in two parts. The first part (top half of page 6), suggests that about
23 1,465 additional daily project truck trips will be added to Riverside County
24 roadways. No assessment of the impacts is included. In fact, the supplemental
25 “analysis” supports a conclusion that RCTC’s letter appears to argue against:
26 that the impact of Project-related truck trips on Riverside County roadways
27 “cannot be determined with available information.” In other words, the Kimley-
28 Horn analysis reinforces the concept that analyzing impacts of truck trips on
29 Riverside County roadways is speculative and infeasible because (a) the number
30 of trips is relatively low and (b) the trips are unpredictably disbursed over
31 multiple routes.

32 The second part (“Rail Crossing Traffic Delay”) provides more quantitative
33 information. The Kimley-Horn estimate of additional rail cars (per day) does not
34 appear to be inconsistent with the assumptions and analysis in the Recirculated
35 Draft EIS/EIR; however, the Recirculated Draft EIS/EIR uses more accurate train
36 data based on project-specific information rather than general derivations that are
37 used in the Kimley-Horn evaluation. The Recirculated Draft EIS/EIR evaluated
38 the impact of one train during the peak hour, but noted that the “Project
39 operations alone would not result in an additional train during the peak hour on a
40 regular basis.” The resulting Kimley-Horne calculations yield four new trains
41 per day, which can be used for analysis purposes. It should be noted that the
42 proposed Project would result in just over two average daily round train trips per
43 day, and up to four on the peak day.

1 After this point, the Kimley-Horn analysis cannot be verified because no backup
2 calculations are provided. The Kimley-Horn estimates of added delay are 36.3 to
3 119.2 vehicle-hours per day throughout Riverside County, which is consistent
4 with the calculations prepared to develop the seconds/vehicle calculations in the
5 Recirculated Draft EIS/EIR. Backup calculations developed as part of the
6 Recirculated Draft EIS/EIR analysis suggested total delays of 5 to 20 vehicle-
7 hours per train during the peak hours at the Los Angeles County at-grade
8 crossings. These delays were calculated for the peak hour, so delays caused by
9 four trains throughout the day could be expected to result in total delays of
10 36.3 to 119.2 vehicle-hours.

11 However, there are no significance criteria attached to these values. The
12 Riverside County General Plan focuses on LOS as its policy guidance on traffic
13 operations. There are no standards for assessing whether a daily increase in
14 delay (e.g., 119.2 vehicle-hours per day) is significant. There are no standards
15 for total delay because the impact of total delay varies depending on traffic
16 volumes. For example, a total delay of 119.2 vehicle-hours per day at a stop-
17 controlled intersection with 2,000 vehicles per day, is 215 seconds per vehicle. A
18 total delay of 119.2 vehicle-hours per day spread over 12 intersections (as
19 calculated by RCTC) with 30,000 vehicles per day (typical for a signalized
20 intersection) would be 1.2 seconds per vehicle. Also, consider the delay at
21 signalized intersections. A typical signalized intersection might have a total
22 traffic volume of 50,000 vehicles per day (the intersection Jurupa Avenue and
23 Van Buren Boulevard in Riverside County has similar traffic volumes, per
24 http://www.rctlma.org/trans/documents/traffic_count_book.pdf). At the mid-
25 point of LOS C (27.5 seconds of delay per vehicle), the total delay at that
26 intersection would be 382 vehicle-hours on a typical day, which is substantially
27 higher than the highest total vehicle delay provided in the Kimley-Horn
28 evaluation (on page 8 of the *Technical Review*). It should be noted that all but
29 one of the intersections in the table on page 8 of the Kimley-Horn analysis have a
30 total delay difference of less than 10 vehicle-hours.

31 Total vehicle delay does not appear to represent a valid or meaningful threshold
32 upon which to assess significant impacts under CEQA or NEPA, for three
33 reasons:

- 34 ■ The total vehicle delay for the rail crossings provided by Kimley-Horn would
35 be less than the total vehicle delay for a typical signalized intersection along
36 a highway in Riverside County.
- 37 ■ Signalized intersections within Riverside County form an integral part of
38 traffic management.
- 39 ■ The total vehicle delays at these signalized intersections are generally
40 considered acceptable (as demonstrated by the ubiquitous nature of
41 signalized intersections along County roadways).

42 Average vehicle delay, as evaluated in the Recirculated Draft EIS/EIR, would
43 appear to be a better methodology for assessing significance (than using total
44 vehicle delay), for the above reasons and because it is based on the Highway
45 Capacity Manual. The analysis methodology is summarized in the formula on
46 page 3.6-47 of the Recirculated Draft EIS/EIR (line 10), where the average delay
47 is calculated for vehicles at grade crossings. The Recirculated Draft EIS/EIR
48 includes the following delay calculation formula on page 3.6-47:

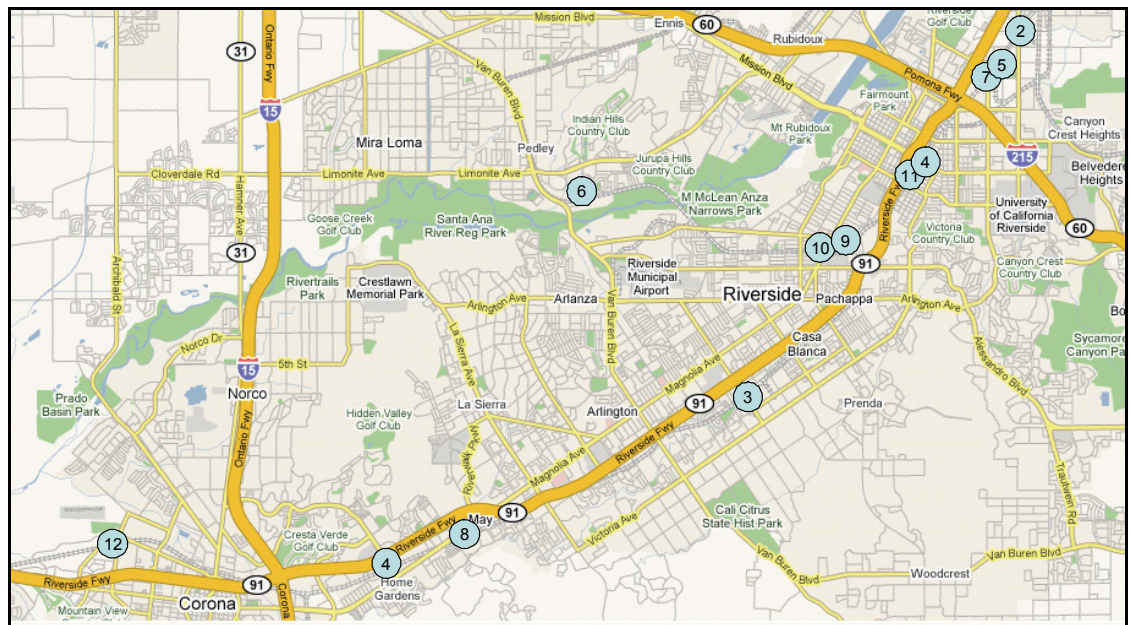
$$Delay = \left(\frac{Tb^2 \times q \times nl}{2 \times 60 \times \left(1 - \frac{q}{25}\right)} \right) \times f$$

Where:

- Tb* = gate blockage time in minutes
- q* = average arrival rate in vehicles per minute per lane
- f* = train frequency in trains per hour
- nl* = number of lanes

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To assess the impact of trains in Riverside County, a comprehensive data collection and analysis study was conducted to determine gate time. Trains were observed at 12 crossings in Riverside County for the week of October 20 to 24, 2008. The 12 crossings are the same locations identified on page 8 in the Kimley-Horn report (e.g., McKinley Street in Corona, Iowa Avenue in Riverside, as well as others listed). The exhibit below illustrates the specific locations.



8

During 48 hours of observations (4 hours per location) from October 20, 2008, through October 24, 2008, a total of 54 freight trains were observed (Metrolink trains were not counted). Of those trains, 39 trains were BNSF, and 15 were UP. Most (50) of the trains were container trains. The average train included 103 platforms (commonly called “cars”). There was no pattern to the train arrivals; they occurred randomly throughout the week.

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The average train crossing time was 2:23 (2 minutes, 23 seconds). This time does not include the additional gate down/up time (per the analysis in the Draft Recirculated Draft EIS/EIR, which value is 36 seconds per train). Therefore, the average total gate time is 2:59 for trains in Riverside County. At the two at-grade crossings analyzed in the Recirculated Draft EIS/EIR, that time is approximately

1 11.7 minutes including the gate time because trains are moving slowly near the
 2 Port facilities (trains close to the Port have just left the on-dock yards and are
 3 traveling slowly due to inertia and because they have not yet reached the
 4 Alameda Corridor).

5 Traffic volumes vary by locations, and throughout the day. To test the sensitivity
 6 of the calculation and assess potential impacts, traffic volumes between
 7 1,000 and 25,000 vehicles/day were evaluated on two- and four-lane roadways
 8 (one or two lanes in each direction). The percentage of traffic during each hour
 9 was developed from a random location in Riverside County (on SR-60) using
 10 data from the Caltrans PeMS database. Then, the resulting delay was calculated
 11 on each of six roadways for a 24-hour period, recording the average and highest
 12 (peak hour delay).

13 Table 13-1 is a summary of the projected average delay (for a range of at-grade
 14 crossings) for different traffic volumes during each hour of the day.

Table 13-1. Sample Delay Calculation

Hour	Delay % of Traffic	Daily Traffic Volumes					
		1,000	5,000	10,000	15,000	20,000	25,000
12 to 1 a.m.	1.1%	4.5	4.5	4.6	4.6	4.6	4.7
1 to 2 a.m.	0.8%	4.5	4.5	4.6	4.5	4.6	4.6
2 to 3 a.m.	0.7%	4.5	4.5	4.6	4.5	4.6	4.6
3 to 4 a.m.	0.8%	4.5	4.5	4.6	4.5	4.6	4.6
4 to 5 a.m.	1.6%	4.5	4.6	4.7	4.6	4.7	4.8
5 to 6 a.m.	35%	4.5	4.7	5.0	4.9	5.0	5.2
6 to 7 a.m.	6.1%	4.5	4.9	5.6	5.2	5.6	6.0
7 to 8 a.m.	6.8%	4.6	5.0	5.8	5.4	5.8	6.2
8 to 9 a.m.	6.4%	4.5	5.0	5.7	5.3	5.7	6.1
9 to 10 a.m.	5.6%	4.5	4.9	5.5	5.2	5.5	5.8
10 to 11 a.m.	5.3%	4.5	4.9	5.4	5.1	5.4	5.7
11 a.m. to 12 p.m.	5.5%	4.5	4.9	5.4	5.2	5.4	5.8
12 to 1 p.m.	5.7%	4.5	4.9	5.5	5.2	5.5	5.8
1 to 2 p.m.	5.8%	4.5	4.9	5.5	5.2	5.5	5.9
2 to 3 p.m.	5.8%	4.5	4.9	5.5	5.2	5.5	5.9
3 to 4 p.m.	5.8%	4.5	4.9	5.5	5.2	5.5	5.9
4 to 5 p.m.	5.7%	4.5	4.9	5.5	5.2	5.5	5.8
5 to 6 p.m.	5.7%	4.5	4.9	5.5	5.2	5.5	5.8
6 to 7 p.m.	4.9%	4.5	4.8	5.3	5.1	5.3	5.6
7 to 8 p.m.	4.5%	4.5	4.8	5.2	5.0	5.2	5.5
8 to 9 p.m.	4.1%	4.5	4.8	5.1	5.0	5.1	5.4
9 to 10 p.m.	3.6%	4.5	4.7	5.1	4.9	5.1	5.2
10 to 11 p.m.	2.6%	4.5	4.6	4.9	4.8	4.9	5.0
11 p.m. to 12 a.m.	1.7%	4.5	4.6	4.7	4.6	4.7	4.8
Weighted Average		4.5	4.9	5.4	5.1	5.4	5.7
Maximum		4.6	5.0	5.8	5.4	5.8	6.2

15

1 To summarize the results, a comprehensive set of calculations was completed to
 2 assess the impacts of different trains on different roads at different times of day.
 3 Based on the adjusted average gate time of 2:59, the results are summarized in
 4 Table 13-2.

Table 13-2. Projected Average Delay (per vehicle per hour of traffic) at Riverside County Crossings

Lanes ^a	1	1	1	2	2	2
Daily Traffic Volume ^b	1,000	5,000	10,000	15,000	20,000	25,000
Average Delay ^c	4.5	4.9	5.4	5.1	5.4	5.7
Peak Hour Delay ^c	4.6	5.0	5.8	5.4	5.8	6.2

^aNumber of approach lanes per direction
^bVehicles/day
^cSeconds/vehicle
 Source: CH2M HILL calculations

5
 6 As can be seen in Table 13-2, based on the average total gate time of 2:59, the
 7 average delay (approximately 5 to 6 seconds per vehicle throughout the peak
 8 hour) will be below the impact threshold (55 seconds average delay per vehicle
 9 per hour of traffic), and significant vehicle delay impacts at the at-grade
 10 crossings in Riverside County (and City of Riverside) are not anticipated.
 11 Therefore, no mitigation for such impacts is required.

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From: "Duong, Toan" <TDUONG@dpw.lacounty.gov>
To: <LMaun-DeSantis@portla.org>, <ceqacomments@portla.org>
Date: Tue, Jul 15, 2008 5:52 PM
Subject: RE: China Shipping Draft EIS/EIR Public Review extended

14-1 Public Works has reviewed the subject draft EIS/EIR and has no comments.
Please contact me if you have any question. Thank you.

-----Original Message-----

From: Lena Maun-DeSantis [mailto:LMaun-DeSantis@portla.org]
Sent: Thursday, June 19, 2008 6:53 PM
To: Lena Maun-DeSantis
Subject: China Shipping Draft EIS/EIR Public Review extended

Good Evening,

On April 30, 2008, the Port of Los Angeles and the US Army Corps of Engineers released the Berth 97-109 [China Shipping] Container Terminal Re-Circulated Draft EIS/EIR.

This email serves as a notice that the Re-circulated Draft EIS/EIR public review has been extended by 15 days. Comments are now due on July 15, 2008.

Availability: The Re-circulated Draft EIS/EIR will be posted on the Port of Los Angeles's website (www.portoflosangeles.com) by May 1, 2008 and is available for review at Los Angeles Harbor Department, 425 South Palos Verdes Street, San Pedro, California and at local area libraries. A limited number of hard copies of the Re-circulated Draft EIS/EIR are also available at the Environmental Management Division offices to purchase. The Re-circulated Draft EIR/EIS is also available on CD for no charge.

Comments: Written comments on the Draft EIS/EIR can be provided at the Public Meeting or sent any time prior to close of business on July 15, 2008 to both of the addresses below:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

and

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

Email comments can be sent to:
ceqacomments@portla.org

For additional information, please contact (310) 732-3950.

Thank you.

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1 **2.3.14 Los Angeles County Department of Public**
2 **Works (Comment Letter 14)**

3 **14-1** Thank you for your comment.

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NATURAL RESOURCES DEFENSE COUNCIL

June 5, 2008

VIA EMAIL AND HAND DELIVERY

Commander, U.S. Army Corps of Engineers
Los Angeles District, Regulatory Branch
c/o Spencer D. MacNeil, D.Env.
ATTN: CESPL-CO-R-2003-01029-AOA
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Dr. Dr. Ralph G. Appy
Director, Environmental Management Division
Port of Los Angeles
425 South Palos Verdes St.
San Pedro, CA 90731
rappy@portla.org

Re: China Shipping Draft EIS/EIR

Dear Dr. MacNeil and Dr. Appy:

Natural Resources Defense Council writes to provide initial comments on the Re-circulated Draft Environmental Impact Statement/Environmental Impact Report Berth 97-109 Container Terminal Project ("DEIS/DEIR"). We appreciate the opportunity to provide these initial comments, and we may supplement them after the June 5, 2008 public hearing. While we are happy to see remarkable improvements in the scope and detail of this EIS/EIR in relation to the 2006 version, we remain concerned about this project for numerous reasons.

I. The Cumulative Impacts Analysis Does Not Meet CEQA Guidelines And Violates The China Shipping Amended Stipulated Judgment.

CEQA requires that an EIR address cumulative impacts "when the project's incremental effect is cumulatively considerable."¹ The DEIS/DEIR concedes the existence of cumulative impacts at the Port of Los Angeles, and that the China Shipping project will make a substantial contribution to these impacts.² However,

15-1



¹ CEQA Guidelines § 15130; *see also* CEQA Guidelines § 15355.

² DEIS/DEIR at Ch. 4..

15-1

↑
although there is some discussion of the incremental impact that the China Shipping project will have, there is no discussion of the effects of the recognized cumulative impacts as a whole on human health or the physical environment. Nor is there any discussion of how to mitigate the cumulative impacts of the identified Port projects.

15-2

This lack of analysis violates both CEQA and the Amended Stipulated Judgment. CEQA Guideline 15130(b)(4) provides that the following (among others) element is necessary “to an adequate discussion of significant cumulative impacts . . . (4) A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available” The policy reason supporting Section 15130(b)(4) is that the decisionmakers need to know, in deciding whether to approve a project, what the expected impacts will be on the ground as a result of all of the projects identified as cumulative impacts. A person living across the fence line from the Port breathes or will be breathing air that is affected by all of these projects, not just by China Shipping or another individual project. At some point, the decisionmakers may decide, for example, that the overall health risks from Port development are just too high, even though the contribution of a single project may be relatively small – and they need the data and analysis to make this call. This is especially true given the conclusions of the recent MATES III study and CARB’s updated study of the number of goods movement-related deaths in California each year.³ But the data required to evaluate this issue is not present in the DEIS/DEIR.

15-3

In addition, Section VI(A)(1) of the Amended Stipulated Judgment in the China Shipping case provides in part that the DEIS/DEIR must “(a) evaluate all project-specific *and cumulative impacts* from the China Shipping Project . . .” and “(b) assess mitigation measures to reduce *those impacts*.” (Emphasis added). As noted above, the DEIS/DEIR provides some information about the incremental effect of the China Shipping project on the cumulative impacts to be expected, but does not analyze those impacts as a whole or discuss their mitigation. This error violated the Amended Stipulation Judgment.

II. The Port Should Comply With The Clean Air Action Plan And Promulgate San Pedro Bay Standards To Inform The Decision On The DEIS/DEIR.

15-4

↓
The Port promised in Section 2.2 of the Clean Air Action Plan (“CAAP”) that it and the Port of Long Beach would establish these standards for the San Pedro Bay:

- Reduce public health risk from toxic air contaminants associated with port-related mobile sources to acceptable levels.

³ CARB, Methodology for Estimating Premature Deaths Associated with Long-Term Exposures to Fine Airborne Particulate Matter in California Draft Staff Report (May 22, 2008).

- Reduce criteria pollutant emissions to the levels that will assure that port-related sources decrease their “fair share” of regional emissions to enable the South Coast Air Basin to attain state and federal ambient air quality standards.
- Prevent port-related violations of the state and federal ambient air quality standards at air quality monitoring stations at both ports.

As the CAAP states: “[P]rojects that meet the Project Specific Standard associated with health risk must also meet the criteria pollutant emissions reductions associated with their “fair share” of regional emissions, and health risk reductions, as stated in the San Pedro Bay Standard.”⁴

15-4

In the China Shipping case, the decisionmakers cannot know whether the project specific standards are tough enough precisely because San Pedro Bay Standards have not been adopted by either Port. This is important because the DEIS/DEIR appears to show that public health risk from the China Shipping project has increased and that emissions of the criteria pollutant PM_{2.5} will increase.⁵ In addition, the monitoring stations whose data is available on the Ports’ Clean Air Action Plan website consistently show that PM 2.5 emissions are well above the federal and California annual average standards.⁶ The recent MATES III report from the Southern California Air Quality Control District⁷ shows that the areas of highest cancer risk in the District are those immediately adjacent to the Ports – just as they were in the MATES II report.⁸ Accordingly, it is impossible for decision makers to know whether moving forward with this project will allow the Port to meet clean air goals because the goals have not been established yet. Moreover, this is not an issue that is in front of the Port for the first time. On September 25, 2007, more than eight months ago, several members of the now inoperative CAAP stakeholder group brought the extreme delay in setting these standards to the Port’s attention. Moreover, this issue consistently was raised throughout the discussions on the TraPac project.

Given these circumstances, it would not be in the public interest to decide whether to certify the China Shipping DEIS/DEIR or approve the project before the San Pedro Bay Standards promised in the CAAP have been adopted.

III. The Health Risk Analysis In The DEIS/DEIR Should Be Revised.

15-5

The health risk analysis in the DEIS/DEIR does not comport with the spirit of CEQA and NEPA because it is confusing and obscures the true impacts of this project. In an

⁴ CAAP Final Technical Report at 24.

⁵ See Table E-3-74.

⁶ See <http://caap.airsis.com/>. The U.S. EPA standard for annual average PM 2.5 exposure is 15 milligrams per cubic meter. The analogous California standard is 12 milligrams per cubic meter.

⁷ <http://www.aqmd.gov/prdas/matesIII/matesIII.html>

⁸ <http://www.aqmd.gov/matesiidf/matestoc.htm>

15-5

effort that distracts attention from the fact that this project exceeds the 10 in a million cancer risk commitment in the Clean Air Action Plan, the Port has provided an analysis of the health risk associated with the project between 2009 and 2078. This data has little or no relevance to the current debate over this project, and does not change the fact that the project will increase residential cancer risk by 11 in a million for the relevant period from 2004 until 2073. Because the project will exceed the CAAP threshold, the next iteration of this environmental document must include mitigation measures to make this project fall below the 10 in a million threshold.⁹

Unless these problems are cured, the health risk assessment does not fulfill its statutory job of informing the decisionmakers about the potential effects of approving the project.

IV. The Port must evaluate and improve the mitigation measures.

Under CEQA, "it is the policy of the state that public agencies should not approve projects as proposed if there are . . . feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects."¹⁰ We continue to remain concerned about the failure to mitigate all significant impacts to insignificance. Below, we provide some of the measures that concern us the most:

The DEIS/DEIR Must Evaluate Electric Drayage Trucks As Mitigation For The Effects Of The Project On Air Quality.

15-6

On May 16, 2008, with great fanfare, the Port gave a public demonstration of the electric drayage truck that it has been working on for months.¹¹ As the Port's website states:

Built as a demonstration project co-funded by the Port and SCAQMD, and designed specifically for short-haul or "drayage" operations, this electric tractor was the result of nearly a year of development and testing. The heavy-duty electric short-haul drayage truck -- the first of its kind at any port worldwide -- can pull a 60,000-pound cargo container at a top speed of 40 mph, and has a range between 30 to 60 miles per battery charge. The battery charger can charge up to four electric trucks simultaneously in four hours and can also provide up to 60 percent of the charge in one hour to meet peak demands during daily operations. On a kilowatt hour of energy cost-basis, this electric truck costs roughly 20 cents a mile to operate. On a per-mile cost-

⁹ Compare Table E-3-7-4 with Table E-3-7-7.

¹⁰ *Los Angeles Unified School Dist. v. City of Los Angeles*, 58 Cal.App.4th 1019, 1028-29 (1997).

¹¹ See the Port-produced video at: <http://www.youtube.com/watch?v=0f1A1rG8gVU>. This video was uploaded on May 15, 2008.

basis, a common diesel truck could cost anywhere from four to nine times as much, depending on fluctuating fuel costs and actual duty-cycle activity (100 percent duty cycle equals zero percent truck idling). Future widespread application of a fleet of electric trucks would be especially useful at the Port of Los Angeles because, on an annual basis, more than two million truck drayage trips take place between the port terminals and rail and warehouse facilities within five to ten miles of San Pedro Bay.¹²

15-6 President of the Los Angeles Harbor Commission, David Freeman, is quoted as saying:

“Electric trucks can provide the backbone we need for a substantially cleaner drayage fleet serving our ports in the years to come. We could eliminate a lot of truck pollution in and around the port with a fleet of these workhorses.”¹³

However, although the DEIR shows increased emissions of PM 2.5 particulates,¹⁴ there is no mention of mitigating that admittedly significant impact by the use of electric drayage trucks. This is a major oversight. We suggest that the air quality section of the DEIR needs to be rewritten to analyze the extent of the mitigation that electric drayage trucks could provide over the life of the project.¹⁵

Low Sulfur Fuel Mitigation Must Be Greatly Enhanced

15-7 We are pleased that the DEIS/DEIR includes an emissions reduction strategy for the main engines of ocean-going vessels that is in line with the auxiliary engine requirements. Cleaner fuels in both types of engines could significantly reduce emissions from virtually unregulated engines transiting and maneuvering at the Port of Los Angeles. However, we have significant concerns that the implementation schedule and sulfur fuel level are not nearly stringent enough. Strengthening this measure could result in significant decreases in PM₁₀ and PM_{2.5} levels as well as reduced cancer risk from DPM.

The Maersk commitment to cleaner fuel, information provided by marine engine manufacturers, PMSA’s members’ compliance with CARB’s Auxiliary Engine Regulation, and the Port of Los Angeles’ recent low sulfur fuel tariff now provide substantial evidence that any technological concerns regarding the use of cleaner

¹² http://www.portoflosangeles.org/newsroom/2008_releases/news_051608_et.asp

¹³ *Id.*

¹⁴ Table 3.2-28.

¹⁵ Section VI C of the China Shipping Amended Stipulated Judgment provides that “any dispute regarding the feasibility of mitigation measures” in this DEIS/DEIR “will be resolved by arbitration.”

fuels in auxiliary engines and main engines have been addressed. At a Maritime Working Group meeting, representatives of some of the world's biggest engine manufactures and shipping lines including MAN B&W, Wartsila, BP Shipping, DNV, Maersk and other participants, concurred that the implementation of cleaner fuels in main engines is an excellent approach to achieve significant emission reductions in a cost-effective manner.¹⁶ They consider fuel switching to be a standard operation that can be conducted safely by any competent marine engineer. These technical experts made it clear that low sulfur levels, such as 1000 ppm, in marine fuels were compatible with large ship engines and maritime operations in general, and that if it were required, the "free market" would respond and make supplies available. In fact, it is our understanding that NYK Line at the Port of Los Angeles is currently using less than 1% sulfur fuel.¹⁷

15-7

Given the substantial shortfall that exists to achieve the CEQA significance thresholds in the short-term horizon years for this project, it is imperative that the DEIS/DEIR pursue the cleanest lower sulfur distillate fuels in both auxiliary and main engines for all ships visiting the berths. Additionally, CARB announced at their September 25, 2007 marine regulation workshops that emissions from boilers are ten times higher than previously calculated. The resulting SO_x, NO_x and PM emissions must be addressed at the outset with the use of significantly cleaner fuels. In fact, without a high level of stringency on marine fuel usage for auxiliary engines, main engines and boilers, the South Coast AQMD's ability to meet Federal Standards for PM_{2.5} will be jeopardized.

Therefore, we recommend that the DEIS/DEIR require the following:

- Ensure 100% compliance and enforcement of the 2,000 ppm requirement for auxiliary engines, regardless of the status of the CARB auxiliary engine regulation; and
- By January 1, 2010, take necessary steps to ensure 100% compliance and enforcement of the 1,000 ppm requirement for auxiliary engines (interim deadlines for 1,000 ppm sulfur fuel should require 25% using 1,000 ppm by 2008; and a 50% requirement by 2009). This is especially important given that the Port projects the highest emissions levels to occur in 2010.¹⁸

¹⁶ The Maritime Air Quality Technical Working Group, Focus on Fuel Switching, hosted by CARB, July 24, 2007; <http://www.arb.ca.gov/ports/marinevess/meet.htm>.

¹⁷ SCAQMD, Mitigation Measure Examples: Ocean Going Vessels, *available at* <http://www.aqmd.gov/CEQA/handbook/mitigation/ogv/TableIX.doc>. In addition, at the recent Future Ports conference in Long Beach, a representative from Maersk stated that 0.2% sulfur fuel purchased by Maersk is often closer to 0.1%.

¹⁸ DEIS/DEIR, at 3.2-79.

15-7

- Main engines and boilers, at a minimum, should fall under the same requirements and timetable as we recommend for auxiliary engines and, by 2010, main engines should be required to use 1,000 ppm fuel.

DPFs for Locomotives Must Phased in Sooner than 2015

15-8

Mitigation Measure AQ-18 has a timeframe that is years too long. CARB and the California Emissions Program have been involved in demonstration projects for DPF retrofits for locomotives since 2006. Results from these projects have shown reductions of PM of 80%.¹⁹ In addition, the CAAP provides that starting in 2012, and fully implemented by 2014, the fleet average for Class 1 long haul locomotives calling at the Port will be Tier III equivalent, defined as “Tier 2 equipped with DPF and SCR or new locomotives meeting Tier 3.”²⁰ Given this, it is not convincing for the Port to assert that it will take seven years to implement DPFs on these locomotives. Implementation should begin in the 2010-2011 time frame or earlier.

V. The DEIS/DEIR Admits That Impacts Will Occur In The Community But Fails To Provide Mitigation Measures For Those Impacts.

The DEIR/DEIR determined that there will be significant air quality impacts from the China Shipping project in the surrounding community.

15-9

With mitigation, offsite ambient concentrations from proposed Project operations would be reduced for PM₁₀, PM_{2.5}, and annual NO_x, but would increase for CO and 1-hour NO_x. These increases in concentrations are a result of LPG yard tractors having much higher NO_x and CO emissions than their counterpart diesel yard tractors in the peak emission analysis year 2010 (addressed by MM AQ-15). From a CEQA perspective, offsite ambient concentrations from proposed Project operations after mitigation would be reduced for PM₁₀ and PM_{2.5}, but would remain significant for 1-hour and annual NO₂, and 24-hour PM₁₀ and PM_{2.5}. From a NEPA perspective, offsite ambient concentrations from proposed Project operations after mitigation would be reduced for PM₁₀ and PM_{2.5}, but would remain significant for 1-hour and annual NO₂, and 24-hour PM₁₀ and PM_{2.5}. . . The residual air quality impacts would be significant for NO₂, PM₁₀, and PM_{2.5} under CEQA and NEPA.²¹

With respect to sensitive receptors in the area, the DEIS/DEIR states:

¹⁹ Fritz, Steve. *U.S. Locomotive Aftertreatment Retrofit Progress Report: SwRI Test Programs*. Southwest Research Institute. November 28, 2007.

<http://www.arb.ca.gov/railyard/ryagreement/112807fritz.pdf>.

²⁰ Clean Air Action Plan at 29.

²¹ 3.2-112

15-9

The impact of air emissions on sensitive members of the population is a special concern. Sensitive receptor groups include children, the elderly, and the acutely and chronically ill. The locations of these groups include residences, schools, daycare centers, convalescent homes, and hospitals. The nearest sensitive receptors to the Project site include residents in eastern San Pedro and south Wilmington. Additionally, the Hawaiian Avenue Elementary School in Wilmington and the Barton Hill School at South Pacific Avenue and O'Farrell Street in San Pedro are about 1.3 and 0.5 miles away, respectively, from the proposed Berth 97-109 terminal. The nearest daycare center is the Toberman Child Care Center, about 0.7 mile southwest of the Project site. The nearest convalescent home is the Harbor View House, about 1 mile south of the Project site. The nearest hospital is the San Pedro Peninsula Hospital, about 1.5 miles southwest of the Project site.²²

Yet, there is little or no mitigation proposed for the significant community air quality impacts of the project. This is inconsistent with CEQA and with the TraPac MOU that the Port and the City of Los Angeles recently entered into.

VI. The DEIS Erroneously Concludes That It Does Not Need a General Conformity Statement.

15-10

In a brief section at pages 3.2-17 and 3.2-18, the DEIS/DEIR provides a few details on general conformity requirements, but fails to provide an actual general conformity analysis. The Army Corps expects decision-makers and the public to engage in a leap-of-faith that a general conformity analysis has actually be conducted and the proposed federal action will not "(1) cause or contribute to any new violation of a NAAQS; (2) increase the frequency or severity of any existing violation; or (3) delay the timely attainment of any standard, interim emission reduction, or other milestone."²³ Not only does this approach evade the requirements of the Clean Air Act, it violates CEQA and NEPA.

VII. The DEIS/DEIR Contains An Inadequate Analysis Of Mitigation Measures For The Greenhouse Gases That The Project Will Create

15-11

The DEIS/DEIR concludes that the Project will cause an increase in the emission of greenhouse gases, even after the proposed mitigation.²⁴ Given the requirements of AB 32 to reduce greenhouse gas emissions, this is unacceptable, at least until all potential mitigation has been analyzed.

As noted above, the DEIR/DEIR has not analyzed the feasibility of phasing in electric drayage trucks. Analysis of the greenhouse gases associated with the production of electricity to power these trucks, combined with analysis of the potential reductions in

²² Sec. 3.2.2.4

²³ 3.2-17.

²⁴ 3.2-139

greenhouse gases resulting from the elimination of fossil fueled powered trucks, may show that use of the electric trucks will have a very positive effect on production of GHGs. The same could be said for electric rail, at the terminal and along the Alameda Corridor. As the Port's website notes:

An overall calculation of net emissions reductions still needs to be performed in order to take into account the emissions created in the generation of electric power used to charge the truck's batteries. However, based on the average emissions generated by the existing fleet of drayage trucks that serve the San Pedro Bay ports, Port of Los Angeles staff estimated the average pollution discharge generated by the estimated 1.2 million truck trips that occurred in 2006 between the ports and a local near-dock railyard (the Intermodal Container Transfer Facility or ICTF). If those 1.2 million truck trips were to be made with zero emission electric trucks, an estimated 35,605.6 tons of tailpipe emissions would be eliminated, including: 21.8 tons per year of Diesel Particulate Matter (DPM), 427.7 tons per year of localized Nitrogen Oxide (NOx) emissions, 168.5 tons per year of Carbon (CO), and 34,987.6 tons per year of Carbon Dioxide (CO2).²⁵

The "overall calculation" mentioned in this passage can and should be conducted in the China Shipping DEIS/DEIR to quantify the GHG reductions associated with implementation of electric trucks.

VIII. The Port's Environmental Documents Continue to Examine the Same Stale Alternatives.

We continue to remain concerned that the alternatives analysis in environmental documents from the Port and Army Corps examine the same set of alternatives. The alternatives examined in the TraPac project and the China Shipping project closely mirror each other. The Port needs to start thinking more aggressively on how to implement modern, clean transportation systems, and the alternatives analysis provides a good avenue to examine these systems.

Thank you for your consideration of this letter.

Sincerely,



David Pettit
Senior Attorney

²⁵ http://www.portoflosangeles.org/newsroom/2008_releases/news_051608_et.asp

15-11

15-12

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2.3.15 National Resources Defense Council – June 5, 2008 (Comment Letter 15)

15-1 Please see response to Comment 1-17 (USEPA). A quantitative analysis of cumulative emissions and health risk impacts is not feasible for this Recirculated Draft EIS/EIR because the data necessary to conduct such an analysis are not available and cannot be obtained with reasonable effort. For example, for every cumulative project identified in Table 4-1 of the Recirculated Draft EIS/EIR, a quantitative analysis would require detailed project-level information on the types of stationary and mobile emission sources, activity levels, fuel usage, chemical usage, emission controls, operating schedule, stack parameters, vehicle trip generation, routes driven, building configuration, and project construction schedule. This is an enormous amount of information that is not currently available in sufficient detail for most of the cumulative projects. Without such information, an attempt to quantify cumulative air quality impacts would produce speculative and unreliable results. The magnitude and geographic distribution of modeled health risk impacts around each cumulative project are very dependent on such detailed information. Without such information, it would be impossible to predict whether, and to what degree, risk impacts from the cumulative projects would overlap each other to produce a combined effect.

Because of the infeasibility of collecting sufficient information needed for a quantitative cumulative air quality analysis, we assessed cumulative impacts qualitatively. We used broader regional studies to gain an indication of the magnitude of impacts from the cumulative projects. For example, the 2006 CARB report *Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach*, estimated that DPM emissions from the two ports result in potential cancer risk levels exceeding 500 in a million near the Port boundaries. Furthermore, the SCAQMD *MATES-III* report, which considered all emission sources in the South Coast Air Basin, predicted cancer risk values ranging from 1,100 to 2,900 in a million near the ports. Given these two studies, health risk impacts from the cumulative projects were considered to be significant. Therefore, a cumulatively considerable contribution to this impact from the proposed Project would represent a significant cumulative impact.

Response to Comment 1-17 discusses that the Ports of Los Angeles and Long Beach are preparing a Port-wide HRA covering both ports that will include a quantitative estimate of health impacts from the operations of the ports as a whole. However, the Port-wide HRA was not intended to, and cannot, fully describe cumulative health-risk impacts for purposes of CEQA or NEPA review of individual ports projects, for several reasons. First, the Port-wide HRA will include only DPM emissions, and will include only emissions from on-Ports operations and port-related activity along transportation corridors. Therefore, the Port-wide HRA cannot supply certain other information that must be included when evaluating cumulative health-risk impacts under CEQA and NEPA, such as toxic air contaminant emissions from cumulative non-Port sources or cumulative nondiesel sources. Second, because the Port-wide HRA will be used to evaluate the effect of CAAP implementation over a broad sub-regional area, it will employ certain input that is different than that used to model localized project-specific health-risk impacts under CEQA and NEPA. The different input will

1 include a more generalized representation of emissions source locations,
2 agglomerated spatial allocation of emissions sources, fleet-average versus
3 project-specific modeling source parameters, coarser Cartesian grids to represent
4 offsite receptors, and certain model input based on information available today
5 that is likely to change in the future as scientific understanding progresses and/or
6 new data become available. The result is that the Port-wide HRA will not
7 provide the highly detailed information about incremental, project-specific
8 changes at individual points of maximum health risk impact that is used to assess
9 health-risk impacts under CEQA and NEPA. Third, because the Port-wide HRA
10 will focus on emissions in only 2 milestone years (the baseline year 2005, and the
11 target year 2023), it will not provide accurate information regarding cumulative
12 emissions or cancer-risks in interim years, and so will not accurately describe
13 baseline cumulative conditions surrounding ports projects proposed in those
14 interim years.

15 As discussed in response to Comment 1-17 (USEPA), the forecasting used to
16 develop San Pedro Bay Standards assumed implementation of the CAAP, as well
17 as on projected future operations of the Ports through the specified CAAP
18 implementation mechanisms and assumed implementation of existing regulations.
19 As long as the project is consistent with growth projection assumptions used to
20 develop the San Pedro Bay Standards and as long as the CAAP mitigations for
21 the project are consistent with the mitigation assumptions used to develop the
22 San Pedro Bay Standards, then the project can be deemed consistent with the San
23 Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay
24 Standards because it is consistent with projections of the future operations of the
25 Ports used in formulating the San Pedro Bay Standards, and because it exceeds
26 compliance with applicable CAAP measures as shown in Table 3.2-26 of the
27 Recirculated Draft EIS/EIR.

28 As another example of using broader regional studies to gain an indication of the
29 magnitude of impacts from the cumulative projects, Table 3.2-3 of the
30 Recirculated Draft EIS/EIR shows that concentrations of ambient particulate
31 matter of less than 10 micrometers in aerodynamic diameter (PM_{10}) and $PM_{2.5}$
32 monitored in Wilmington have exceeded the state and national ambient air
33 quality standards. Therefore, as discussed in the Recirculated Draft EIS/EIR, we
34 considered concentrations of ambient PM_{10} and $PM_{2.5}$ associated with the
35 cumulative projects to be significant, and that a cumulatively considerable
36 contribution to this impact from the proposed project would represent a
37 significant cumulative impact.

38 All feasible mitigation measures as required by CEQA have been applied to the
39 proposed Project in the Recirculated Draft EIS/EIR.

40 **15-2** Please refer to response to Comment 15-1. Because of the lack of sufficient
41 information needed for a quantitative cumulative air quality analysis, cumulative
42 impacts were assessed qualitatively. Broader regional studies were used to gain
43 an indication of the magnitude of impacts from the cumulative projects. The
44 Recirculated Draft EIS/EIR identifies and evaluates cumulatively considerable
45 contributions of the proposed Project, and mitigates those contributions to the
46 extent feasible. The treatment of the cumulative impacts in the Recirculated
47 Draft EIS/EIR fully complies with the requirements of CEQA and the ASJ.

1 The Port believes that the supplemental HRA provides useful information
 2 because of the unique situation in which the first several years of the project have
 3 already occurred, per the ASJ. The only mitigation measures in effect during the
 4 period 2004 to 2008 are those required by the ASJ. As a result, the first 5 years
 5 of the main HRA (2004 to 2073) include emissions that cannot be retroactively
 6 mitigated beyond the ASJ measures. By contrast, the supplemental HRA
 7 evaluates health risk impacts for a 70-year period starting in 2009, when the Port
 8 can first implement numerous mitigation measures beyond those in the ASJ.

9 All feasible mitigation measures as required by CEQA have been applied to the
 10 proposed Project in the Recirculated Draft EIS/EIR. The 2009 to 2078
 11 supplemental HRA, therefore, provides important information concerning the
 12 effectiveness of the new mitigation measures.

- 13 **15-6** Please refer to response to Comment 10-13. Electric [on-road] drayage trucks
 14 are currently being tested in certain applications around the Port as part of the
 15 TAP. It is unclear if electric drayage trucks will be determined to be feasible and
 16 when they might be commercially available. To illustrate the difficulties, a
 17 recent drayage trip found that the electric truck did not have enough power to
 18 traverse the Vincent Thomas Bridge. Although the solutions are being worked
 19 on, it is unclear if or when feasibility will be demonstrated. If electric drayage
 20 trucks are determined to be feasible and become commercially available in the
 21 future, they can be considered a new lease measure through **MM AQ-22**
 22 (Periodic Review of New Technology and Regulations).

23 Please refer to Comment 1-10. While on-road electric trucks are not considered
 24 feasible at this time, electric yard trucks [yard tractors] have proved potentially
 25 more feasible through TAP tests. In response to the comment and others
 26 received on the Recirculated Draft EIS/EIR, **MM AQ-17** has been amended as
 27 shown below:

28 **MM AQ-17: Yard Equipment at Berth 97-109 Terminal.**

- 29 ■ **September 30, 2004: All diesel-powered toppicks and sidepicks**
 30 **operated at the Berth 97-109 terminal shall run on emulsified diesel**
 31 **fuel plus a DOC (ASJ Requirement).**
- 32 ■ **January 1, 2009:**
- 33 □ **All RTGs shall be electric.**
- 34 □ **All toppicks shall have the cleanest available NO_x alternative**
 35 **fueled engines meeting 0.015 gm/hp-hr for PM**
- 36 □ **All equipment purchases other than yard tractors, RTGs, and**
 37 **toppicks shall be either (1) the cleanest available NO_x**
 38 **alternative-fueled engine meeting 0.015 gm/hp-hr for PM or**
 39 **(2) the cleanest available NO_x diesel-fueled engine meeting**
 40 **0.015 gm/hp-hr for PM. If there are no engines available that**
 41 **meet 0.015 gm/hp-hr for PM, the new engines shall be the**
 42 **cleanest available (either fuel type) and will have the cleanest**
 43 **VDEC.**
- 44 ■ **By the end of 2012: all terminal equipment less than 750 hp other**
 45 **than yard tractors, RTGs, and toppicks shall meet the USEPA Tier 4**
 46 **on-road or Tier 4 non-road engine standards.**

- 1 ■ **By the end of 2014: all terminal equipment other than yard tractors,**
2 **RTGs, and toppicks shall meet USEPA Tier 4 non-road engine**
3 **standards.**
- 4 ■ **In addition to the above requirements, the tenant at Berth 97-109**
5 **tenant shall participate in a 1-year electric yard tractor [truck] pilot**
6 **project. As part of the pilot project, two electric tractors will be**
7 **deployed at the terminal within 1 year of lease approval. If the pilot**
8 **project is successful in terms of operation, costs and availability, the**
9 **tenant shall replace half of the Berth 97-109 yard tractors with**
10 **electric tractors within 5 years of the feasibility determination.**

11 Because the electric yard tractor is a pilot program at this time, no additional
12 emission reductions were assumed as part of this Final EIS/EIR.

- 13 **15-7** Please refer to response to Comment 10-1. In response to a number of comments
14 received on the Draft EIS/EIR, **MM AQ-11** has been amended as follows:

15 **MM AQ-11: Low-Sulfur Fuel. ~~Ships owned by the terminal operator~~**
16 **~~calling at Berths 97-109 shall use low-sulfur fuel~~**
17 **~~(maximum sulfur content of 0.2 percent) in auxiliary~~**
18 **~~engines, main engines, and boilers within 40 nautical~~**
19 **~~miles (nm) of Point Fermin (including hoteling for non-~~**
20 **~~AMP ships) at the following annual participation rates:~~**
21 **All ships (100 percent) calling at Berth 97-109 shall use**
22 **low-sulfur fuel (maximum sulfur content of 0.2 percent)**
23 **in auxiliary engines, main engines, and boilers within**
24 **40 nm of Point Fermin (including hoteling for non-AMP**
25 **ships) beginning on Day 1 of operation. Ships with mono-**
26 **tank systems or having technical issues prohibiting use of**
27 **low-sulfur fuel would be exempt from this requirement.**
28 **The tenant shall notify the Port of such vessels prior to**
29 **arrival and shall make every effort to retrofit such ships**
30 **within 1 year. The following annual participation rates**
31 **were assumed in the air quality:**

- 32 ■ **2009 and thereafter: 30 percent of auxiliary engines,**
33 **main engines, and boilers**
- 34 ■ **2010: 50 percent of auxiliary engines, main engines,**
35 **and boilers**
- 36 ■ **2013 and thereafter: 100 percent of auxiliary engines,**
37 **main engines, and boilers**

- 38 **15-8** Please refer to response to Comment 10-12 (SCQAMD). China Shipping has no
39 direct control over locomotive operations at the Berth 121-131 (on-dock) rail
40 yard. The current yard locomotive operator at the Berth 121-131 rail yard is PHL.
41 PHL's current lease at the Port of Los Angeles expires at the end of 2014.
42 Therefore, January 1, 2015, represents the earliest date at which the Port can
43 require diesel particulate filters (DPFs) on yard locomotives through new lease
44 measures.

- 45 **15-9** Please see response to Comment 1-17 (USEPA). All feasible mitigation
46 measures as required by CEQA have been applied to the proposed Project in the

1 Recirculated Draft EIS/EIR. These mitigation measures would benefit all
2 receptors, including sensitive receptors in the adjacent communities. It is the
3 intention of the Port to directly reduce or eliminate the source of emissions and,
4 therefore, reduce any long-term health care costs that might be associated with
5 Port project development. The Port currently operates a monitoring station in
6 Wilmington and is adding real-time recording that will be displayed on a Web
7 site operated jointly by the Ports of Los Angeles and Long Beach. The Port
8 focuses its health-related mitigation primarily on a wide array of measures to
9 reduce the emissions that cause the health impacts. In addition, the Ports of
10 Los Angeles and Long Beach are in the process of finalizing the CAAP
11 San Pedro Bay Standards in coordination with SCAQMD and CARB. In support
12 of the CAAP, the South Bay Ports will prepare a Port-wide Health Risk
13 Assessment to more quantitatively estimate cumulative impacts from Port
14 complex operations and individual projects.

15 In addition, through an MOU, the Port has previously agreed to establish a Port
16 Community Mitigation Trust Fund geared toward addressing the overall off-Port
17 impacts created by Port operations outside the context of project-specific NEPA
18 and/or CEQA documents. This fund includes, for example, approximately \$6
19 million for air filtration in schools and funding for an initial study of off-Port
20 impacts on health and land use in Wilmington and San Pedro, as well as a more
21 detailed subsequent study of off-Port impacts of existing Port operations,
22 examining aesthetics, light and glare, traffic, public safety and effects of
23 vibration, recreation, and cultural resources related to port impacts on harbor area
24 communities. As part of the MOU, the Port would contribute \$3.50 per container
25 received at the terminal up to an amount of approximately \$4 million. The off-
26 Port community benefits of the MOU are designed to offset overall effects of
27 existing Port operations. While the MOU does not alter the legal obligations of
28 the lead agencies under NEPA or CEQA to disclose and evaluate mitigation
29 measures to reduce or avoid cumulative impacts of the Project, and therefore is
30 not an environmental justice mitigation per se, it would have particular benefits
31 for harbor area communities where disproportionate effects could occur.

32 **15-10** Please refer to response to Comment 1-16 (USEPA).

33 **15-11** Please refer to the responses to Comments 15-6, Comment 10-11 (electric yard
34 tractors), Comment 10-13 (electric drayage trucks), and Comment 10-14 (electric
35 rail) (SCAQMD).

36 **15-12** The implementation of large-scale transportation systems at the ports, such as
37 Maglev, is not feasible for consideration as mitigation for the impacts of the
38 proposed Project. These systems generally require very large capital investments,
39 have extensive geographical coverage, and are disproportionate to the impacts of
40 an individual project. Additionally, the project applicant has no means to
41 implement such system-wide transportation improvements. The
42 recommendations of alternative transportation systems are better implemented on
43 a Port-wide or regional basis. The Clean Truck Program at the Port is an
44 example of a large-scale transportation system that currently is being
45 implemented on a Port-wide basis. However, transportation systems for cargo
46 movement such as Maglev represent an infrastructure system over which the Port
47 has no jurisdiction or ability to control. The commenter's opinion is noted. The
48 project alternatives represent a reasonable range of alternatives, as required by
49 CEQA that would reduce or avoid the significant impacts of the proposed Project.

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As discussed in Section 2.5 of the document, and as required under NEPA and CEQA, the alternatives given detailed consideration in the document are reasonable, would be potentially feasible, and would be able to implement most basic Project objectives.

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**NATURAL RESOURCES DEFENSE COUNCIL
COALITION FOR CLEAN AIR
LONG BEACH ALLIANCE FOR CHILDREN WITH ASTHMA
SAN PEDRO AND PENINSULA HOMEOWNER'S COALITION**

July 15, 2008

VIA EMAIL AND MESSENGER

Commander, U.S. Army Corps of Engineers
Los Angeles District, Regulatory Branch
c/o Spencer D. MacNeil, D.Env.
ATTN: CESPL-CO-R-2003-01029-AOA
P.O. Box 532711
Los Angeles, California 90053-2325
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Dr. Dr. Ralph G. Appy
Director, Environmental Management Division
Port of Los Angeles
425 South Palos Verdes St.
San Pedro, CA 90731
rappy@portla.org

Re: China Shipping Draft Re-circulated EIS/EIR

Dear Dr. MacNeil and Dr. Appy:

The undersigned organizations and individuals write to provide comments and supplemental comments on the Re-circulated Draft Environmental Impact Statement/Environmental Impact Report Berth 97-109 Container Terminal Project ("DEIR").¹

I. The Cumulative Impacts Analysis Does Not Meet CEQA Guidelines And Violates The China Shipping Amended Stipulated Judgment.

NRDC's June 5, 2008 comments on this issue have not been resolved. Of the list of projects in Table 4-1 of the DEIR, nearly all have already commenced the formal

¹ Signatories Natural Resources Defense Council, Coalition For Clean Air, Long Beach Alliance For Children With Asthma, and San Pedro And Peninsula Homeowner's Coalition hereby adopt the comments set out in NRDC's June 5, 2008 preliminary comment letter on the China Shipping Draft Re-circulated DEIR.

16-1

planning process, and many have CEQA-related documents already in existence. 32 of these projects are identified as “Port of Los Angeles projects” and an additional 10 are identified as “Port of Los Angeles and/or Port of Long Beach Potential Port-Wide Operational Projects.” There is sufficient data already available in documentation about these Port of Los Angeles-related projects for the DEIR to describe the current environmental and health impacts from these projects, taken together, as well as the expected situation on the ground when and if the China Shipping project is constructed and operated. In addition, there are 18 projects listed as “Port of Long Beach Projects,” “Alameda Corridor Transportation Authority and Caltrans Projects” or “City of Long Beach Projects.” Each of these is a public project for which substantial environmental documentation is or will be available.²

16-2

Nonetheless, as we noted in our initial comment letter, there is no discussion of the effects of the recognized cumulative impacts as a whole on human health or the physical environment. Nor is there any discussion of how to mitigate the cumulative impacts of the identified projects. This violates CEQA and the China Shipping Amended Stipulated Judgment. It is also inconsistent with the TraPac MOU because it fails to recognize, analyze, or propose mitigation for the cumulative effect on the near-port community of the projects described in Table 4-1..

II. The Port Should Comply With The Clean Air Action Plan And Promulgate San Pedro Bay Standards To Inform The Decision On The DEIS/DEIR.

NRDC’s June 5, 2008 comments on this issue have not been resolved

III. The Health Risk Analysis In The DEIS/DEIR Should Be Revised.

NRDC’s June 5, 2008 comments on this issue have not been resolved

² For example, there are existing EIRs, Notices of Preparation or other environmental planning documents that can be consulted on these Port of Los Angeles projects listed in Table 4-1: Pier 400 / Plains All American, Berth 136-147, San Pedro Waterfront Project, Channel Deepening Project, Cabrillo Way Marina Phase II, Port Police Headquarters, Ultramar lease renewal, Berth 206-209, Southern California International Gateway, Port Transportation Master Plan, I-110/SR-47 Connector, Terminal Free Time, Pier Pass, Union Pacific ICTF Modernization. The same is true for Long Beach projects Middle Harbor Terminal Redevelopment , Piers G and J, and Pier T, and for the Alameda Corridor Transportation Authority / CalTrans project the Schuyler Heim Bridge Replacement and SR 47 Expressway.

IV. The Port Must Evaluate And Improve The Proposed Mitigation Measures.

NRDC's June 5, 2008 comments on this issue have not been resolved.

16-3

There is still no movement towards discussing the use of electric trucks for drayage or other uses. Nor is there movement regarding strengthening requirements for using low-sulfur marine fuel. We discuss in section VI below the DEIR's failure to analyze feasible alternatives to the massive increase in greenhouse gas emissions that the DEIR describes.

Notwithstanding the proposed project's extremely significant impacts on public health and air quality, all feasible measures to reduce the project's impacts have not been considered or adopted. Under CEQA, "it is the policy of the state that public agencies should not approve projects as proposed if there are . . . feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects."³ As discussed below, the Recirculated DEIS/DEIR must be revised to consider additional feasible measures to reduce operational and construction air quality impacts.

A. The DEIR's Measures for Mitigating Operational Impacts Remain Insufficient.

16-4

The proposed project would result in operational emissions of PM_{2.5}, PM₁₀, NO_x, SO_x, CO and VOCs that exceed SCAQMD significance thresholds even after mitigation.⁴ Additionally, the proposed project with mitigation would result in offsite ambient air pollutant concentrations that exceed concentration thresholds for 24-hour PM_{2.5}, 24-hour PM₁₀ and 1-hour and annual NO₂.⁵ Therefore, the draft must incorporate all additional feasible measures to reduce these significant impacts. Additional feasible measures are suggested below.

16-5

MM AQ-9 (AMP)

We agree with the initial requirements of this measure as spelled out in the ASJ. However, given that China Shipping is already using AMP for 70% of their ship visits, we continue to strongly recommend expediting the phase-in schedule for AMP even more. Given China Shipping's success in implementing dockside power and reducing associated emissions closest in proximity to neighboring communities, we recommend that by January 1, 2009, 90% of all ship visits utilize dockside power,

³ *Los Angeles Unified School Dist. v. City of Los Angeles*, 58 Cal.App.4th 1019, 1028-29 (1997).

⁴ Recirculated DEIS/DEIR at 3.2-87.

⁵ Recirculated DEIS/DEIR at 3.2-112.

16-5

and that 100% of all ship visits to the terminal must plug into dockside power by January 1, 2010.

MM AQ-10 (Vessel Speed Reduction)

16-6

While we appreciate the stronger target of 100 percent participation in the Vessel Speed Reduction program by 2009, we continue to have concerns over compliance rates with this voluntary program. Therefore we reiterate that the DEIR *improperly assumes* emissions reductions resulting from high rates of compliance with this strategy. To date, vessel speed reduction programs have relied on “voluntary” participation, and it is unclear from the measure’s description what the compulsory rate of compliance will be and how it will be enforced. In the absence of a mandatory requirement and a strict program to enforce such a measure, the draft should realistically consider and disclose the percentage of ships that are expected to participate in the program to achieve the reductions assumed under this measure.

Furthermore, this measure must consider and disclose whether speed reduction programs will result in any increases in PM or NO_x emissions both within and outside of the VSR zone. In fact, a recent study indicates increased NO_x emissions at lower speeds due to inefficient engine operation at lower loads;⁶ PM and NO_x logically increase due to extended use of auxiliary engines. Additionally, there is concern that PM from main engines may increase at slower speeds. Before continuing or enhancing this measure, the draft must first ensure that no pollutant increases will occur.

MM AQ-11 (Low Sulfur Fuel)

16-7

We are pleased that the DEIR includes a low sulfur fuel requirement for the main engines and boilers of ocean-going vessels in addition to auxiliary engine requirements. The use of cleaner fuels in ships is especially important since ship transit and anchoring is the largest source of remaining emissions from the project even after mitigation.⁷ While we appreciate that this measure has been significantly strengthened in the Recirculated draft, we believe the measure can be improved more and that improvements are warranted due to the magnitude of this source.

Strengthening this measure could result in significant decreases in PM₁₀ and PM_{2.5} levels as well as reduced cancer risk from DPM.

There is substantial evidence that all technological concerns regarding the use of cleaner fuels in auxiliary engines, main engines and boilers have been addressed, given the decision by Maersk to use cleaner marine fuel, information provided by marine engine manufacturers, and the CARB Auxiliary Engine Regulation. Furthermore, Kjeld Aabo, Senior Manager with MAN B&W has publicly stated during past Faster Freight Conferences as well as CARB Maritime Technical

⁶ H. Agrawal et al. / Atmospheric Environment 42 (2008) 5504–5510.

⁷ Recirculated DEIS/DEIR at 3.2-87.

Working Group meetings that main propulsion engines on ocean-going vessels such as container ships can run on lower-sulfur fuels at or below 1,000 ppm sulfur content.

Given a) the magnitude of the emissions from auxiliary and main engines, b) the current availability of a feasible strategy to significantly reduce PM and SO_x from auxiliary and main engines, and c) the shortfall that exists to achieve significance thresholds, it is imperative that the DEIR pursue the cleanest lower sulfur distillate fuels in auxiliary engines, main engines and boilers for all ships visiting Berths 97-109. Therefore, we recommend the following requirements:

16-7

- Continued compliance and enforcement of the CARB marine distillate or gas oil requirements for auxiliary engines through 2008; and
- By January 1, 2009, the required use of 1,000 ppm sulfur fuel for all auxiliary engines, main engines, and boilers.

Finally, we want to emphasize that dock-side power should not be viewed as a substitute for cleaner fuels. These two strategies must be used in concert to ensure that emissions from large vessels are significantly reduced and significance thresholds are met.

MM AQ-12 (slide valves)

16-8

We support the use of slide valves on main engines; however, we continue to strongly recommend that additional emissions control devices must be included in this measure. For example, we support the installation of emissions control devices such as SCRs on existing ocean-going vessels. As demonstration testing is completed and emission control devices for large ships are verified, applying these technologies to ships visiting the terminal must be a priority. As we have stated in the past, in order to properly reduce emissions from ocean-going vessels, we strongly believe that emissions control devices will be necessary and must be coupled with the cleanest sulfur fuels in auxiliary and main engines as well as dockside power. In fact, strategies that promote the use of control devices *must* be coupled with a mandate for ships to use low sulfur diesel fuel, because certain after-treatment technologies will not work if the sulfur content of the fuel is too high. For example, 2,000 ppm sulfur fuel (ideally lower) should be used with SCR; 500 ppm sulfur fuel must be used with DOCs; and 15 ppm sulfur fuel must be used with DPFs.

MM AQ -13 (Reroute Cleanest Ships)

16-9

Due to the minimal NO_x benefit and the lack of PM benefits from MARPOL Annex VI compliant ships, we continue to believe that this measure must be more aggressive. We agree that the DEIR can encourage the cleanest ships to frequent the terminal; however, the measure must aggressively pursue additional emission reductions from the visiting shipping fleets. The DEIR should outline specific target requirements for the fleet visiting the terminal as a whole. Specifically, we

recommend altering this measure from simply focusing on rerouting Annex VI compliant ships to the terminal, to focusing on increasingly stringent ocean-going vessel ship engines standards. We again recommend the following explicit standards and timeline for ships serving Berth 97-109:

16-9

- 25% of OGVs must meet “Blue Sky Series” Category 3 ship engine standards (those are 80% below current IMO NO_x standards) by 2010, either OEM or through SCR, or other add-on controls;
- 50% of OGVs must meet “Blue Sky Series” Category 3 ship engine standards (those are 80% below current IMO NO_x standards) by 2015 (OEM or add-on); and
- 100% of OGVs must meet Blue Sky Series standards by 2020 (OEM or add-on).

16-10

MM AQ-14 (Clean New Vessels)

We strongly support this additional measure to require all new vessels orders that are bound to serve the Port of Los Angeles to incorporate design specifications and technologies to reduce criteria and global warming pollutants. We strongly support a focus on all feasible technology to reduce DPM, NO_x and GHG emissions.

16-11

MM AQ-15 (Clean Yard Tractors)

We strongly support the ASJ requirement in this measure as well as the additional commitment to tier 4 equivalent alternative-fueled engines in 2015 and beyond. The commitment to an all-alternative-fuel fleet of yard hostlers is important. The EIR should offer a comparison over the life of the vehicles among the alternative fuel options, including propane, LNG, and electric. To be sure air quality benefits are maximized, the best performing option should be chosen

Yard tractors should also be required to subscribe to idling limits, which would save fuel and cut pollution from these terminals, and reduce a significant source of worker exposure. Idling limits for captive fleets such as these should be easy to enforce. We recommend a five minute idling limit for all yard equipment similar to that for construction equipment.

16-12

MM AQ-16 (Yard Equipment at Berth 121-131 Rail Yard)

It appears that the commitment in the previous DEIR for alternative fuel equipment by 2007 has now slipped to 2009 in the Recirculated DEIR. We support the prior commitment and recommend that all equipment operating at this rail yard be transitioned to alternative fuel or tier 4 equivalent standards right away.

16-13

MM AQ-17 (Yard Equipment at Berth 97-109)

We strongly support the strengthening changes to this measure to require tier 4 equivalent equipment or the best available Verified Diesel Emission Control Strategies (“VDECS”) as well as requiring electric RTGs.

MM AQ-18 Locomotives

We are pleased that the DEIR includes this measure for locomotives, however it should be strengthened and expanded. Switching locomotives are among the oldest and dirtiest diesel sources, posing significant health risks to hundreds and possibly thousands of Californians living near rail yards, as recently evidenced through the release of Health Risk Assessments for dozens of railyards throughout California.⁸ These major sources of diesel pollution must be cleaned up immediately. The Clean Air Action Plan for San Pedro Bay Ports requires that all switchers must be replaced by 2008. Therefore all switchers servicing the terminal should now be new; we recommend utilizing hybrid (e.g., Green Goat), alternative fuel or gen-set locomotives. Further, all switchers should also be required to install anti-idling devices within one year. We strongly support the requirement for DPFs.

16-14

The DEIR should also ensure that by 2010 all line-haul locomotives servicing Berths 97-109 will be below Tier 2 engine standards for PM and NO_x, and use ULSD and idling devices. At the very least, all line-haul locomotives must meet CAAP targets.

Rail mitigation measures should also require a minimum percentage of on-dock rail usage. Moving more cargo by rail instead of truck is important since trucks remain the largest source of emissions even after mitigation.⁹ It is unclear to what extent on-dock rail will be utilized. The Port should commit to a similar or greater percentage on-dock rail usage as committed to by the Port of Seattle (approximately 70%).¹⁰

MM AQ-19 (Clean Trucks) and MM AQ-20 (Alternative Fuels for On-Road Trucks)

Although we are pleased to see that the DEIR includes restrictions on the types of trucks servicing the terminals, we again are concerned that the lengthy phase-in schedule and the significant 7-year delay prior to the introduction of any LNG trucks will unnecessarily postpone these critically important mitigation measures.

16-15

Addressing pollution from diesel-fueled, container-hauling trucks is a major priority, as trucks emit significant quantities of toxic particulate matter and smog-forming pollution. The diesel exhaust from these sources of pollution impacts workers and residents of communities adjacent to the Ports as well as residents of communities along the transport corridors which extend throughout the SCAB. The health impacts from diesel exhaust and regional smog have been well-documented and have been linked to respiratory illnesses such as asthma, heart disease, elevated cancer risk, and even premature death.¹¹

⁸ For information on these Assessments see: <http://www.arb.ca.gov/railyard/hra/hra.htm>.

⁹ Recirculated DEIS/DEIR at 3.2-85.

¹⁰ See CARB ERP, at 34, 95; NRDC and Coalition for Clean Air, *Harboring Pollution: Strategies to Clean Up U.S. Ports*, at 54.

¹¹ NRDC and Coalition for Clean and Safe Ports, *Driving on Fumes: Truck Drivers Face Elevated Health Risks from Diesel Pollution*, December 2007.

16-16 We support the Port of Los Angeles Clean Truck Program, however commitments must be made for trucks to meet US EPA 2010 standards as quickly as possible. We recommend a requirement that all trucks serving these terminals meet 2010 standards by 2015. Additionally we recommend that within 2 years all trucks frequenting the terminal must either comply with current model year truck standards ('07 or newer) or run on alternative fuels such as LNG.

B. The Recirculated DEIS/DEIR Measures for Mitigating Construction Impacts Remain Insufficient.

16-17 We are deeply concerned that “emissions of NO_x, SO_x, PM₁₀, and PM_{2.5} from construction activities would remain significant under CEQA and NEPA,¹² and that offsite ambient concentrations of NO₂ remain above the SCAQMD threshold.¹³ While we appreciate the additional mitigation measures that have been added, the remaining emissions are still above the relevant thresholds and therefore must be mitigated further, as outlined below.

16-18 *MM AQ-1 (Emulsified Fuels for Derrick Barges)*
Again, we recommend that if derrick barges will idle for any period of time, they must be fitted to accept shoreside power and associated dock space must have shoreside power installed. We strongly support the added phase II and III requirements for harbor craft to use the most modern engine available.

16-19 *MM AQ-2 (Expanded VSR)*
Again, we repeat that expanded VSR alone is insufficient for ships used to transport marine terminal cranes. These ships must use marine fuel with no higher than 1,000 ppm sulfur fuel and must be retrofitted with best available control technology (BACT), such as selective catalytic reduction, where feasible. If these ships will idle for any period of time, they must also be fitted to accept shoreside power and associated dock space must have shoreside power installed. All of these measures recommended for harbor craft used during construction in the previous draft DEIS/DEIR should have been included in the Recirculated draft: Low sulfur fuel (1,000 ppm sulfur), BACT, and shoreside power.

16-20 *MM AQ-3 (Fleet Modernization for On-Road Trucks)*
We support the added requirements that loaded dump trucks be fully covered and that all idling be restricted to a maximum of five minutes. While these measures are already required by the air district as well as the state, we believe it is helpful to reinforce the measures and expect the port to fully enforce them. We strongly

¹² Note that PM10 would not be significant under NEPA. Recirculated DEIS/DEIR at 3.2-56.

¹³ Recirculated DEIS/DEIR at 3.2-58.

16-20 ↑ support the strengthened requirements for all on-road heavy-duty diesel trucks to meet US EPA 2004 emission standards and be outfitted with BACT.

16-21 | *MM AQ-4 (Fleet Modernization for Construction Equipment)*
We support the inclusion of two new provisions to incorporate fuel efficient equipment where feasible and limit idling to five minutes. While we appreciate the slightly stronger fleet modernization components of this measure, there is still room for improvement. The mitigation measure should simply require that all construction equipment meet the cleanest emission standards possible, either through originally certified engines, or the use of CARB-verified controls. Specifically, we expect equipment meeting US EPA tier IV standards to be available soon.

16-22 | *MM AQ-5 (Best Management Practices)*
We continue to support the requirements of this measure, although some of the elements are redundant, such as diesel retrofits and idling restrictions. Additionally, the Los Angeles Harbor Department must ensure that grid power is available to the construction site whenever power is needed in place of using any diesel generators.

16-23 | *MM AQ-6 (Construction Emissions Reporting)*
We continue to support the requirements of this measure.

16-24 | *MM AQ-7 (General Mitigation)*
We appreciate the inclusion of this new measure. The measure should include a requirement for annual review of new technology and inclusion where appropriate and as such, we would strongly support it.

16-25 | *MM AQ-8 (Sensitive Site Precautions)*
We are strongly supportive of this new measure. Notification of sensitive sites of upcoming construction within 1,000 feet is of paramount importance so that necessary precautions can be taken. Notification should include a full description of the project including duration and anticipated air quality and health impacts.

V. The DEIS/DEIR Admits That Impacts Will Occur In The Community But Fails To Provide Mitigation Measures For Those Impacts.

16-26 | NRDC's June 5, 2008 comments on this issue have not been resolved.

VI. The DEIS/DEIR Contains An Inadequate Analysis Of Mitigation Measures For The Greenhouse Gases That The Project Will Create

16-27 ↓ Our June 5, 2008 comments on this issue have not been resolved. To remind you, Table 3.2-43 of the DEIR shows that greenhouse gases will increase by a huge 319,000 metric tons per year by 2015, and nearly 300,000 metric tons by 2030 – at

16-27

the same time that AB32 is demanding an 80% *reduction* in greenhouse gases.¹⁴ While we approve of proposed mitigation measures AQ-25 (LEED Gold certification for the main terminal building), AQ-26 (use of compact fluorescent light bulbs), AQ-27 (energy audits every five years), AQ-27 (solar panels on the main terminal building), AQ-29 (recycling) and AQ-30 (tree planting) for what they contribute, the DEIR itself shows that the magnitude of the problem after mitigation will still be enormous.¹⁵

Moreover, there are many other feasible greenhouse gas mitigation measures that are not discussed, the most obvious of which is the implementation of the electric drayage trucks that the Port has already demonstrated. Other measures include:

16-28

Bulbous Bows

Application on large tankers and bulk cargo ships result in a 5-15% decrease in resistance, thus decreasing the amount of fuel necessary to power ships and reducing emissions.¹⁶ Bows save significant fueling costs and overall life cycle costs.¹⁷

16-29

Sky Sail

Initial retrofit of a cargo vessel utilizing the Sky Sail system was completed January 2008. Testing under normal shipping operation is currently being conducted, with

¹⁴ These figures are conservative. It seems problematic to us to limit the distances travelled and associated greenhouse gas creation to California state boundaries. Doing so essentially “orphans” the miles travelled and greenhouse gases emitted out of state – emissions that are caused by the transport of goods that come through the Port of Los Angeles. In the same way that the Port suggests (and we agree) that all greenhouse gases attributable to electric power use should reflect all power regardless of origin (in- or out-of-state), we believe that at the emissions associated with (at least) a truck or train’s one-way trip carrying Port-related freight out of state be counted, and that appropriate mitigation be required.

¹⁵ Compare Table 3.2-41 (unmitigated GHG emissions) with Table 3.2-43 (mitigated GHG emissions). Moreover, it appears that proposed measures AQ-9 (cold ironing), AQ-10 (vessel speed reduction), AQ-17 (electrifying yard equipment), Aq-20 (LNG trucks) and AQ-21 (truck idling reduction) are primarily designed to reduce criteria pollutants. It is unclear whether the “Potential GHG Emission Reduction Strategies” in Table 3.2-42 are being proposed as mitigation in the DEIR or simply identified as future possibilities.

¹⁶ Kyriazis, Georgios. *Bulbous Bow Design Optimization for Fast Ships*. Massachusetts Institute of Technology, 1996.

<http://dspace.mit.edu/bitstream/1721.1/40238/1/36001502.pdf>

¹⁷ Zoccola, Mary. *Bulbous Bows Save Fuel*.

<http://www.dt.navy.mil/pao/excerpts%20pages/1997/bulbous3.html>

16-29 potential fuel reduction use of up to 35 percent.¹⁸ Since high propulsion power can only be reached from 70 degrees onwards, with optimal courses between 120 and 140 degrees,¹⁹ the Sky Sail is not appropriate for all routes. However, the Port should analyze up to what extent the Sky Sail would be feasible and develop incentives to encourage vessel owners to test and adopt the technology.

16-30 *Energy Recovery Systems*
Incorporate shaft generators, micro turbines, and waste heat recovery/economizer devices to take advantage of main engine power and exhaust heat. These systems allow for better energy efficiencies and can allow boilers and auxiliary engines to be shut down during ocean transits. Such systems can reduce fuel consumption and corresponding GHG emissions by 10 percent.²⁰

16-31 *Fueling Flexibility*
Design extra fuel storage tanks and appropriate piping to run both main and auxiliary engines on a separate/cleaner fuel, as ports, states, and national governments set regional or localized fuel standards.

Additional On-Dock Rail

16-32 Rail is a more efficient and less polluting means to transport cargo than drayage trucks. Considering that current demand on the Alameda Corridor is low and that forecasted project-related increases in trains could be easily accommodated, the Port needs to explore further increasing on-dock rail.

Moreover, the DEIR indicates that the percentage of cargo being moved by on-dock rail declines over time, even while the total volume carried by on-dock rail increases. The DEIR should consider the alternative of reconfiguring the Yang Ming facility (the on-dock facility used by China Shipping) to increase its capacity for on-dock rail and to reduce the necessity of draying containers from the China Shipping terminal to Yang Ming.

16-33 *Maglev*
Utilizing electromagnetic force, a Maglev system would create zero emissions at source and has been demonstrated in La Jolla, CA as a feasible cargo shipping technology, though not yet ready and market available. At 80 mph new, elevated

¹⁸ <http://news.bbc.co.uk/2/hi/europe/7205217.stm> and [http://www.skysails.info/index.php?id=64&L=1&tx_ttnews\[tt_news\]=98&tx_ttnews\[backPid\]=6&cHash=c1a209e350](http://www.skysails.info/index.php?id=64&L=1&tx_ttnews[tt_news]=98&tx_ttnews[backPid]=6&cHash=c1a209e350)

¹⁹ http://www.skysails.info/fileadmin/user_upload/Pressedownload/Dokumente/EN_Technology_Information.pdf pg.3

²⁰ Maersk. *Maersk Pilot Fuel Switch Initiative*. 16 May 2008. <http://www.futureports.org/events/airquality/aq-flanagan-ppt.pdf>

16-33 ↑ guideways would move cargo, also requiring associated terminal infrastructure. A demonstration project would not be undertaken to prove technological capacity but economic feasibility, since the Maglev is admittedly expensive.

16-34 | *LIM-Rail*
Linear motors would be placed along railroad tracks and aluminum plates attached to the bottom of cars. A magnetic field moving along the motors in the track would induce a current in the plates and propel the vehicles. The LIM-Rail system uses existing infrastructure and current railroad operational practices, but can also be used in conjunction with the Maglev system. There is currently no test track for this concept, though the principles have been applied in other systems.

16-35 | *Electric Dual-Mode Trams*
The CargoRail trams are rubber-wheeled vehicles that can carry marine cargo containers at 75 mph on an elevated guideway or on local streets. On the guideway, they would be propelled by electricity via permanent magnet hub motors in the wheels. On local streets they could be fueled by clean fuel, such as CNG, to generate the electricity for the motors.

16-36 | *Funding for Demonstration Projects*
The Port needs to create further funding for such demonstration projects. Clearly, mitigating project impacts will rely in large part on implementation of emerging technologies. The Port should consider requiring tenants to contribute a certain percentage of revenues or profits into the Technology Advancement Program in order to finance demonstrations of these technologies.

16-37 | *Electric Drayage Trucks*
As noted above, the Port recently announced the introduction of a heavy-duty electric short-haul truck. Based on the average emissions generated by the 2006 fleet of drayage trucks that served the San Pedro Bay ports, if 1.2 million truck trips were to be made with electric trucks then 34,987 tons per year of Carbon Dioxide (CO₂) emissions would be eliminated. Furthermore, electric trucks present a significant 85 percent cost savings for operations.²¹

Truck Idling Reduction Measures

16-38 ↓ The Port should provide plug-ins for trucks that must keep engines running for operational purposes. Climate-controlled “comfort stations” could be provided for drivers who would otherwise idle their trucks in order to operate the air conditioner or heating. Mandatory logistics software as a part of the tracking system would improve scheduling, increase efficiency and ensure full truckloads.

²¹ Port of LA. 16 May 2008.

http://www.portoflosangeles.org/newsroom/2008_releases/news_051608_et.asp

16-38↑ As recommended by the EPA Smartway Program, the following measures should be considered as part of a heavy-duty truck efficiency standard:²²

Improved Aerodynamics

16-39 Truck aerodynamics can be improved by adding integrated roof fairings, cab extenders, and air dams. The tractor-trailer gap can be minimized by adding side skirts and rear air dams. Single unit trucks can be improved with air deflector bubbles. Improving the aerodynamics of a typical line-haul truck by 15 percent could cut annual fuel use more than 2,000 gallons, save over \$3,500 in fuel costs, and eliminate 20 metric tons of carbon dioxide.

Automatic Tire Inflation Systems

16-40 Retrofitting a line-haul truck with an automatic tire inflation system could save 100 gallons of fuel annually and reduce tire wear and maintenance, while eliminating one metric ton of carbon dioxide. An ATI system used on a typical line-haul truck can generally pay for itself in just over two years, while decreasing the risk of expensive tire failure caused by under inflation.

Single Wide-Base Tires

16-41 Single wide-base tires save fuel by reducing vehicle weight, rolling resistance and aerodynamic drag, while also improving tank trailer stability by allowing lower mounting. Specifying single wide-base tires on a new combination truck could save \$1,000 immediately and reap annual fuel savings of two percent or more while cutting carbon dioxide by more than four metric tons.

Weight Reduction

16-42 Lighter weight tractor and trailer components, such as aluminum axle hubs, frames and wheels, can reduce truck weight by thousands of pounds, thus improving fuel economy. Every 10 percent drop in truck weight reduces fuel use between 5 and 10 percent.

Low Viscosity Lubricants

16-43 Low viscosity lubricants can reduce friction and energy losses. Typically, the combined effect of low viscosity synthetic engine oils and drive train lubricants can improve fuel economy by at least 3 percent. Despite the higher cost of synthetic oils, truck owners can save nearly 500 gallons of fuel and cutting five metric tons of carbon dioxide annually. Additional monetary savings may be possible due to reduced wear and maintenance.

16-44↓ *Driver Training Program*

Even highly experienced drivers can enhance fuel economy using simple practices

²² US EPA. *Overview of Carrier Strategies*. February 2004.
http://www.epa.gov/smartway/documents/carrier_strategies.pdf

16-44 ↑ such as cruise control, coasting whenever possible, limiting use of cab accessories, smooth and gradual acceleration, progressive shifting, etc. Driver training can reduce fuel consumption by 5 percent or more, eliminating about eight metric tons of greenhouse gas emissions per truck each year.²³

Electrification of Port Operations

Beyond the use of electric trucks and cold-ironing, other aspects of port operations could also be electrified in order to reduce GHGs. The Port should explore electrification of the following equipment:

16-45

Electrified Tugs

Electrified tugs could plug in to charge at dock and use stored electric energy to perform ship assist operations. Fast-charging systems have already been commercialized for use at airports (for ground support equipment) and other industrial settings, powering over 15,000 vehicles in North America. The Port should commit to commissioning the development of electrified tugs for port application.

Cranes

16-46

Cranes that are already powered by electricity could be further optimized to save energy. Virtually all ship-to-shore cranes are equipped with regenerative braking to capture energy while lowering containers. However, this energy often goes unused for lack of storage or load sharing. We recommend optimization of cranes to fully utilize regenerative power. Other cargo-handling equipment can be electrified, at least partially. RailPower Technologies, for example, offers a retrofit hybrid system for rubber-tired gantries.

Yard Hostlers

16-47

Yard Hostlers may be the most promising piece of yard equipment to electrify, since these are the greatest source of GHGs from yard equipment. Yard hostlers idle up to half the time, often pull minimal loads rather than a full container, and operate at low speeds. These characteristics make yard hostlers amenable to similar technology used to electrify airport ground support equipment. The Port is currently in development and demonstration of an electric hostler,²⁴ and is also considering the substitute of electric drayage trucks for hostlers. Once these prototypes have been developed, the Port should commit to using as many electric yard hostlers or electric trucks as possible, at the China Shipping terminal and elsewhere.

²³ US EPA. *A Glance at Clean Freight Strategies*.
<http://epa.gov/smartway/documents/drivertraining.pdf>

²⁴ SCQAMD. *Board Meeting Date: April 4, 2008. Agenda No. 5*.
<http://www.aqmd.gov/hb/2008/April/08045a.htm>

Intelligent Container Design²⁵

The Port should commit to exploring efficiency and design improvements to containers. Dramatically reducing the weight and improving the design of containers can result in greenhouse gas reductions as well as criteria pollutant reductions. The container itself is typically 10-25% of the gross weight of a container loaded with cargo, and 20% of containers are shipped empty. Container design has not changed in almost 50 years.

Clear targets for redesign include weight reduction and technology to facilitate logistics, such as tracking devices, as well as improved design for refrigeration. The most significant gains from redesign are the following:

16-48

- Reduced loads and increased efficiency for ships, trucks, and trains that carry containers;
- Reduced loads and increased efficiency for cargo handling equipments at ports, rail-yards, and warehouses;
- Reduced emissions of climate-changing refrigerant compounds and improved efficiency in refrigeration;
- Improved facility of security scanning and related logistical benefits;
- Improved ease of recycling or non-container reuse to reduce the waste caused by shipping and storing empty containers resulting from the trade imbalance; and
- Fewer trips necessary to carry the same amount of freight because of reduced tare weights.

Nationwide adoptions of a lightweight container (~30-50% weight reduction) could reduce at least 1 million tons of CO₂e (assuming that 5% of Class 8 trucks carry new containers and 20% of freight trains carry new containers).

Also, there is significant potential to reduce greenhouse gas emissions from the volatilization of HFCs via alternate refrigeration and improved efficiency of the refrigerated containers. Refrigerated transport is responsible for around 14 million tons of CO₂-equivlanet emissions in the US.

Solar Panels

16-49

We are pleased that the DEIR includes the installation of photovoltaic panels in order to increase the amount of renewable power used and reduce GHGs. However the small amount of photovoltaics on the main terminal building will result in a less than 1% reduction in GHGs created by the project, while solar panels are a measure that

²⁵ Information provided by Laura Schewel, Rocky Mountain Institute, Personal Communication, 21 September 2007.

could be expanded beyond the main terminal building and beyond the Port complex. The installation of photovoltaic panels on all buildings, parking lots or carports within the project, as well as to houses, schools and buildings within the communities of Wilmington and San Pedro could make a large impact on the amount of carbon emissions for the project.

16-49

- Photovoltaic panels are a renewable, clean energy source that would provide 3.6 MWh/year per average household for 250 square feet of PV panels, saving approximately over 3,000 pounds of CO₂ and over a thousand dollars per average household annually.²⁶
- The solar industry is one of the few construction sectors currently growing, with solar companies employing between 16,500-17,500 California workers and expecting to hire approximately 5,000 more in the next year. Most of these jobs are in installation, requiring limited training and providing annual salaries ranging from \$31,200 to \$60,000.²⁷ An increase in solar power in Los Angeles would not only mean reductions in greenhouse gases and energy cost savings for city residents, but also the creation of well-paid green collar jobs.

Tree Planting

We also support the planting of trees around the main terminal building in order to decrease the amount of energy needed for heating and cooling, as well as for the uptake of carbon. This is another measure that could be expanded beyond the Port complex. Enhancement of Los Angeles' Urban Forest²⁸ is an effective way of not only reducing greenhouse gas emissions, but also improving air quality and reducing air pollution.

16-50

- A single mature tree can absorb as much as 48 lbs of CO₂ per year and release enough oxygen into the atmosphere to support two human beings.
- Urban forests provide tangible economic benefits, including: energy savings, enhancement of property values, deferred street maintenance costs, reduced costs associated with poor air quality, and increased commercial activity.²⁹

²⁶ Assumptions: 50% capacity, annual usage is 7200 KWh/year, average electricity rate is \$0.1738/kWh. <http://www.findsolar.com/index.php?page=rightforme>

²⁷ Baker, David. *Solar industry needs workers*. San Francisco Chronicle. May 8, 2008. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/05/10/BUGD10JVGP.DTL>

²⁸ See: <http://www.laparks.org/dos/forest/urbanforestprogram.htm>

²⁹ ICLEI Local Governments for Sustainability. *Talking Trees An Urban Forestry Toolkit for Local Governments*. November 2006.

16-50

The Port should work with the City of Los Angeles in order to survey the current urban forest and create appropriate targets and programs for the planting and maintenance of trees within the city; ideal canopy is considered to be between 30 to 40 percent.³⁰ Guidelines on analyzing an Urban Forest as a carbon sink can be found under the Urban Forest Greenhouse Gas Protocol.³¹

VII. The Recirculated DEIS/DEIR Underestimates Emissions From the Major Pollution Sources at the Proposed Project

Container Ships

We continue to have concerns that baseline auxiliary engine emissions are understated because CARB estimated that the majority of ship auxiliary engines use much dirtier fuels than what is assumed in the DEIR. For its auxiliary engine rule, CARB assumed that roughly 75% of auxiliary engines use residual fuel (or heavy fuel oil) with an average of 2.5% sulfur content, whereas only 25% of the auxiliary engines used marine distillate fuel with an average of 0.5% sulfur content.³²

16-51

Again, we reiterate that the DEIR should utilize the emission factors that CARB relied upon for its auxiliary engine rule to estimate emissions from ship auxiliary engines, as opposed to the older Starcrest/Entec emission factors utilized in the document. CARB states:

Instead of the *Starcrest/Entec* emission factor for PM of 0.8 g/kW-hr for auxiliary engine using Heavy Fuel Oil (HFO), CARB staff used a PM emission factor of 1.5 g/kW-hr. Staff believes that the *Starcrest/Entec* emission factor was too low based on the results of calculations based on a U.S. EPA methodology (EPA, 2003). Based on that methodology, the sulfate PM fraction by itself was estimated to be approximately 0.8 g/kW-hr. In addition, several other sources

³⁰ California Climate Action Registry, US Forest Service et al. *Urban Forest Greenhouse Gas Reporting Protocol*. June 1, 2008.

³¹ See:

http://www.fs.fed.us/psw/programs/cufr/products/12/psw_cufr742_UrbanForestProtocol.pdf

³² As opposed to 71% of ship auxiliary engines and boilers using 2.7 percent sulfur fuel. CARB, Staff Report: Initial Statement of Reasons for Proposed Rulemaking—Proposed Regulation for Auxiliary Diesel Engines, at ES-4 (October 2005) (hereinafter “Aux. Eng. Staff Report”). See also <http://latimesblogs.latimes.com/greenspace/2008/07/deadly-plumes-t.html>, from the July 9, 2008 Los Angeles Times, reporting that soot emissions from marine vessels may be twice as much as previously estimated.

(Environ, 2002 and Sine Maersk Testing Report) support using a higher emission factor for auxiliary engines using HFO.³³

16-51

The emission factors used by CARB must be used here. These factors would almost double the hoteling emissions assumed for auxiliary engines running on residual oil in the DEIS/DEIR.

Harborcraft

16-52

It remains unclear whether the DEIR attributes any emissions to tugs that are idling while waiting for container vessels to arrive. The Draft should attribute and incorporate an appropriate portion of emissions for tugs and any additional harborcraft associated with the project (e.g. crew vessels, supply boats, etc.).

Heavy-Duty Vehicles

16-53

The DEIR still appears to have excluded all truck emissions outside of a truck's first "drop-off" point.³⁴ In addition to accounting for the first leg of a delivery trip, the average truck emissions necessary to complete the delivery and the return trip must be included. This must include the full trip regardless of whether it goes outside of the air district boundary. The 82 mile limit representing the edge of the air basin is inappropriate. In other words, the draft should incorporate all associated truck emissions due to container transport associated with past, current and future uses of this terminal.

16-54

We also remain concerned that the DEIR further underestimates truck emissions by understating the amount of time trucks idle within port terminals. The document assumes that trucks idle for 20 minutes within terminals.³⁵ However, this statistic appears to be overly optimistic given reports that the wait time inside terminals at the Ports of Los Angeles and Long Beach had a mean of 72 minutes and a median of 44 minutes.³⁶ Further, it is unclear how the Port will have such a short wait time given that the truck traffic will dramatically increase at the China Shipping terminal into the future.

16-55

The DEIR still fails to outline whether or not all containers were assumed to require 1 or more truck trips. In past EIRs the Port has estimated that, on average, each container requires 1.8 truck trips due to inefficiencies in terminal operations.³⁷ The

³³ Aux. Eng. Staff Report, Appendix D at D-13.

³⁴ Recirculated DEIS/DEIR, at 3.2-32

³⁵ Recirculated DEIS/DEIR, at 3.2-32.

³⁶ See Kristin Monaco and Lisa Grobar, *A Study of Drayage at the Port of Los Angeles and Long Beach*, at 38 (Dec. 14, 2004).

³⁷ See, e.g. 1997 West Basin Transportation Improvement Program EIR.

16-55 ↑ draft should explain which assumptions would apply to this project. Without explicit, new efficiency requirements being applied at the terminal as part of the proposed project, and given that the terminal is relatively old, we assume that the inefficiencies present at other port terminals will be present at Berths 97-109. If an inconsistent assumption was used, truck trips, truck miles, truck emissions, as well as traffic and noise impacts will be significantly understated.

Trains

16-56 Similar to truck emissions, the DEIR significantly underestimated rail emissions by only considering emissions to the first drop-off point and not considering impacts from other intermodal facilities.³⁸ Specifically, limiting train distance to 105 miles to the “edge of the South Coast Air Basin” is inappropriate.³⁹ The second leg of a container’s journey must be considered, whether it is at intermodal facilities near downtown Los Angeles, near Colton, or elsewhere. The draft must correct these defects and provide additional detail regarding the train switching and transport assumptions within the South Coast Air Basin.

Construction Emissions

16-57 We are concerned that the DEIS/DEIR may have underestimated construction emissions by understating the number of days that construction activities will occur. Indeed, while the air quality section states that construction schedules will be 10 hours per day, 5 days a week, and 52 weeks per year, the traffic section states that construction will take place 6 days a week. This conflict must be resolved, and any related adjustments to construction emissions should be made.

XIII. The Army Corps Must Independently Assess The Impacts From Construction And Operation Of The Container Terminal Expansion, And Not Just From Dredging And Discharging Of Materials Within The Waters Of The United States

16-58 ↓ This proposed project would require dredge and fill activities in navigable waters of the United States in connection with the construction of wharves, thus invoking United States Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act.⁴⁰ Since the construction of new wharves is the linchpin of the project, the projected increase in container operations and ensuing cargo movement at and from the China Shipping terminal will be a direct result of these proposed federal actions, and the EIS (not just the EIR) must assess the impacts of operating the proposed project. In addition, the Corps

³⁸ Recirculated DEIS/DEIR at 3.2-33.

³⁹ Ibid.

⁴⁰ DEIR at ES-3, Section ES 2.2

must assess the upland impacts of operating the proposed project.⁴¹ The Corps must analyze these impacts independently, and not rely on the analysis prepared by the Port.

16-58

The Corps' own regulations properly recognize that "[i]n some situations, a permit applicant may propose to conduct a specific activity requiring a Department of the Army (DA) permit (e.g., construction of a pier in a navigable water of the United States) which is merely one component of a larger project." 33 C.F.R. Pt. 325 (App. B., § 7(b)(1)); *see also Friends of the Earth v. U.S. Army Corps of Engineers*, 109 F. Supp.2d 30, 40-41 (D.C. Dist. 2000)(holding that the Corps was required to prepare an EIS that assessed the impacts of the *entire* project, including the building and operation of hotels, parking garages and other related complexes on the upland area, and not just from the physical mooring of the boat at the harbor as the Corps had contended). The regulations further explain that "shipping terminals" are one clear example of a project for which the Corps should expand the scope of its environmental review to include the impacts of the larger project. In such an instance, the Corps must determine whether an EIS is required for the larger project. The regulations explain:

a shipping terminal normally requires dredging, wharves, bulkheads, berthing areas and disposal of dredged material in order to function. Permits for such activities are normally considered sufficient Federal control and responsibility to warrant extending the scope of analysis . . .

33 C.F.R. § 325 (App. B., § 7(b)(3)) (emphasis added).

IX. There Should Be A Lease Reopener Every Five Years To Consider New Technologies

16-59

A lease reopener every five years would allow BACT and new technology options in general to be evaluated and, if appropriate, instituted as they develop, rather than waiting out the term of the China Shipping lease. Any such technology that is technically and economically feasible should be required to be used.

⁴¹ DEIR at 3.2-37. The document states that "the NEPA baseline condition for determining significance of impacts includes the full range of construction and operational activities the applicant could implement and is likely to implement absent permits from the USACE."

X. Conclusion

16-60

The shortcomings of the DEIR are so serious that significant additional work is required. The undersigned stand ready to work with the Port in this respect.

Sincerely,



David Pettit
Senior Attorney
Natural Resources Defense Council



Martin Schlageter
Campaign Director
Coalition for Clean Air



Elina Green, MPH
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2.3.16 National Resources Defense Council – July 15, 2008 (Comment Letter 16)

- 16-1 Please refer to response to Comment 15-1 (NRDC A).
- 16-2 Please refer to response to Comment 15-1 (NRDC A).
- 16-3 Please refer to the responses to Comment 10-11 (SCAQMD) (electric yard tractors), Comment 10-13 (electric drayage trucks), and Comments 10-1 (SCAQMD) and 15-7 (NRDC A) (low-sulfur marine fuel). All feasible mitigation measures as required by CEQA have been applied to the proposed Project in the Recirculated Draft EIS/EIR.
- 16-4 The comment calls for additional mitigation measures for proposed Project operations. Please refer to the response to Comment 15-9 (NRDC A) and the responses to specific mitigation measures (Comments 16-5 through 16-16) below.
- 16-5 The comment calls for expediting the phase-in of AMP at the terminal. China Shipping, in compliance with the ASJ, retrofitted 29 ships all within the 3,000- to 5,000-TEU range. Since that time, China Shipping has installed AMP on an additional four 8,500-TEU ships at 6.6 kV. As discussed in Chapter 2 and Section 3.2 of the Recirculated Draft EIS/EIR, the ship size is expected to increase from the 3,000- to 5,000-TEU class to the 8,000- to 9,000-TEU ship size with occasional visits from 9,000- to 11,000-TEU ships. While a large portion of the ships in China Shipping's current Port of Los Angeles service are retrofitted with AMP, only four of the larger ships in their worldwide fleet are retrofitted (while China Shipping will order some brand new ships to service the Port, some of the ships will be repositioned from existing vessel strings elsewhere). To comply with the ASJ and to achieve the proposed AMP levels in MM AQ-9, these ships will also need to be retrofitted. The phase-in schedule allows for such retrofits to occur.
- 16-6 **MM AQ-10** makes vessel speed reduction compulsory, not voluntary. Compliance with this mitigation measure would be monitored via the MMRP.
- Slowing ships to 12 knots inside a 40-nm radius from Point Fermin would increase the emissions from auxiliary engines because a ship would require more time to travel the same distance. Emissions from ship main engines would also increase on a horsepower-hour basis, due to the engines running less efficiently at a lower load. This low-load effect was accounted for in the emission calculations, as shown in Table PP-16 of Appendix E1. However, despite the low-load effect, the overall emissions from the ship main engine are still reduced because of the substantial reduction in horsepower-hours needed to propel the ship through the water at a lower speed. After implementing **MM AQ-10**, the combined emissions from main and auxiliary engines would be 48 percent lower for volatile organic compounds (VOCs), 50 percent lower for carbon monoxide (CO), 64 percent lower for NO_x, 66 percent lower for SO_x, 60 percent lower for PM₁₀, and 60 percent lower for PM_{2.5}.
- 16-7 Please refer to response to Comment 10-1, which discusses a revision to **MM AQ-11** that would require low-sulfur fuels in all China Shipping vessels starting in 2009. The China Shipping terminal is currently operating in

- 1 accordance with the ASJ, and, until a new lease is signed, the Port has no means
2 to require low-sulfur fuels in ship engines.
- 3 The Port does not view dockside power as a substitute for cleaner fuels in ships,
4 as evidenced by **MM AQ-9** (AMP) and **MM AQ-11** (low-sulfur fuels). Ships
5 that comply with the AMP measure will also be subject to the low-sulfur fuel
6 requirements and vice versa.
- 7 **16-8** Please refer to response to Comment 10-9 (SCQAMD).
- 8 **16-9** The Blue Skies Series Category 3 engines refer to a theoretical ship retrofit
9 program developed for the No Net Increase (NNI) Plan being considered by the
10 Port. NNI was never adopted by the Port or the City of Los Angeles. The Blue
11 Sky Series engines are not yet available and, therefore, are not considered
12 feasible at this time. Should these engines become available, **MM AQ-22**
13 provides a process to consider new or alternative emission control technologies
14 in the future and an implementation strategy to ensure compliance. Under
15 **MM AQ-22**, the opportunity to add new measures to the lease would occur at
16 least once every 7 years.
- 17 **16-10** The comment is acknowledged.
- 18 **16-11** As discussed in response to Comment 10-11, the terminal operator has agreed to
19 conduct a demonstration project for electric yard tractors. If electric yard tractors
20 are determined to be feasible and become commercially available, they can be
21 considered as a new lease requirement through **MM AQ-22** if found to represent
22 a superior air quality benefit than liquefied propane gas (LPG) or liquefied
23 natural gas (LNG) yard tractors. In addition, the Port believes that idling limits
24 are not necessary for mitigation in the Recirculated Draft EIS/EIR. In practice,
25 idling for yard tractors is minimal since they are in constant motion for
26 production purposes and fuel costs associated with idling are high (personal
27 communication with Charles Zhao, West Basin Container Terminal LLC,
28 September 26, 2008).
- 29 **16-12** The time needed for preparation and review of this EIS/EIR is the only reason for
30 the change in scheduled implementation for **MM AQ-16**. The new mitigation
31 measure schedule of 2009 is based on the estimated new lease date.
32 Commitments cannot be applied retroactively from the present.
- 33 **16-13** The comment is acknowledged.
- 34 **16-14** As mentioned in Section 3.2.3.3 of the Recirculated Draft EIS/EIR, PHL has
35 replaced its existing uncontrolled switch locomotive with a new locomotive
36 meeting the Tier 2 standards at the Berth 121-131 (on-dock) rail yard. Please
37 refer to response to Comment 10-12 for a discussion of mitigation measures for
38 switch and line-haul locomotives. In addition to **MM AQ-18**, the Port is
39 working with PHL to identify additional options for reducing switch locomotive
40 emissions. However, these additional options would be implemented as a Port-
41 wide measure under the CAAP rather than at a Project level.
- 42 Please refer to responses to Comments 10-2 (SCAQMD) and 10-20 (SCAQMD)
43 for responses to comments regarding the on-dock rail yard usage by the terminal
44 operator.
- 45 **16-15** **MM AQ-19** is aligned with the Clean Truck Program of the Port. The Port
46 believes that the implementation schedule of this measure is as aggressive as

1 possible, given the magnitude and complexity of this program. Similarly, the
2 Port believes that the implementation schedule for **MM AQ-20** (LNG Trucks) is
3 as aggressive as possible, considering the large number of truck replacements
4 that would be necessary.

5 **16-16** Please refer to response to the above Comment 16-15.

6 **16-17** The comment calls for additional mitigation measures for construction of the
7 proposed Project. Please refer to the responses to Comments 16-18 through
8 16-25 on specific mitigation measures.

9 **16-18** As shown in Tables E1.1-7a and E1.1-8a in the construction emission
10 calculations in Appendix E1, a derrick barge is estimated to be needed for
11 44 days during Phase II of construction and for 18 days during Phase III of
12 construction. Given this relatively little use of a derrick barge, it is not feasible
13 to install the infrastructure needed for shoreside power. In addition, shoreside
14 power connections are built into the wharves. Because derrick barges are used
15 for wharf construction, no new shoreside power connections would be available
16 until after the wharves are completed (the existing wharf would not be located
17 close enough to provide access to shoreside power).

18 **16-19** As shown in Tables E1.1-7g and E1.1-8c in the construction emission
19 calculations in Appendix E1, two general cargo ships would deliver shoreside
20 cranes during Phase II of construction, and one general cargo ship would deliver
21 a shoreside crane during Phase III of construction. Given that there would be
22 only three ship visits, it is not feasible to require low-sulfur fuel, best available
23 control technology (BACT), or shoreside power for construction-related ships
24 due to the technical upgrades needed to comply with such restrictions.

25 **16-20** The comment is acknowledged.

26 **16-21** **MM AQ-4** limits idling to 5 minutes for construction equipment. Please refer to
27 response to Comment 10-7 for a discussion of the Port construction equipment
28 specifications for construction contractors. The Port will encourage use of
29 cleaner construction equipment through the Environmental Compliance Plan
30 required of all contractors. Each contractor is required to submit an
31 Environmental Compliance Plan for work completed as part of the Berth 97-109
32 Container Terminal Project.

33 **16-22** The comment is acknowledged. The Los Angeles Harbor Department will
34 ensure that grid power is available to the construction site whenever power is
35 needed in place of using diesel generators. In addition, **MM AQ-5** has been
36 amended as shown below:

37 **MM AQ-5: Best Management Practices (BMPs)**

38 **The following types of measures are required on**
39 **construction equipment (including on-road trucks):**

- 40 **1. Use diesel oxidation catalysts and catalyzed diesel**
41 **particulate traps**
- 42 **2. Maintain equipment according to manufacturers'**
43 **specifications**

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3. **Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of 5 minutes when not in use**
 4. **Install high-pressure fuel injectors on construction equipment vehicles**
 5. **Maintain a minimum buffer zone of 300 meters between truck traffic and sensitive receptors**
 6. **Improve traffic flow by signal synchronization**
 7. **Enforce truck parking restrictions**
 8. **Provide onsite services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria services, automated teller machines.**
 9. **Re-route construction trucks away from congested streets or sensitive receptor areas**
 10. **Provide dedicated turn lanes for movement of construction trucks and equipment on- and offsite.**
 11. **Use electric power in favor of diesel power where available.**

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LAHD shall implement a process to select additional BMPs to further reduce air emissions during construction. The LAHD shall determine the BMPs once the contractor identifies and secures a final equipment list. The LAHD shall implement a process to add BMPs to reduce air emissions from all LAHD-sponsored construction

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16-23 The comment is acknowledged.

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16-24 Due to the short-term nature of construction contracts, it is not feasible to expect retrofits or upgrades of construction equipment during the construction period. Often construction equipment is rented or leased, and equipment changeouts during a construction activity could be disruptive to the progress of the construction.

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16-25 An extensive disclosure of the air quality impacts and health effects associated with project construction is included in the Recirculated Draft EIS/EIR as part of Impacts AQ-1, AQ-2, AQ-6, AQ-7, and AQ-9. The purpose of the notifications is to provide additional notice to the residents of the anticipated construction schedule as a courtesy.

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16-26 Please refer to response to Comment 15-9 (NRDC A).

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The Port has applied all feasible mitigation measures to avoid or reduce significant environmental effects of the proposed Project, as required by CEQA. Please refer to response to Comment 10-13 regarding electric drayage trucks as a potential mitigation measure. The Port is also developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. Through this program, the Port is exploring Port-wide options for reducing GHG

1 at the Port-wide level, including a solar energy program agreed to with the
2 California Attorney General. GHG emissions at the Port are largely a function of
3 diesel combustion; therefore, addressing these emissions will help address not
4 only potential climate change effects but also local health issues from diesel
5 sources.

6 **16-27** The Recirculated Draft EIS/EIR identifies all feasible mitigation to reduce or
7 avoid greenhouse gas emissions. The Port is also developing a comprehensive
8 Climate Change Action Plan to address GHG emissions from Port operations.
9 GHG emissions at the Port are largely a function of diesel combustion and
10 thereby addressing these emissions will not only help address potential climate
11 change effects but also local health issues from diesel sources. A footnote in the
12 comment questions the decision to quantify GHG emissions within California
13 borders only. The Port acknowledges that GHG emissions from ships, trains, and
14 a portion of the trucks associated with the proposed Project would extend beyond
15 state borders. However, for the purposes of this NEPA/CEQA document, and
16 after consulting California Climate Action Registry (CCAR) (personal
17 communication with Robyn Camp, April 24, 2007), the Port elected to address
18 GHG emissions quantitatively within state borders and qualitatively outside state
19 borders. This approach is consistent with the CCAR goal of reporting all GHG
20 emissions within California. A quantification of GHG emissions outside
21 California borders would not change the significance conclusions in Impact AQ-
22 9 of the Recirculated Draft EIS/EIR and would carry a high degree of uncertainty
23 given the uncertainty in the ultimate destinations of project-generated trucks,
24 trains, and ships. Therefore, a qualitative discussion was provided.

25 Another footnote in the comment expresses confusion over the GHG mitigation
26 measures. **MM AQ-9** (AMP), **MM AQ-10** (vessel speed reduction),
27 **MM AQ-17** (electrifying yard equipment), **MM AQ-20** (LNG trucks), and
28 **MM AQ-21** (truck idling reduction) are primarily designed to reduce criteria
29 pollutants; however, they also would reduce GHGs. **MM AQ-25** through **MM**
30 **AQ-30** are designed specifically to reduce GHGs. Table 3.2-42 in the
31 Recirculated Draft EIS/EIR shows how the GHG mitigation measures are
32 consistent with the recommendations found in the *California Climate Action*
33 *Team's report to the Governor* (State of California, 2006) and in *Proposed Early*
34 *Actions to Mitigate Climate Change in California* (CARB, 2007). Only those
35 items determined to be feasible and effective at reducing or avoiding the GHG
36 impacts of the proposed Project were adopted as mitigation. The mitigation
37 measures for the proposed Project are designated with an "MM AQ-" prefix.

38 **16-28** Bulbous bows are already a standard design feature of oceangoing vessels
39 because of their fuel savings potential.

40 **16-29** Sky Sails are still under development through a pilot program. Should they
41 become feasible and commercially available, shipping companies would have a
42 built-in incentive to use sky sails on appropriate routes because of the potential
43 fuel savings.

44 **16-30** Ship energy recovery systems that are proven feasible and effective would have a
45 built-in incentive for their use because of the potential fuel savings. Therefore, a
46 mandate from the Port to adopt such feasible and effective systems would be
47 redundant and would not serve to mitigate GHG impacts

- 1 **16-31** The shipping companies, ship designers, and ship builders will be responsible for
2 complying with the mitigation measures set by the Port and the regulations set by
3 the local, state, and federal agencies. If additional fuel tanks and piping are
4 necessary for compliance, then the shipping companies, ship designers, and ship
5 builders will need to plan and act accordingly.
- 6 **16-32** The ASJ required an analysis of the China Shipping Container Terminal Project
7 alone, rather than in combination with changes to any other facility. Therefore,
8 the Berth 121-131 on-dock rail yard at the Yang Ming terminal was assumed to
9 remain at its current physical capacity in the Recirculated Draft EIS/EIR. Any
10 proposed rail yard expansion would be part of a separate EIS/EIR.
- 11 **16-33** Due to the complexity and cost of implementing new low-emission technologies,
12 such as Maglev, LIM-rail, or electric dual-mode trams, development and
13 implementation of these technologies are only feasibly handled on a Port-wide or
14 regional basis. The CAAP TAP is a process to achieve this objective. Please
15 also refer to response to Comment 15-12 (NRDC A).
- 16 **16-34** Please refer to response to Comment 16-33.
- 17 **16-35** Please refer to response to Comment 16-33.
- 18 **16-36** The TAP is funded primarily by both Ports with additional funding from
19 participating agencies. **MM AQ-22** provides a process to consider new or
20 alternative emission control technologies in the future and an implementation
21 strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new
22 measures to the lease would occur at least once every 7 years.
- 23 **16-37** Please refer to response to Comment 10-13 (SCAQMD). Electric Drayage
24 Trucks are currently being tested as part of the TAP.
- 25 **16-38** The Port has reduced truck-idling emissions through operational changes such as
26 PierPASS, which uses financial disincentives to divert peak-period truck traffic
27 to off-peak hours, thereby reducing long wait times on the terminals. Gate
28 modifications and appointment systems on various terminals at the Port have
29 further reduced idling times. Implementation of the Clean Truck Program will
30 reduce idling emissions by modernizing the truck fleet and requiring regular
31 truck maintenance.
- 32 **16-39** As discussed in response to Comment 16-15, **MM AQ-19** incorporates the Port
33 Clean Truck Program into the China Shipping Terminal. The Clean Truck
34 Program includes replacing older trucks with trucks from model year 2007 or
35 newer and will accomplish many of the suggested measures including improved
36 aerodynamics and a driver training program. Other measures, such as automatic
37 tire inflation systems, single wide-base tires, weight reduction, and low viscosity
38 lubricants, will be considered as part of the Clean Truck Program provided the
39 measures do not conflict with manufacturer specifications or warranties, or with
40 state and federal trucking regulations. However, the Clean Truck Program is
41 being developed on a Port-wide, rather than Project-level, basis. Additionally, as
42 discussed previously, the Port is performing a GHG inventory and will be
43 developing GHG reduction strategies as part of the CAAP.
- 44 **16-40** Please refer to response to Comment 16-39.
- 45 **16-41** Please refer to response to Comment 16-39.
- 46 **16-42** Please refer to response to Comment 16-39.

- 1 **16-43** Please refer to response to Comment 16-39.
- 2 **16-44** Please refer to response to Comment 16-39.
- 3 **16-45** Tugboats at the Port are already being plugged into shoreside auxiliary power
4 when at rest at their home bases (i.e., docking terminals). No feasible technology
5 currently exists for electrifying main propulsion engines on tugboats while they
6 assist ships.
- 7 **16-46** The new China Shipping cranes proposed for Phases II and III would use
8 regenerative braking technology. (Unlike these new cranes, which are equipped
9 with an AC drive and AC hoist motor, the existing China Shipping cranes are DC
10 drive; therefore, they cannot use a regenerative power system). The captured
11 energy would be used to the greatest extent feasible on the terminal. Furthermore,
12 **MM AQ-17** would require all RTGs to be electric starting January 1, 2009.
- 13 **16-47** Please refer to response to Comment 10-11.
- 14 **16-48** While the Port supports intelligent container design, such mitigation is not
15 feasible on a project-specific level. Containerization is a standardized shipping
16 method. Changing container design would affect the global goods movement
17 chain. Such changes are only feasibly implemented through a larger governing
18 body, such as the state, or directly through shipping consortiums that can
19 implement changes given industry-wide logistical considerations. It should be
20 noted that shipping companies and associated consortiums deal with competition
21 and efficiency issues on a daily basis and are in the best position to identify and
22 implement container design changes within the shipping framework.
- 23 **16-49** Please refer to response to Comment 16-27.
- 24 **16-50** Through the Million Trees L.A. Initiative, the City of Los Angeles is in the
25 process of planting 1 million trees throughout Los Angeles via public-private
26 partnerships. As part of this initiative, the Port will be adding more than
27 7,300 trees to the Harbor and Los Angeles areas by the end of 2009. The Port
28 will plant trees in its neighboring communities of Wilmington and San Pedro.
29 The Port has also embarked upon an aggressive community tree give-away
30 program, and will be giving away more than 500 trees per month.
- 31 **16-51** The Recirculated Draft EIS/EIR uses the CARB emission factor of 1.5 grams per
32 kilowatt-hour (g/kWh) for PM from ship auxiliary engines, not 0.8 g/kWh as the
33 comment suggests. The Recirculated Draft EIS/EIR also assumes that 71 percent
34 of container ship auxiliary engines at the Port use residual fuel, based on the
35 Vessel Boarding Program for the Port and OGV survey results for CARB, as
36 reported in the *2005 POLA Inventory of Air Emissions* (Starcrest, 2007). The
37 residual fuel was assumed to have an average sulfur content of 2.7 percent,
38 higher than the 2.5 percent used by CARB. The remaining 29 percent of
39 auxiliary engines were assumed to use diesel oil with an average sulfur content of
40 0.5 percent.
- 41 **16-52** The Recirculated Draft EIS/EIR added an additional 30 percent to tugboat
42 emissions to account for harborcraft activity occurring before and after an assist.
- 43 **16-53** Truck emissions are quantified to the first drop-off point or to the edge of the air
44 basin, whichever comes first. Emissions are calculated only within the air basin
45 to match SCAQMD thresholds. The Port acknowledges that truck emissions

1 would also occur outside the air basin. Please refer to the response to
2 Comment 10-16 for additional discussion.

3 **16-54** An average on-terminal idling time of 20 minutes per truck for the combined
4 China Shipping and Yang Ming terminals was provided by Starcrest as part of its
5 data collection effort to support the 2005 emission inventory for the Port.
6 Because this is an average idling time, some trucks would idle longer than
7 20 minutes and others would idle less than 20 minutes. To facilitate the decision-
8 making process under CEQA and NEPA, this Recirculated Draft EIS/EIR used
9 the best available emission factors and assumptions at the time of document
10 preparation. Although changes in emissions and assumptions could occur in the
11 future, the exact nature of those changes is currently unknown. It would be
12 speculation to assume any specific future changes to rules, regulations or related
13 emission factors. It should be noted that emission factors are likely to be
14 improved, so the assumptions in the Recirculated Draft EIS/EIR are considered
15 conservative

16 **16-55** Please see the response to Comment 16-53.

17 **16-56** The emissions associated with hauling a container by train are calculated from
18 the on-dock or off-dock rail yard to the edge of the air basin for each container
19 traveling by train. Emissions are also calculated for the trucks hauling containers
20 from the terminal to the off-dock rail yard, if applicable. The Port acknowledges
21 that train emissions would also occur outside the air basin. Please refer to
22 response to Comment 10-16 (SCAQMD) for additional discussion.

23 **16-57** As a point of clarification, construction could occur 6 days per week. The peak
24 daytime emissions from construction and the associated criteria pollutant
25 modeling do not depend on the number of construction days per week. For the
26 HRA and GHG calculations, total construction emissions were modeled, which
27 included all construction workdays as projected over the lifetime of the
28 construction(also not dependent on the days-per-week schedule). As a result, the
29 air quality analysis in the Recirculated Draft EIS/EIR is not dependent on the
30 number of construction days per week. The clarification would not result in new
31 significant impacts or increases in the severity of identified impacts.

32 **16-58** NEPA does not specify the scope of analysis that federal agencies must conduct
33 in determining whether their actions, when combined with private actions, come
34 within the mandate of 4332(2)(C). USACE, however, adopted regulations that
35 set forth how it should determine the proper scope of analysis under NEPA.
36 Where the activity requiring a permit is one component of a larger project,
37 USACE regulations provide that the USACE must address in the NEPA
38 document impacts of the specific activity requiring a Department of the Army
39 permit and those portions of the entire project over which the USACE has
40 sufficient control and responsibility to warrant federal review, 33 CFR Part 325,
41 Appendix B Section 7(b)(1). The USACE District Engineer has control and
42 responsibility for portions of the project beyond USACE jurisdiction “where the
43 environmental consequences of the larger project are essentially products of
44 USACE action,” 33 CFR Part 325, Appendix B Section 7(b)(2).

45 The USACE scope of analysis established in the Recirculated Draft EIS/EIR
46 includes 1) activities specifically requiring a permit (all dredging and associated
47 ocean disposal activities, the construction of new wharves, the two bridges over
48 the Southwest Slip, and the floating docks for the relocated Catalina Express),

1 2) portions of the entire project for which USACE has sufficient control and
2 responsibility (i.e., 25 acres currently used by Catalina Express because this area
3 would only be redeveloped if USACE authorizes the 375-foot southern extension
4 of Berth 100, the wharf at Berth 102, and other uplands within 100 feet of the
5 shoreline that could be affected by temporary access, storage, and staging
6 necessary to complete the work and structures in and over water), and 3) the
7 additional increments of upland impact attributable to the federal action on the
8 remaining 117 acres, which include most of the resources or issues of concern
9 evaluated in the EIS/EIR, such as air quality, traffic, aesthetics, and noise. For
10 these resources or issues of concern, we evaluated the impacts associated with
11 the proposed Project (which is the same under CEQA and NEPA) net the impacts
12 attributable to the NEPA baseline (i.e., the specific impacts expected to occur on
13 117 acres of the Project area absent federal action).

14 This Project differs from the shipping terminal example in 33 CFR 325,
15 Appendix B Section 7(b)(3) "...a shipping terminal normally requires dredging,
16 wharves, bulkheads, berthing areas and disposal of dredged material in order to
17 function. Permits for such activities are normally considered sufficient Federal
18 control and responsibility to warrant extending the scope of analysis to include
19 the upland portions of the facility." In the case of China Shipping, the past,
20 present, and reasonably foreseeable future use of the uplands include, and would
21 continue to include, container shipping storage and transfer operations for the
22 adjacent Berth 121-131 (Yang Ming) Container Terminal immediately to the
23 north. In 2001, approximately 11 acres of the 142-acre project area were used for
24 container storage and transfer. By 2004, the acreage used for this purpose had
25 increased to approximately 72 acres, and, absent USACE authorization of
26 regulated activities in waters and navigable waters of the U.S., acreage used for
27 container storage and transfer by Yang Ming at the Project site would increase to
28 approximately 117 acres. This represents more than 80 percent of the uplands in
29 the Project area that could be developed for container storage and transfer (i.e.,
30 nonfederal or private action) entirely independent of the Clean Water Act
31 Section 404 and River and Harbor Act Section 10 authorization from USACE
32 (i.e., federal action). The environmental consequences of using this site for
33 container storage and transfer are clearly not the product of USACE permit
34 action, and there is no other federal funding, guarantee, other financial assistance,
35 or regulation pertaining to the Project area uplands requiring further expansion of
36 the USACE scope of analysis into the 117-acre nonfederal portion of the Project
37 area (i.e., minimal federal control and responsibility). Vessel traffic and
38 container throughput have increased and substantial additional increases are
39 expected, necessitating an increased need for cargo-handling areas, such as this
40 one, whether or not a USACE permit is issued.

41 While Section 1.4.1, Scope of Analysis, in the Recirculated Draft EIS/EIR
42 discusses that USACE identified indirect and cumulative effects in the uplands
43 that could occur as a result of the proposed Project and that such impacts must be
44 fully disclosed in the EIS, we recognize this text should have been more specific
45 with regard to the resources or issues of concern warranting expansion of the
46 scope of analysis to analyze the upland increments attributable to our federal
47 action. As such, this section has been revised in the Final EIS/EIR to clarify this
48 point for the reader. Nevertheless, in the EIS, USACE correctly identified its
49 scope of analysis and area subject to federal control and responsibility for each
50 resource or issue of concern, performed the appropriate independent analyses,

- 1 and made justifiable NEPA impact determinations for the project's direct and
2 indirect impacts (Chapter 3) as well as the cumulative (Chapter 4) impacts.
- 3 **16-59 MM AQ-22** provides a process to consider new or alternative emission control
4 technologies in the future and an implementation strategy to ensure compliance.
5 Under **MM AQ-22**, the opportunity to add new measures to the lease would
6 occur at least once every 7 years.
- 7 **16-60** Please refer to responses to Comments 16-1 through 16-59.



China Shipping
Comments by Larry Keller
Regarding
The Port of Los Angeles Draft EIR/EIS
For
The Berth 97-109 Container Terminal Project

I am Larry Keller, and am writing to comment on the Berth 97-109 Project as 2007-2008 President of the International Business Association of the Long Beach Chamber of Commerce.

I fully support the EIR/EIS and ask that it be approved so that the terminal can be built.

The China Shipping Terminal has, without a doubt, been the subject of more studies, investigations and mitigations than any other development in either Los Angeles or Long Beach. It has been held to a higher standard—a 2001 environmental baseline—even though its first phase has been in operation for several years and has used cold ironing, alternative fuels and other advanced technologies to offset its environmental impacts.

17-1

All of these mitigations are important and it is also important that the Port and its business partners have the ability to expand and to prepare to handle the predicted growth in business efficiently and responsibly, while bringing much needed family wage jobs to the community.

It is worth noting that the China Shipping Terminal is sited at the property on which Todd Shipyard built ships for many years. When Todd ceased operations all of the jobs were lost and there was much hardship. Notably, some of the displaced workers were able to find work on the docks and many people in the community wanted a new workplace created at the Todd location.

The new China Shipping Terminal provides that workplace and will create many well-paying jobs for our residents while mitigating its environmental impacts with historically innovative and responsible technologies.

I urge approval of the China Shipping EIS/EIR.

Thank You

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1 **2.3.17 The Chamber: Long Beach Area Chamber of**
2 **Commerce (Comment Letter 17).**

3 **17-1** Thank you for your comments.

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HARBOR ASSOCIATION OF INDUSTRY & COMMERCE

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July 2, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy

Subject: Support for Approval of China Shipping EIR

I am writing on behalf of the Harbor Association of Industry and Commerce to add our support to the approval of the China Shipping EIR.

Our organization includes more than 100 major firms, employing thousands of local employees, in the engineering, energy, shipping, and maritime sectors. I also serve on both the boards of the San Pedro Chamber of Commerce, and the Port Community Advisory Committee.

The Harbor Association supports this project for the following reasons:

- The approval of this project is important for the national and international credibility of the Port of Los Angeles, which has had so many of its projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports, and our Southern California economy. By approving and completing this project, we can demonstrate to our international partners that we wish to continue the highly successful global business partnership with them in which we have invested so heavily, for so many years.



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- This is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.
- Approval of this project also requires “green” port technologies, which are required as project mitigation measures. These will be developed and produced locally, with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers, area universities and technology firms to make San Pedro and Wilmington the global center of the port technology industry.
- Our organization includes many of the engineering and construction firms which will design and build this project. The China Shipping project will yield many local jobs, and revenue into the local community, at a time of severe national and regional recession and downturn in the construction industry.

Therefore, we strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR.

Sincerely,

William F. Lyte
President

1 **2.3.18 Harbor Association of Industry and Commerce**
2 **(Comment Letter 18)**

3 **18-1** Thank you for your comments.

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The Propeller Club of Los Angeles - Long Beach

To promote the interests of international commerce, shipping, transportation and supporting industries, including governments and communities.



To provide a forum for discussion and to promote public education regarding critical issues which concern these industries.



July 15, 2008

Mr. Spencer D. MacNeil D.Env.
U.S. Army Corps of Engineers,
Los Angeles District, Regulatory Division
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, CA 90053-2325

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

Subject: Support for Approval of China Shipping EIR

Dear Mr. MacNeil and Dr. Appy:

The Propeller Club of Los Angeles-Long Beach is pleased to add its support to the approval of the China Shipping EIR.

Propeller Club members include over 250 individuals involved in all aspects of the maritime transportation community in Southern California.

The approval of this project is important not only for our local business community, but also nationally and internationally. We need to assure our international partners of the continued competitiveness of our Ports. In approving and moving toward completion of this project we will demonstrate to them that the Port of Los Angeles continues to be "open for business" and that the Port honors its global business partnerships which it has nurtured over many years.

This project has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation, and we commend the Port of Los Angeles and China Shipping for the job they have done to mitigate impacts that may result from this project.

Therefore, we strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR.

Sincerely,

Gary L. Gregory
President

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1 **2.3.19 The Propeller Club of Los Angeles – Long**
2 **Beach (Comment Letter 19)**

3 **19-1** Thank you for your comments.

1

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July 10, 2008

Commander, U.S. Army Corps of Engineers
Los Angeles District, c/o Dr. Spencer D. MacNeil
P.O. Box 532711
Los Angeles, CA 90053-2325

Dr. Ralph G. Appy, Director Environmental Management Division
425 S. Palos Verdes Street
San Pedro, CA 90731



Subject: Comments Submittal for the Re-Circulated Draft EIR/EIS for Berth 97-109 (China Shipping) Container Terminal Project

Dear Dr. Appy and Dr. MacNeil,

We appreciate the opportunity to submit comments regarding the Subject Project Environmental impacts and hereby state our request that the Project be revised to implement the key elements of the Clean Air Action Plan as originally drafted and as described in the GENERAL and SPECIFIC COMMENTS listed below. We also state our acknowledgement and support of key mitigation measures also noted below.

GENERAL COMMENTS

20-1

Please note that we are gravely alarmed that the Port again proposed a Project with the statement that the air quality impacts are "considered significant, adverse, and unavoidable" after the proposed mitigation measures have been applied. We remind the Port and the Corps of Engineers that the affected area remains a Federal non-attainment area for Air Quality and that the proposed Project as currently defined could only be implemented through application of Overriding Considerations. We recommend that the Port require the mitigation efforts for the Project as defined in the CAAP and if projected emissions still create residual significant air quality impacts after full application of all feasible mitigation measures, that mitigation measures be required for existing sources in closest proximity to the Project. The mitigations applicable to sources other than the Project provide the opportunity to reduce the residual emissions to below significant levels on a port-wide basis. We believe that the Port and the Corps of Engineers has the capability and the responsibility to require the application of currently available mitigations such that the impacts to air quality can be reduced to a level that will not require application of Overriding Considerations.

SPECIFIC COMMENTS

20-2

1. Measure MM AQ-11, Low Sulfur Fuel (LSF) in Ships applicable to Auxiliary and Main engines, requires revision to schedule full implementation based on current availability of LSF and as was originally committed in the CAAP. The EIR's currently stated phase-in of LSF (maximum sulfur content of 0.2 percent) in Ocean Going Vessels of 30% in 2009, 50% in 2010, and 100% in 2013 violates the CAAP commitment to implement 100% LSF compliance in terminal leases as they are renewed or modified. The EIR/EIS requires revision to impose 100% LSF implementation on start of operations.

20-3

We noted that the CAAP included implementation of Measures OGV3, applicable to Auxiliary Engines, and OGV4, applicable to Main Engines, which required that, on lease renewal or revision, all ocean going vessels utilizing the leased facilities must burn $\leq 0.2\%$ S MGO within the current Vessel Speed Reduction program boundary of 20 nm, subsequently expanded to the 40 nm boundary. The schedule in the draft EIR would not require all OGV to comply until four years after the date established in the CAAP (lease renewal/revision) and would result in a severe shortfall in the emission reductions promised in the CAAP.

- 20-3
- Furthermore, OGV3 and 4 require the port to continue to evaluate the availability of $\leq 0.1\%$ S fuels and possibly change the requirement to the lower limit. Therefore, MM AQ-11 should be revised to require the lease to automatically adjust the sulfur limit to $\leq 0.1\%$ when the CAAP is amended to generally require $\leq 0.1\%$.
- We also noted that the recently published Fuel Availability Study, conducted by Tetrattech for POLA, established that regional LSF supply is sufficient such that the fuel would be available for ships serving the China Shipping terminal and/or can be planned in advance to ensure access to LSF prior to arriving at the San Pedro Bay ports.
- 20-4
2. Measure MM-AQ12, Slide Valves in Ship Main Engines requires revision to ensure consistency with the CAAP. The currently stated phase-in of slide valves in the EIR/EIS applicable to Ocean Going Vessels at 25% in 2009, 50% in 2010, 75% in 2012, and 100% in 2014 fails to satisfy the CAAP milestones applicable to the same slide valve measure applicable to OGVs.
- The CAAP requires that the Measure OGV5, Slide Valve Technology, shall be implemented through lease requirements as new leases are established or existing leases are revised. Specifically, OGV5 requires that immediately upon lease renewal, all ocean going vessels utilizing the leased facilities must employ slide valve technology. The schedule in the Re-circulated Draft EIR/EIS would not require all OGVs to comply until five years after the date established in the CAAP (lease renewal/revision), resulting in a substantial shortfall in the emission reductions promised in the CAAP. Further, we noted that the Re-circulated Draft EIR/EIS falls short of the previous China Shipping Draft EIR/EIS which required slide valve technology on 100% of the ships serving the terminal by 2010.
- 20-5
3. Measure MM-AQ-23, Throughput Tracking, indicates the Port's recognition of the potential for exceeding throughput as planned in the EIR/EIS yet requires revision to impose review of actual throughput through a defined process and on a stated basis, such as yearly. The current MM-AQ-23 defines no specific requirement for when or how the reviews will be performed and further definition for the Measure is required to ensure compliance.
- 20-6
4. Measure MM AQ-18, Rail Switch Engine Modernization, indicates the Port's recognition of the availability and importance of Tier 2 locomotives and installation of diesel particulate filters (DPF's) yet requires revision to impose requirement for DPF's at start of project operations. The current MM AQ-18 would not require DPF's until January 2015.
- 20-7
5. NEPA Impact Determination, Particulates: Morbidity and Mortality, Health Effects of DPM Emissions lists quantities for Health Outcomes which require recalculation to ensure consistency with California Air Resources Board calculations for Health Effects as released in Year 2008. The EIR/EIS current quantification of Cases per Year varies by large order of magnitude from updated CARB Health Effect calculations. The EIR/EIS Health Effect quantification requires the corrected adjustment to properly determine health impacts and the benefit from mitigations and to restore POLA credibility in the community.
- 20-8
6. The lease term stated in the EIR/EIS requires adjustment to reduce the term or to include re-opener clauses to allow for evaluation at ten year intervals to ensure application of best available technologies and mitigation measures.
- 20-9
7. Plans for on-dock rail require increased application to encourage greater utilization of the concept to increase efficiency and reduce pollution.
- 20-10
8. The EIR/EIS requires additional mitigation measure applicable to electric or electric/hybrid drayage that will become more feasible in near term as current testing likely proceeds to improved technologies and proven capabilities.

20-11

9. The EIR/EIS requires revision to incorporate the mitigations required in the recent TraPac EIR/EIS Memorandum of Understanding established through Settlement with the Claimants to the TraPac EIR/EIS.

We look forward to release of the Final EIR/EIS with incorporation of our recommendations as we seek mutually to benefit from improved air quality.



Richard Havenick
Chair, Air Quality Subcommittee
Port Community Advisory Committee

Copies to: Dr. Geraldine Knatz, Port of Los Angeles Executive Director; Mr. Henry Hogo, Deputy Executive Officer, South Coast Air Quality Management District; Todd Sterling, California Air Resources Board; Jayme Wilson, Chair, Port Community Advisory Committee; Port Community Advisory Committee Members

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2.3.20 Port Community Advisory Committee – Air Quality Subcommittee (Comment Letter 20)

20-1 Please see response to Comment 1-17 (USEPA). In this EIS/EIR, all CAAP measures determined by the Port to be feasible for the proposed Project are prescribed as mitigation. Other CAAP measures were deemed not to be feasible on a project-specific level because either they are not applicable to the project or they can feasibly be implemented only on a Port-wide basis. The Port expects that implementation of the CAAP on a Port-wide basis, as well as at the Port of Long Beach, will substantially reduce pollution levels and health risks in the community. However, the effects of full implementation of the CAAP on a Port-wide basis were not quantified in the EIS/EIR because the EIS/EIR addresses impacts from the proposed Project rather than from the ports as a whole. The two ports are currently preparing a Port-wide HRA of all Port operations that will quantify the effectiveness of full CAAP implementation. The Ports plan to publish this risk assessment in 2008.

In addition, **MM AQ-22** provides a process to consider new or alternative emission control technologies at regular intervals during the lease and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur at least every 7 years. Regarding the comment to provide offset mitigation and to apply mitigations to sources other than the Project, neither NEPA nor CEQA authorize the imposition of mitigation in the context of this EIS/EIR for the purpose of reducing or avoiding impacts that are not directly or indirectly attributable to the proposed Project. Such impacts are being addressed by the Port outside the NEPA/CEQA process, through implementation of CAAP, the recently agreed upon MOU. Through the MOU, the Port has agreed to establish a Port Community Mitigation Trust Fund geared toward addressing the overall off-Port impacts created by Port operations outside the context of Project-specific NEPA and/or CEQA documents. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to Port impacts on harbor area communities. As part of the MOU, the Port would contribute \$3.50 per container received at the terminal up to an amount of approximately \$4 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

20-2 Please see the response to Comment 10-1 (SCAQMD).

20-3 Please see the response to Comment 10-1 (SCAQMD).

20-4 Please see the response to Comment 10-9 (SCAQMD).

- 1 **20-5** The throughput numbers presented in the analysis represent the maximum
2 physical and operational capacity of the marine terminal based on all known
3 present and future technology and operational strategies. As discussed in the
4 Recirculated Draft EIS/EIR Section 1.1.3 and Appendix I, the EIS/EIR used a
5 number of Port studies to determine the maximum capacity for the terminal. Port
6 approval of changes to operation or new technology that could increase
7 throughput beyond what was analyzed in the document would require a separate
8 environmental analysis. Currently, such changes are not reasonably foreseeable
9 and, therefore, speculative.
- 10 **20-6** Please see the response to Comment 10-12 (SCAQMD).
- 11 **20-7** The mortality calculations were updated with the new CARB methodology, and
12 are presented in the response to Comment 11-2 (RPV).
- 13 **20-8** Please see the response to Comment 16-36 (NRDC B).
- 14 **20-9** Please see the responses to Comments 10-2, 10-20 (SCAQMD), and 16-32
15 (NRDC B).
- 16 **20-10** Please see the response to Comment 10-13 (SCAQMD).
- 17 **20-11** Please see response to Comments 1-17 (USEPA) and 20-1. Through an MOU,
18 the Port has previously agreed to establish a Port Community Mitigation Trust
19 Fund geared towards addressing the cumulative off-Port impacts created by Port
20 operations. The Recirculated Draft EIS/EIR adequately identifies and evaluates
21 all feasible mitigation to reduce or avoid the significant environmental effects of
22 the proposed Project. Therefore, the Recirculated Draft EIS/EIR adequately
23 fulfills the requirements of CEQA with regard to mitigation for the proposed
24 Project. The Recirculated Draft EIS/EIR also fully complies with the mitigation
25 requirements of the ASJ. The TraPac EIS/EIR MOU does not affect these
26 obligation or ability of the lead agencies to mitigate the significant environmental
27 effects of the proposed Project. Therefore, no revisions to the document are
28 required.

**Port of Los Angeles Community Advisory Committee
EIR/Aesthetic Mitigation Subcommittee**

July 14, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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



**Subject: Berth 97-109, China Shipping Container Terminal Recirculated EIS/EIR.
ADP No. 030127-018; State Clearinghouse Number 2003061153**

Dear Drs. Appy and MacNeil,

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR) for the Berth 97-109, China Shipping Container Terminal Improvement Project under consideration by the City of Los Angeles Harbor Department. and the United States Army Corps of Engineers (SCH#2003111044; ADP#030508-138). These comments are submitted by the Port Community Advisory Committee (PCAC) EIR/Aesthetic Mitigation Subcommittee.

The China Shipping Subcommittee, part predecessor to the EIR/Aesthetic Mitigation Subcommittee, submitted comments on the Notice of Preparation as originally circulated in 2003 and has been active in formulating mitigation programs for anticipated impacts from the proposed project. As such, the Subcommittee has sought to work as a partner in the environmental review for the China Shipping project and desires to continue to do so.

As directed by the Harbor Commission, the PCAC's mission includes:

.. assess the impacts of Port Developments on the Harbor area communities and to recommend suitable mitigation measures to the Board for such impacts...

...To review all past, present and future environmental documents in an open public process to ensure that all laws—particularly those related to environmental protection—have been obeyed, all city procedures followed, and all adverse impacts upon the communities mitigated.

Based on the Commission's directives, the Department and the PCAC have worked to establish an "EIR Template" that provides a standardized approach to environmental review of projects. Comments on the China Shipping Container Terminal Improvement Project EIS/EIR are provided using the framework of the EIR Template recommendations provided by the Subcommittee/Working Group in the POLA Net document of January 2004 and subsequently.

Our EIR Template recommendations focus on priority areas:

Air Quality [No Net Increase]
Traffic
Off-Port Impacts [Light, Aesthetics, Noise, Land Use]
Environmental Justice
Project Description and Analysis

The Project

The Draft EIR/EIS is intended to address the effects of developing and operating the China Shipping Container Terminal at Berth 97-109 at the West Basin in the Port of Los Angeles. Physical improvements include new wharf construction/ lengthening at Berths 100 and 102; addition of up to 10 shoreside A-Frame cranes, including Phase 1 cranes; expansion and development of 142 acres of terminal backlands; construction of container terminal buildings, gate facilities, and accessory structures; construction of two new bridges over the Southwest Slip Berths 97-109 to Berth 121-131; construction of road improvements in the vicinity; and dredging to match the West Basin channel depth of -53 feet.

Phase I, including installation of four A-Frame cranes, wharf improvements, one bridge, and new backlands has been completed. Operations have been permitted to commence pursuant to Amended Stipulated Judgment for litigation related to the West Basin Transportation Improvements Program EIS/EIR.

The project description included in the DEIS/EIR also includes relocation of the Catalina Express Terminal. The June 2003 Notice of Intent/Notice of Preparation (NOI/NOP) for the project did not include relocation of Catalina Express. The 2006 EIS/EIR mentioned the Catalina Express briefly and indicated that only temporary impacts would be addressed, with other impacts to be addressed in another EIR.

21-1 | The current EIR includes relocation of Catalina Express in the project description, but it is not clear whether or not the project was included in the analysis of impacts. For example, Appendix E 1.1, Construction Emission Calculations, includes tables for construction emissions generated by each project component but no emissions for construction activities entailed in relocation of Catalina Express. Mitigation measures do not appear to address Catalina Express, either. While the EIS/EIR suggests use of solar power for the primary structure at Berths 97-109, there is no similar suggestion for the refurbished terminal for Catalina Express.

21-2 | If it is the intent of POLA to fulfill California Environmental Quality Act (CEQA) requirements for relocation of Catalina Express with this EIS/EIR, a revised NOI/NOP should have been circulated to address it. In addition, all analyses must include impacts associated with the relocation, including but not limited to air emissions, water quality impacts, and circulation/parking, as well as appropriate mitigation measures.

EIS/EIR Assumptions

21-3 | Total throughput is the most important factor in determining future impacts. The Subcommittee appreciates that additional mitigation measures to reduce air pollution emissions may be imposed if projected throughput is exceeded as provided in Mitigation Measure MM AQ-23:

MM AQ-23: *Throughput Tracking. If the Project exceeds project throughput assumptions/projections anticipated through the years 2010, 2015, 2030, or 2045, staff shall evaluate the effects of this on the emissions sources (ship calls, locomotive activity, backland development, and truck calls) relative to the EIS/EIR. If it is determined that these emissions sources exceed EIS/EIR*

assumptions, staff would evaluate actual air emissions for comparison with the EIS/EIR and if the criteria pollutant emissions exceed those in the EIS/EIR, then new or additional mitigations would be applied through MM AQ-22.

21-3

This is a major step forward in responding to concerns previously raised by the Subcommittee. However, we are concerned that as currently proposed review would occur at a staff level without any participation from either the general public or the Board of Harbor Commissioners, thereby short-circuiting the public disclosure function of CEQA.

Further MM AQ-22 appears to leave much of the decision making to the discretion of the tenant, including sharing costs for additional mitigation with POLA as follows:

21-4

MM AQ-22: Periodic Review of New Technology and Regulations. The Port shall require the Berth 97-109 tenant to review, in terms of feasibility, any Port-identified or other new emissions-reduction technology, and report to the Port. Such technology feasibility reviews shall take place at the time of the Port's consideration of any lease amendment or facility modification for the Berth 97-109 property. If the technology is determined by the Port to be feasible in terms of cost, technical and operational feasibility, the tenant shall work with the Port to implement such technology.

Potential technologies that may further reduce emission and/or result in cost-savings benefits for the tenant may be identified through future work on the CAAP. Over the course of the lease, the tenant and the Port shall work together to identify potential new technology. Such technology shall be studied for feasibility, in terms of cost, technical and operational feasibility.

As partial consideration for the Port agreement to issue the permit to the tenant, the tenant shall implement not less frequently than once every 7 years following the effective date of the permit, new air quality technological advancements, subject to mutual agreement on operational feasibility and cost sharing [emphasis added], which shall not be unreasonably withheld.

Would it be POLA's intent to share the cost of mitigating impacts associated with excess throughput? Would it be POLA's intent to permit impacts associated with excess throughput to remain unmitigated for as long as seven years?

21-5

In addition, other impacts related to increased throughput, such as impacts on traffic would remain unmitigated in the event that throughput estimates were exceeded. Measures similar to MM AQ-22 must be included for all potential impacts, including traffic, noise, and public services and utilities.

It is essential that full and accurate information regarding throughput capacity be included in the EIS/EIR. As noted in the Subcommittee's October 2006 letter commenting on the previously circulated China Shipping EIS/EIR :

21-6

The project description indicates that throughput would be 435,000 TEUs (twenty foot equivalents) in 2005 increasing to 1,551,000 by 2030. This throughput forms the basis for numerous analyses in the EIS/EIR including analyses of impacts on traffic, air quality, and noise.

While the EIS/EIR discusses various studies and methods for determining throughput, it is not clear how throughput was actually determined for the proposed project. The determinative factors in determining the 2030 estimate of throughput are not identified, whether land utilization, berth space utilization,

crane utilization, or some other factor.

21-6

The recirculated EIS/EIR also lacks this same information. Reference is made to additional information in Appendix I, but Appendix I merely expounds on the quality of the model and treats it as a magical black box, showing only outputs for each alternative. The EIS/EIR must also provide information regarding assumptions and inputs. For example, if capacity would be limited by land utilization, the EIS/EIR must say so and identify throughput assumed per acre; if capacity would be limited by berth space, the EIS/EIR must say so and identify throughput assumed per foot of quay; and so forth.

The EIS/EIR indicates that in 2030 cargo will be split sixty percent on the day shift and twenty percent each on the swing and hoot shifts. In addition, Table E1.2-8 indicates that only fifteen percent of cargo would be handled on weekends, which constitute 28.6 percent of the total week. As stated in the EIS/EIR

While this project assumes 24/7 operation in the future, the terminal, rail facilities, distribution centers, warehouses, and retailers are not expected to operate at full capacity during the night and hoot shifts.

21-7

Thus, the facility would not be operating at full capacity full time. Unused capacity would exist on weekends and at night. The EIS/EIR indicates that additional technological improvements would be subject to additional environmental review in the future. However, the EIS/EIR offers no means of addressing impacts of increased throughput on factors other than air quality if throughput increases simply due to increased activity at night or on weekends.

The Subcommittee has repeatedly discussed potential impacts due to increased throughput enabled by the Pier Pass program. We have been told that POLA has no jurisdiction to require any environmental review because it is a purely private venture, not subject to discretionary action by POLA. Based on this precedent, it appears likely that we will see a similar repeat here. Unless project approvals specifically limit total throughput, eventual throughput and associated impacts could exceed estimates in the EIS/EIR, and probably will.

We are also concerned about other assumptions utilized in projecting impacts of the proposed project. These include number of ship calls, type of vessel, use of rail, cargo distribution, assumed trip lengths and use of certain technologies, for example the use of cleaner locomotives by PHL. Should any of these assumptions prove inaccurate, impacts could increase

Annual Environmental Scorecard

In light of the basic goals articulated by the Commission in establishing the PCAC, the EIR Subcommittee/Working Group has recommended that an Annual Environmental Scorecard be prepared that would include reporting not only on the status of adopted mitigation measure but implementation of green terminal measures or other operational assumptions assumed to be part of the proposed project.

21-8

We request that an additional mitigation measures be adopted as follows:

If the Project exceeds project throughput assumptions/projections anticipated through the years 2010, 2015, 2030, or 2045, staff shall report back to the Board of Harbor Commissioners as to the effects of this on the air emissions, traffic, noise, and other impacts relative to the EIS/EIR. Staff shall also report back as to any project assumptions that do not come to fruition including, but not limited to, number of ship calls, type of vessel, use of rail, cargo distribution, assumed trip lengths and use and effectiveness of certain technologies. If it is determined that impacts exceed EIS/EIR assumptions, then new or additional mitigations shall be

Environmental Baseline

Establishment of an appropriate environmental baseline is a key factor in assessing the environmental impact of a project. As stated in *County of Amador v. El Dorado County Water Agency* (76 Cal.App.4th 936):

Before the impact of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.

In accordance with the Amended Stipulated Judgment, the baseline for this EIS/EIR is March 2001, prior to the start of Phase I operations.

21-9 In March 2001, a portion of the project site was used for storage by Yang Ming located at Berth 121-131. Prior to the Yang Ming use, Berth 97-109 was used by the Chevron Marine Oil Terminal which left the site in the early 1990s and Todd Pacific Shipyards which vacated the site in 1998. The site was subsequently used as a construction staging area for various Port projects.

The CEQA baseline was derived by reviewing aerial photographs from 2000-2001 for container stacking on the site. Based on dwell time calculations, it was estimated that Yang Ming throughput on the site for that year was 45,135 TEUs.

The Subcommittee is concerned with this approach in that the elimination of Yang Ming backlands use of the Berth 97-109 does not guarantee that throughput at the existing Yang Ming terminal will decrease thirteen percent. In fact, if history is any guide, throughput at Berth 121-131 will continue to grow.

Will Yang Ming throughput actually drop by 45,135 TEUs per year after vacating Berth 97-109? If so, what measures will be utilized to ensure that this reduction in Yang Ming throughput is maintained? If not, use of the 45,135 TEU baseline is inappropriate and the EIS/EIR must be revised to utilize a baseline reflecting actual, verifiable changes in Yang Ming throughput associated with discontinued use of Berths 97-109.

21-10 If Yang Ming throughput is utilized to constitute the baseline for environmental analysis of the pending project, impacts identified in the environmental review process for the Yang Ming backlands use must be included in the analysis of cumulative impacts. Even if the impacts are so small as to be insignificant when the Yang Ming backlands use is viewed alone, they may contribute incrementally to a significant cumulative impact when added to the impacts of the proposed project and other future, present, and still-existing past projects. This must also include impacts associated with expansion of Yang Ming from Berth 127-131 into Berth 121-126

21-11 The Subcommittee is concerned that as the Yang Ming container terminal evolved in recent years, incremental changes in operations may have been judged to be insignificant, allowing significant environmental impacts to accumulate incrementally. We are concerned that significant, unmitigated environmental damage that was previously occurring may be seen as "normal" for the site. The Subcommittee is concerned that impacts associated with throughput levels attributed to Yang Ming's "baseline" backlands use may remain unidentified and unmitigated.

21-12 It is imperative that POLA break the cycle whereby activities at various Berths gradually exceed activity levels anticipated in previous environmental studies, creating impacts not anticipated or mitigated followed by the increased, unmitigated activity levels being used as a baseline for

21-12 ↑ future environmental investigations for new operations which themselves exceed estimates in environmental analyses, creating *more* unanticipated and unmitigated impacts which are then used for an even further increased baseline. The subcommittee notes that this ongoing death spiral of unanticipated, unmitigated growth and increasing baselines has contributed to the significant backlog of unmitigated environmental impacts sustained by communities around the Port.

21-13 Selection of an inflated baseline established by including activities not previously subject to CEQA review seems to the Subcommittee to repeat one of the major flaws of the previous China Shipping EIS/EIR and others. Use of an inflated baseline causes potential project impacts to be understated, inconsistent with the directive established by the Harbor Commission that all projects be evaluated according to the requirements of environmental law and that all adverse impacts upon the communities of San Pedro and Wilmington be mitigated.

QUESTIONS

- 21-14
1. When was the Yang Ming use established on the site?
 2. What environmental documentation was prepared for approval of Yang Ming use of Berth 97-109?
 3. As Yang Ming expanded and modified its operations in recent years, what approvals and environmental documents were required by POLA?
 4. What mitigation measures were required in order to reduce the significance of impacts associated with Yang Ming operations? Were these included in the baseline calculation?
 5. What was Yang Ming throughput prior to occupation of Berth 97-109 backlands?
 6. Will Yang Ming or successor tenants at Berth 121-131 be permitted to increase throughput per acre from backlands at Berth 121-131? How will this be monitored?

Project Operations

21-15 The Subcommittee is pleased that the project description in the recirculated EIS/EIR includes more detail regarding project operations, though information regarding weekend activities remains buried in the air quality analyses.

The Subcommittee has numerous questions regarding operations assumptions. Specifically:

- 21-15
1. What would be the capacity of the facility operating at full capacity every day, all day, including weekends and hoot shifts?
 2. Do "optimal" and maximum capacity differ? If so, how?
 3. Was calculated maximum capacity limited by berth/wharf space? If so, what is the specific number of containers assumed per given berth length?
 4. Was calculated maximum capacity limited by backlands? If so, what is the specific number of containers assumed per acre?
 5. How would capacity increase if additional storage became available on or off or port lands?
 6. What infrastructure limitations, specifically, were determined to limit ultimate throughput capacity at Berth 97-109?
 7. What is the largest vessel that can be accommodated by the ten cranes?
 8. Will larger cranes be needed in the future to handle larger vessels? Will additional environmental documentation be prepared?
 9. Impact analysis is also based on certain assumptions regarding use of rail and truck traffic. How will this be monitored?
 10. The EIS/EIR states that 83.1 percent of cargo will be transported from Berths 97-109 by truck and that 15 percent of cargo (231,250 TEUs) will utilize on-dock rail at Yang Ming, for a total of approximately 98 percent of cargo. Table 2-1 indicates that 16.9 percent of cargo will utilize on-dock rail. What will happen to the other two percent of cargo? With

21-15

- what impacts? Will they be handled by other on-dock rail?
11. If China Shipping utilizes a greater portion of Yang Ming on-dock rail, will truck trips from Yang Ming increase? With what impact?
 12. The EIS/EIR estimates that fifty percent of cargo will be local deliveries, with an average trip length of 20 miles. However, the attached Port and Modal Elasticity Study prepared for the Southern California Association of Governments (SCAG) by Dr. Robert C. Leachman indicates that purchasing power in all of California and Nevada would account for less than half that. Thus, the proportion of local deliveries and assumed truck trip lengths must be re-examined.
 13. If assumptions are not born out what additional analyses and mitigation measures will be pursued?
 14. What is the height of the proposed/completed bridges?
 15. On average, how many containers would be stored at Berth 206-209? What would be the maximum?
 16. Will *all* operational assumptions and mitigation measures be specified in project leases?

Air Quality

21-16

The Harbor Commission had previously committed to the policy of “No Net Increase” in air pollution. This has later been superseded by an even greater commitment to not only maintaining, but improving air quality around the Port. Addressing the public health impacts associated with diesel air pollution and other toxic contaminants is PCAC’s highest priority.

We are pleased that, as detailed in the /Subcommittee/Working Group’s EIR Template, a spreadsheet listing of potential No Net Increase measures and applicability to the proposed project has been included in the EIS/EIR. In addition the EIR Template recommends the following concerning the EIS/EIR:

The EIR should evaluate the POLA project and cumulative share of regional air quality impacts and identify *comprehensive measures that mitigate the POLA share of impacts to regional Air Quality.*

As stated on Page 3.2-17 of the DEIS/EIR:

Section 176[c] of the CAA states that *a federal agency cannot support an activity unless the agency determines that the activity will conform to the most recent USEPA-approved SIP.* [italics ours] This means that projects using federal funds or requiring federal approval must not: [1] cause or contribute to any new violation of NAAQS standards; [2] increase the frequency or severity of any existing violation; or [3] delay the timely attainment of any standard, interim emission reduction, or other milestone.

21-17

The DEIS/EIR notes that this rule may be changed by the USEPA but states this hasn’t happened. The document further states

Based on the current General Conformity rule and attainment status of the South Coast Air Basin a federal action would conform to the SIP if its annual emissions remain below *100 ton of CO or PM2.5, 70 tons of PM10 or 10 tons of NOx or VOC.* [italics ours]

If we understand this section correctly, it appears that the proposed project would be in gross violation of the General Conformity Rule described on page 3.2-17 for several pollutants in the years 2005, 2015 and out years. The project is not in conformity with this rule for the pollutants NOx, VOC, and Carbon Monoxide (CO).

Table 3.2-28. Average Daily Emissions With Mitigation-Proposed Project (page 3.2-84), presents average daily emissions in pounds per day for "Project Minus NEPA baseline" for 2005, 2015 and out years. We can convert average pounds per day to tons per year by multiplying by 365 days/year and dividing by 2000lbs./ton.

In 2015, for example, this gives us:

- 1 NOx of 592 tons/year (about 60 times the above standard!)
- 2 CO of 295 tons per year (about 3 times the above standard)
- 3 VOC of 48 tons/year (about 5 times the above standard)

Other years follow the same pattern. PM₁₀ and PM_{2.5} appear to be below the standards and no standard was quoted for SOx.

21-17

We are very concerned that this appears to violate conditions (2) and (3) above. How can any federal agency including USACE allow this? (Incidentally, we note that if any of the traffic improvements connect to any federal highway(s), the Federal Highway Administration should be involved.) Can the BOHC trump federal regulations in approving this "due to overriding (or other) considerations"? Can they say it's O.K. to ignore this Federal rule?

We are gravely alarmed that the Port again proposes a project with the statement that the air quality impacts are "considered significant, adverse, and unavoidable" after the proposed mitigation measures have been applied. We remind the Port and the Corps of Engineers that the affected area remains a Federal non-attainment area for Air Quality and that the proposed Project as currently defined could only be implemented through application of Overriding Considerations.

21-18

We recommend that the Port require the mitigation efforts for the Project as defined in the CAAP and if projected emissions still create residual significant air quality impacts after full application of all feasible mitigation measures, that mitigation measures be required for existing sources in closest proximity to the Project. The mitigations applicable to sources other than the Project provide the opportunity to reduce the residual emissions to below significant levels on a port-wide basis. We believe that the Port and the Corps of Engineers have the capability and the responsibility to require the application of currently available mitigations such that the impacts to air quality can be reduced to a level that will not require application of Overriding Considerations.

Our specific comments and questions on the Draft EIS/EIR are:

21-19

1. The Appendix includes projected emissions from power plants due to increased electricity consumption from the AMP program and from on-site reefer plugs, but it is not clear where this is represented in emissions totals, for example in Table 3.2-28. Has it been included?
2. Would the proposed project increase the need for operation of peaker plants which are subject to less stringent controls? Is this reflected in the maximum daily emissions?
3. Will the assumptions regarding rail use, yard equipment, and other factors be incorporated into project leases? If not, how does POLA propose to address deviations from these assumptions that may result in increased impacts?
4. Why is the proportion of cargo to be transported by rail anticipated to decrease from 2005 to 2030?
5. Will vehicles waiting at railroad grade crossings create any carbon monoxide hot spots? As noted in the attached *Los Angeles Times* article dated June 10, 2008, vehicles may be forced to wait as long as twenty eight minutes. The analysis must not be artificially constrained to just the area within 0.25 miles of the site. Project specific as well as cumulative impacts must be examined.

J

21-19

6. Will vehicles waiting at terminal gates or loading areas within terminals create any carbon monoxide hot spots?
7. It would be helpful if the location of air monitoring stations were mapped.
8. In addition to sensitive receptors near Berth 97-109, the EIS/EIR must identify and address sensitive receptors near truck and rail routes.
9. The EIS/EIR assumes that 20 minutes of accumulated on-terminal idling, and 30 minutes of accumulated off-terminal idling per round trip, with half that assumed for each one way trip. This appears low, especially for future, more congested conditions. The source cited for these idling figures is the 2007 Starcrest study. However, the study refers back to staff. What was the original source of Starcrest's data? Does empirical data exist?
10. How will MM AQ-22 (minimizing idling) be monitored and enforced? What is the current violation rate at container terminals port wide?
11. Does the off-port idling time include idling at offloading locations away from the Port?
12. The fifteen minute idling time per trip end appears to be extremely low. What is the current average idling time off terminal at gates? The subcommittee would be interested to know what routes the trucks followed in order to achieve only fifteen minutes idling at gates, traffic signals, rail crossings, stop signs and congestion within a twenty mile trip from the Port so that committee members might achieve the same efficient journeys.
13. What is the date of projections provided to SCAQMD for developing the RTP and the SIP? Have projections since been revised? Does POLA appear on target to remain within those projections or does it appear that projections may be exceeded?
14. Do any emissions generated outside the 50 mile SCAQMD limit enter the basin? Under what circumstances?
15. What was the basis for the assumed shipping fleet mix in 2030?
16. Lines of ships have been observed queuing for the Port of Los Angeles/Port of Long Beach as far south as Huntington Beach. Is the 4.1 hour queuing time realistic? Is this reflective of overall portwide queuing rates?
17. AQMD also publishes significance thresholds for lead. This should be included in the threshold tables along with sulfate concentrations and the annual arithmetic averages and mean for PM 10.
18. The EIS/EIR indicates that 50 percent of cargo would be deposited at local destinations, with an average trip length of twenty miles. Various goods movement studies, including that prepared by CARB estimate that fifty to seventy percent of cargo leaves the 6,600 square mile air basin. Thus, the average twenty mile trip length is highly suspect. The EIS/EIR indicates that the edge of the air basin is approximately ninety miles from the project site. Thus, in order to maintain an average trip length of twenty miles, for each TEU transported by truck to the outer portions of the basin, four TEUs would be transported no more than 2.5 miles from Berths 97-109. This is not reasonable. Air quality analyses must be revised to reflect a realistic trips length.
19. Data is provided in the EIS/EIR regarding transport of empty containers by rail. What proportion of round trips by trucks was assumed to carry cargo both to and from the facility? In light of the well-publicized imbalance of imports to exports, realistic assumptions regarding non-productive trip ends must be utilized.
20. Do calculations of truck emissions account for cold starts? This is a critical component of vehicle emissions, constituting a significant portion of vehicle emissions for short trips, and must be included in emissions analyses.
21. Has PHL commenced using locomotives meeting Tier 2 standards? If not, when will that occur? What emissions would result if Tier 2 locomotives are not utilized?
22. Will the *all* of the various mitigation measures identified be incorporated into the lease?
23. The effects of air pollution on agriculture have been ignored in this and previous Port environmental documents. Our committee has learned that air pollution including ozone adversely affects crop yields. It is reasonable to assume that although the effects of this individual project do not rise to the level of significance, they would contribute to cumulative effects that are significant to inland agriculture. This should be evaluated in the EIS/EIR. It is an off-port impact.

Air Quality Health Risk

21-20 The Air Quality health risk assessment (HRA) is based on a comparison of Yang Ming to the proposed project. The DEIR must also analyze the health risk based on a comparison of the proposed project to a vacant site, on an individual and cumulative basis. This must include premature mortality as well as other health problems. The Subcommittee requests that the previously submitted document prepared by the Environmental Subcommittee/Air Quality Group of PCAC, "Health Effects of Diesel Exhaust Air Pollution", dated August 28, 2003, and its references be incorporated by reference into the EIR

21-21 The Southern California Children's Health Study, a large epidemiological investigation of the long-term effects of air pollutant exposure on respiratory disease within a population of more than 5,600 California school children, and numerous other studies have found that air pollution has significant impacts on child health. The HRA should give special consideration to the health of children residing and attending school in the area. We note that more recent studies by CARB significantly increase estimates of the health effects of pollution (attached).

21-22 The EIS/EIR must address additional deaths due to chronic diseases other than cancer. The California Air Resources Board has recently attributed 3,700 annual premature deaths to the goods movement industry, for which the ports are the "engine" as we are told in the EIS/EIR. The proposed project covers a 40 year period, during which time 148,000 Californians will die prematurely due to air pollution generated from the goods movement industry using the most recent CARB statistics. Considering the magnitude of this project and its substantial TEU throughput, clearly many of these deaths will be attributed to this project. This finding must be fully and candidly evaluated.

The Subcommittee has the following specific comments:

- 21-23
1. The EIS/EIR indicates that POLA has adopted the LA CEQA thresholds. When were these thresholds adopted by the Board of Harbor Commissioners? What substantial scientific evidence was provided for selection of these thresholds?
 2. How would inclusion of the roadway segments deleted due to their small contribution increase anticipated hazard? How much would cancer risk increase? Doesn't exclusion of these smaller project-related sources run counter to the concept of cumulative impact? Have any other small, incremental impacts been deleted from identification of total impact in the EIS/EIR?
 3. Risk assessments for school children should address increased vulnerability of children as opposed to adult workers.
 4. Risk of miscarriage and birth defects should also be addressed.
 5. Mortality is stated in deaths per million. How many individual deaths does that mean? Why is this acceptable?
 6. At the time the Notice of Preparation for this EIR was circulated, the Port of Los Angeles was committed to a "No Net Increase" policy for air emissions. This was superseded by the Clean Air Action Plan. We have been told that current policies and programs are an improvement over the "No Net Increase Policy". Under the current policy, as described in the DEIR, an Incremental Cancer Risk for Residential Receptors up to 10 in 1million is considered acceptable. How is *any* increase in cancer risk or other health problems, better than "no net increase" for anyone except shareholders in terminal operations? Dr. Jean Ospital, Chief Health Officer for SCAQMD has told PCAC that *non-cancer health effects are in aggregate at least ten times greater than cancer effects*. How, then, can *any* increase in cancer cases or other health hazards be permitted?

Traffic / Transportation

After air quality and public health concerns, addressing traffic impacts from port operations is the Subcommittee's second environmental priority. Based on the Port's draft baseline study on traffic / transportation, the EIR Template contains the following specific recommendations:

21-24

- A. The Draft EIR must evaluate POLA project and cumulative share of local and regional traffic congestion impacts and identify comprehensive mitigation measures; the EIR must evaluate the individual and cumulative impact on the I-710, I-110 and intersections identified in the Draft Traffic Baseline Study.
- B. The EIR must identify specific mitigation measures to ensure project and cumulative POLA truck traffic does not adversely impact local neighborhood streets.

Specific, quantitative comments and questions on the Draft EIS/EIR:

21-25

1. The analysis must address nuisance traffic on local streets which are not designated truck routes, particularly in Wilmington.
2. The EIS/EIR indicates that "all" downstream intersections are grade separated. This is clearly not the case, as illustrated by the attached *Los Angeles Times* article (June 10, 2008).
3. Were trips generated by the projects listed in Table 3.6-2 included in estimates of future background traffic, or are increases in future background traffic above existing conditions due to cumulative growth elsewhere?
4. Generally, existing peak hour traffic provides a worst case situation for intersection analyses. However, if project peaks and baseline peaks do not coincide, another time period may reflect worst case. It may not be the peak hour for either background or existing traffic, for example if ninety percent of project traffic coincides with a time just off peak hour. Does existing peak hour traffic reflect the highest combination of baseline plus project traffic?
5. What assumptions were made in calculating peak hour traffic?
6. The EIS/EIR says that "in future years, on-dock rail usage will increase" (p.3.6-24), yet it also estimates on-dock rail usage as 19.5 percent of throughput in 2005, but only 17.1 percent in 2030 (p. 3.6-23). This must be reconciled.
7. Will the traffic improvements listed as mitigation measures on Page 3.6-32 be fully funded by China Shipping? If not, they must be considered as improvements to the future background condition, which would result in a conclusion of significant impacts on traffic due to the proposed project at several locations, including Alameda Street and Anaheim Street, Navy Way and Seaside Avenue, and Fries Avenue and Harry Bridges Boulevard.
8. If the proposed roadway improvements are indeed mitigation measures specifically for the China Shipping project, the EIS/EIR must address impacts associated with these improvements in accordance with CEQA Guidelines Section 15126.4(a)(1)(D).
9. According to the EIS/EIR, the stacking analysis assumes a 28 car train. Is that correct? How many containers per train car were assumed?
10. Would vehicles stacking at grade crossings have the potential to back up onto cross streets? How would that affect ICUs?
11. How might delay at grade crossing affect emergency response?
12. How will the Port ensure implementation of the standard construction period traffic control measures which were assumed to eliminate all construction traffic impacts in the EIS/EIR?
13. The Subcommittee is concerned that cumulative impacts of port uses remain unmitigated and will continue to remain unmitigated unless remedied by the California taxpayers at large. How will improvements required for the goods movement industry and not funded by the statewide bond be financed?

Based on the EIR Template, the Subcommittee/Working Group makes the following recommendations with respect to community impacts.

- 21-26 | A. The EIR must consider the adjacent communities of San Pedro and Wilmington as the study area when evaluating direct and indirect impacts, both project specific and cumulative, on light, aesthetics, noise, land use and public services.
- 21-27 | B. The EIR must specifically evaluate the project and cumulative adverse impacts of port industrial operations on community land uses such as container storage facilities and scrap-metal yards and provide mitigation measures to off-set these impacts.
- 21-28 | C. The EIR must show how Community Plan and Port Master Plan provisions for creation of landscaped buffer areas will be created between port industrial operations and the adjacent community.

Aesthetics

21-29 | The Subcommittee is encouraged that the EIS/EIR includes aesthetic mitigation programs to mitigate identified impacts on views of the Vincent Thomas Bridge. However, we are concerned that the EIS/EIR grudgingly admits to view impacts only from Channel Street and the Main Channel, whereas visual simulations in the EIS/EIR itself clearly show significant impacts on views from other locations. For example, the currently largely open skyline seen from Knoll Hill will be blocked by cranes and stacks of containers. The little remaining view of the Vincent Thomas Bridge as seen from the Harbor Freeway (I-110) will be lost.

21-30 | We note that where impacts are downplayed due to the currently degraded nature of views, views have been degraded by other port activities. The China Shipping project would contribute to cumulative impacts from other past and present projects.

21-31 | We are concerned that the restrictive standard for determination of impacts will set a precedent for evaluation of impacts for other, future projects which will also contribute to cumulative impacts. We are also concerned that declaring impacts to be insignificant when the community finds the same impacts to be significant and adverse reduces the possibility that any such impacts will ever be mitigated.

21-32 | The EIS/EIR contemplates increased night time use of the China Shipping facility. One might, therefore anticipate increased lighting at night. While fixed lighting can be somewhat shielded, as noted in the EIS/EIR, it is not clear how lighting associated with the cranes will be controlled. Simply because the lighting is not intense enough to blind nearby drivers does not mean that no aesthetic impact would occur. In addition, it is not clear if the lighting "guidelines" identified in the EIS/EIR will be mandatory or optional.

We also have the following questions and concerns.

- 21-33 |
1. What are the dates of the various photographs of existing views?
 2. The DEIR should include site views from locations where recreational boaters will view the site and from the City Rancho Palos Verdes.
 3. The DEIR must address loss of views of open water, both due to fill and massive vessels. This must be addressed on a project specific and cumulative basis.
 4. The photos of existing views include unmitigated, cumulative impacts from past and present container projects in the Port. Some members of the Subcommittee recall a time not that long ago when the Harbor Freeway offered clear views of the Vincent Thomas Bridge. This is often the first view of the port area for foreign and out-of-state visitors coming from LAX and as such is highly significant. In order to fully

evaluate cumulative aesthetic impacts of container activity, the EIS/EIR must include photos with *all* cranes digitally removed.

5. When were designated roads determined to be scenic? How has the view changed since that time? Were expansive bluewater views available from these roads at that time? How many acres of open water have been lost to fill activities in the interim? Have the number of cranes and container stacks visible from these roadways increased since that time?
6. Many formerly attractive views are dismissed as degraded. Isn't this "degraded" condition the cumulative result of past unmitigated Port impacts?
7. Under criteria identified in the EIS/EIR certain views from SR-47 are found to be attractive, but then dismissed since the traffic is mostly commercial and the road is not officially designated. Are not views of value even to commercial truckers? What about noncommercial users of the road? Are views to be dismissed because the viewers are not sufficiently worthy?
8. In years past, SR-47 was considered by many to be a scenic drive, whether or not so designated. Could the reduced use by non-commercial users be at least partially attributed to the degradation in views due to cumulative port activities?
9. What existing elements block views from C Street? Are these port functions or port-related activities?
10. How and why is the park at Knoll Hill not oriented toward enjoyment of the view?
11. How will the larger vessels accommodated at the project site affect views?
12. How does the height of cranes to be installed at Berth 97-109 compare to the height of existing cranes elsewhere in the Port?
13. The EIS/EIR indicates that new lighting will produce less light and glare and that light spillage will be controlled. However, no actual standards are specified nor is this identified as a mitigation measures. In order to assure implementation, lighting controls must be specified in the mitigation plan and in the lease.
14. Are Port lighting guidelines mandatory? How is compliance assured? Will Guidelines requirements be included in the China Shipping contract?
15. Are light and glare standards designed for safety or aesthetics purposes, or both?
16. What is the maximum height, in feet, of container stacks that will be permitted?
17. How high can container chassis be stacked, in feet?
18. The EIS/EIR must address the cumulative effect of night lighting at the Port.
19. The EIS/EIR misrepresents CEQA requirements. The EIS/EIR states that low-profile cranes are not feasible under CEQA Guidelines due to economic and productivity considerations, leaving the impression that CEQA would somehow require that low-profile cranes be eliminated from consideration. CEQA requires that feasible mitigation measures be considered, that there be a nexus between measures required and the actual impact, and that the required mitigation be roughly proportional to the impact. It makes no evaluation of whether productivity considerations should even be a factor. CEQA *allows*, but does not require, an agency to refrain from imposing mitigation measures if they determine, in their judgment that other factors, such as economics render a measure infeasible or undesirable due to overriding considerations.
20. It should be further noted that CEQA applies to public agencies acting in a regulatory capacity. However, POLA has significantly more discretion to impose requirements on a project acting in its capacity as a landlord. It is not uncommon for commercial landlords to establish minimum requirements for site maintenance, building décor, required advertising, and even minimum or maximum sale dates.
21. Improvement of Plaza Park is listed as a measure to compensate for lost aesthetic values. It is our understanding that this project was to be funded under the ASJ, and intended as compensation for views lost under Phase 1 and past Port activities in general. Additional measures are needed to compensate for impacts created by Phases 2 and 3. If Phases 2 and 3 do not move forward, would it be the intent of the Port not to move forward with funding aesthetic mitigation projects as provided under

Land Use

21-34 | The EIR should evaluate land use impacts of port-related industrial activities such as container storage, truck servicing, scrap yards and the like, especially in Wilmington. The Subcommittee is concerned that the elimination of Yang Ming storage at the site will increase pressure to establish additional off-port storage in nearby communities. We are concerned that this will be exacerbated by the increased container throughput at Berth 97-109.

21-35 | In accordance with Section 15125(d) of the CEQA Guidelines, an EIR must identify any inconsistencies between a proposed project and adopted planning programs. This is important in order to assure that future on- and of-port infrastructure will be adequate for future needs. However, adopted local planning programs for the Port consist primarily of bland platitudes and are so out of date as to be nonfunctional and non-existent.

21-36 | The Subcommittee continues to be concerned about the lack of comprehensive planning for both the proposed project and the Port as a whole. The Port of Los Angeles Plan, which is intended to function as the general plan for the Port area, was last comprehensively revised in 1982 and fails to meet the most basic State requirements for general plans. Section 65302 of the Government Code requires that local agencies identify both land use type and land use intensity in the land use element of a general plan. An appropriate intensity designator for port uses would be throughput. For commercial uses, such as Ports O' Call Village, floor area ratio would typically be utilized to denote land use intensity.

21-37 | In accordance with Section 65302, the land use element must be coordinated with other general plan elements addressing such factors as circulation, safety, noise, housing, and open space. The local plans must be coordinated with regional plans such as the Regional Transportation Improvement Plan and the Air Quality Management Plan.

21-38 | Without some degree of certainty as to the magnitude of future uses, it is impossible to coordinate future infrastructure with future needs. The failure of POLA to address growth in a comprehensive manner has lead directly to our current critical problems in local and regional circulation systems and harmful levels of air pollution.

21-39 | The Subcommittee is aware that POLA has stated its intent to prepare a Port Master Plan. However, little progress has been made to that end over the six years since the formation of PCAC and the Subcommittee formed to address the master plan. We are concerned that by the time a new Master Plan is prepared and adopted, it will be moot due to the numerous projects approved on a piecemeal basis in the preceding years. It is the position of the Subcommittee that additional projects should not be approved on a piecemeal basis, but only as part of a comprehensive plan for the entire port.

In addition we have the following concerns:

- 21-40 |
1. Impacts of increased rail usage on nearby communities as well as communities further inland should be examined.
 2. The Port Master Plan has been amended several times over the years. Was the Port of Los Angeles Plan similarly amended? If not, how can the two plans remain consistent?
 3. State general plan law requires that general plans identify not only the type of use permitted but the intensity of use. We could find no such information regarding the Port of Los Angeles. However, if intensities are contemplated under the adopted Port of Los Angeles Plan, what are those intensities? Is the proposed project consistent with those intensities?
 4. What would be the range of allowable heights under existing zoning? With and without a

21-40

- variance or exception?
5. Is anticipated job growth included in SCAG's regional growth projections?
 6. What is considered a local source of labor? Although there are 117,000 unemployed persons in the City of Los Angeles in 2000, the City of Los Angeles extends well into the San Fernando Valley. Is that considered local?
 7. What is current unemployment?

Noise

The EIS/EIR must evaluate potential noise impacts that may arise from extended port hours of operations, especially in Wilmington. In addition to Community Noise Equivalent Levels (CNELs) reflecting the average weighted noise environment, the noise analysis must address Single Event Noise Exposure Levels (SENELs). Locomotives and rail cars can generate severe vibration and noise well in excess of 90 dBA. This sound level is not only disturbing to humans, it may even cause pain and create physical damage.

21-41

The facility is anticipated to operate twenty four hours a day, and local residents have already noted recent increases in noise and sleep disturbance due to night-time port operations. As noted by the court in *Berkeley Keep Jets over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (111 Cal.Rptr.2d 598), under which SENEL analysis was required for airport operations:

CEQA requires that the Port [of Oakland] and the inquiring public obtain the technical information needed to assess whether the ...[project]... will merely inconvenience ... nearby residents or damn them to a somnambulate-like existence.

In addition, please address the following specific concerns:

21-42

1. Impacts due to traffic generated noise along roadways must be examined, utilizing a realistic baseline.
2. How would noise at the nearby pre-school be affected?
3. What is the typical noise level at one hundred feet from a moving train? How does this compare to noise levels at various locations adjacent to the tracks? What sensitive receptors are located along rail lines serving the project?
4. Although, upon analysis, the additional train trips to be added by this project alone may be found to create an insignificant impact on noise, what increase in rail traffic from other projects might also be expected? This could potentially result in a significant cumulative impact on noise.
5. The DEIR must address increases in railroad noise on both an individual project and cumulative basis based on realistic assumptions regarding numbers of trains, train equipment, speed, and schedules.
6. How many locomotives per train are anticipated? What type of locomotive will be used?

Environmental Justice

The port is to be congratulated for its efforts to "spread the word" about pending projects. Providing translations of the executive summary is unusual and is highly commendable. It is suggested that the Port consider placement of larger, display ads in a fewer newspapers, rather than just printing small legal ads in more papers.

21-43

At the same time, we are disappointed that hard copies of the EIS/EIR were not more readily available. This must be remedied for future projects.

21-44

We are also concerned that large numbers of massive environmental documents will apparently

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21-44 ↑ be subject to simultaneous public review rendering it difficult, if not impossible, for Harbor Commissioners and members of the general public to review the documents thoroughly without putting all other aspects of their lives, including their jobs, on hold for an extended period. This will severely curtail achievement or the informational and public participation purposes of environmental justice policy and CEQA.

As provided in the EIR Template.

21-45 A. the EIR must show how its evaluation of individual project and cumulative impacts complies with federal, state and local environmental justice laws and polices. For example, the California State Lands Commission has established that “Environmental Justice is an essential consideration” and that state law requires “. . . the fair treatment of all races, cultures and incomes with respect to . . . enforcement of environmental laws.”

Further, SLC policy calls for investigation as to whether individual and cumulative impacts from proposed projects are disproportionately borne by relevant populations.

Specific recommendations on the Draft EIS/EIR:

- 21-46
1. The EIS/EIR should list all relevant agency EJ policies and describe how the proposed project is consistent with these polices.
 2. The purpose of considering environmental justice is to ensure fair treatment for all”. Simple fairness would dictate that no individual or group should sustain disproportionate impacts in order that others, not sustaining those impacts, may benefit. In that regard, the EIS/EIR must identify who, specifically benefits from the proposed project and who, specifically, sustains impacts.
 3. We note that principles of environmental justice dictate that all are to be treated fairly, regardless of race, color or ethnicity. Thus, the EIS/EIR must address any imbalance of *impacts sustained and benefits realized, regardless of the race of those sustaining the impact—even non-minority communities.*
 4. Is Southern California a net “donor region” when externalized costs such as impacts on health are fairly examined? Some citizens are beginning to suspect we are donating our lives and money so big companies can make big profits and “so folks in Kansas can have a pennies cheaper flat screen T.V.” (Mayor Bob Foster-Long Beach) Indeed some studies have come to light suggesting this is the case. The White Paper from the Sixth Annual CITT State of the Trade and Transportation Industry August 30, 2004, states “The cost of providing trade service to the rest of the nation is not fully captured by transfers from the federal government. *This makes Southern California a donor region when it comes to trade;*” [italics ours]
 5. Impacts on populations adjacent to rail lines, truck routes, and off-port railyards must also be considered.

Cumulative Impacts

The Subcommittee/Working Group evaluated a sample of past EIRs and determined that there exists in the port area an unmitigated backlog of cumulative impacts, especially with regard to Air Quality, Traffic and off-port community impacts. Therefore, evaluation of cumulative impacts and development of effective mitigation measures is a particular priority for the PCAC.

As stated in Section 15355(b) of the CEQA Guidelines:

The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other

closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Thus, if a past or present project is used as a baseline for environmental purposes, the impacts from the past or present project must be included in assessment of cumulative impacts.

21-47

The Working Group is concerned that small, incremental changes have occurred at Port facilities without environmental analysis or mitigation resulting in unmitigated impacts on the surrounding community. Unfortunately, the list of projects included for cumulative analysis purposes in the DEIR appears to include only those major projects for which formal environmental documentation has been or will be performed. Even in those cases where environmental documentation has been processed, often no significant impact is found to occur. Analyses of cumulative impacts must include all projects, whether or not an EIR or other formal environmental documentation was prepared.

21-48

Use of the possibly inflated, unanalyzed, and unmitigated baseline, causes impacts resulting from the proposed project to be understated. The Subcommittee recognizes that where an impact is negligible, a project would not be considered to result in a significant cumulative impact. However, an impact which is less than significant may be far from negligible.

It is not enough that impacts are minimized in an individual project. Even if the impacts of individual projects have been mitigated to a level of insignificance, a significant cumulative effect may still occur. To assume otherwise is "at odds with the concept of cumulative effect", as stated in *Environmental Protection Information Center, Inc. v. Johnson* (1985) 170 Cal.App.3d 604:

21-49

CDF ... stated that...operations in general had to substantially lessen significant adverse impacts on the environment, and closed with this comment: 'To address the cumulative effect issue the Department has taken the tact [sic] that if the adverse effects are minimized to the maximum on each individual operation, then the total effect in the surrounding area will also be minimized to an acceptable level.'

This statement is at odds with the concept of cumulative effect, which assesses cumulative damage as a whole greater than the sum of its parts.

The Subcommittee is concerned about the number of separate projects with separate environmental documentation underway at the current time. Table 4-1 lists thirty two separate projects in process with the Port of Los Angeles. We are concerned that the cumulative impact of these (and possibly other smaller projects) may be minimized due to the preparation of many separate environmental documents for the various projects.

Specific Issues Concerning the EIS/EIR

In addition to the systemic issues discussed above, we have the comments and questions below on how specific information in the EIS/EIR is presented. Each of these items are themselves, though, so basic that each must be addressed in order for the EIS/EIR to provide, PCAC, the Harbor Commission, agencies and the public with information needed to evaluate the proposed project and its impacts.

Hazards

21-50

1. Will bigger ships increase the potential for collisions in chipping channels?
2. The EIS/EIR must address crane accidents/falling cargo?

- 21-50 ↑
3. How would traffic generated by the project affect emergency response to other areas, particularly outside the port where at grade rail crossings exist?
 4. The EIS/EIR seems to indicate that security will not be a problem. In that case, why were California taxpayers asked to pass a taxpayer funded bond to fund homeland security at the ports?

Utilities

21-51 | This section concludes, absent any analysis, that adequate electric power will be available in the future for AMP, reefer plugs and on-site lighting. The section must address the ability of local substations and transmission facilities to provide peak demands. We are concerned that interruptions in power supply could result in reduced use of AMP and increased emissions.

Socioeconomics

21-52 | While it may be laudable to have included a section on the economics of this project, this section is entirely devoted to the possible positive benefits of the *project with no meaningful analysis of the actual costs to society of this project*. The issue of externalized costs that will be attributable to this project is avoided entirely. These costs come in the form of added healthcare costs for those who will unavoidably be made to become sick or die as a result of the additional pollution the project will create. Additionally, externalized costs will occur due to increased traffic congestion, longer commutes, and longer waiting times in traffic.

As it stands now, this section reads as if it were written by a fervent advocate of the project. To achieve balance, the socioeconomic costs--the downside--must also be recognized and analyzed. Thus this section requires major revision. At present, this section is not informational, but merely conclusory through avoidance of inconvenient facts. It fails as an informational tool for decision makers and the public because it offers an entirely one sided view of the project (and its alternatives.)

Dr. Jon Haveman , an economist, in a 2004 report for the Public Policy Institute of California concluded that when all externalized costs are considered ports are not necessarily an economic good. We request that this report titled "California's Global Gateways" be included in the public record on this matter.

We also request inclusion, by reference, in the Public Record on this matter the following additional documents pertinent to the issues of externalized costs and negative economic impacts of goods movement as well as health, safety and infrastructure damage issues.

- 21-53 ↓
1. "Externalized Costs of Shipping" article by Paul Rosenberg, Random Lengths News Sept 21-Oct. 4, 2007.
 2. "Paying With Our Health, The Real Cost of Freight Transport in California" Pacific Institute, Natural Resources Defense Council, 2006, ISBN: 1-893790-14-2
 3. "Sick of Soot, Reducing the Health Impacts of Diesel Pollution in California" D. Anair, P Monahan Union of Concerned Scientists , June 2004 www.ucusa.org
 4. "Exhausted by Diesel" Gina Soloman, M.D. (lead author) Natural Resources Defense Council May 1998

These amply demonstrate that a significant economic downside exists. In addition to massive costs due to health effects, hundreds of thousands of hours of time are lost each year due to increased traffic congestion created by cargo carrying trucks. Taxpayers are asked to foot the bill for increased homeland security and additional highway capacity, all to serve the ports.

21-54 ↓ We are also concerned about the effects on local and regional business. In order to meet Federal and State air quality standards, basinwide air emissions are regulated by the South Coast Air

18

21-54

Quality Management District. SCAQMD has established ever more stringent regulations on businesses within the basin, resulting in significant costs and impacts on the manufacturing sector. Any increase in emissions in one sector must be balanced by emissions reductions in another. As emissions due to port activities have increased, local manufacturers and other businesses have been forced to compensate, absorbing the externalized costs of imported goods. This essentially requires local manufacturers to subsidize their overseas competitors. This must be addressed, including job losses from manufacturers fleeing the region for other areas.

Chapter 7.3.14.3 "Urban Blight" mentions urban blight only to pretend that no such thing has happened to Wilmington and San Pedro as a result of anything that has gone on at the Port. The EIS/EIR states "Residential property values in communities adjacent to the Port have increased in recent years and do not represent depreciated or stagnant property values."

This disingenuous pretense is ostensibly supported by a table of comparative growth in property values in a narrow five-year period from 1997 to 2002, conveniently neglecting that local property values were already severely depressed. In fact, 7.2-12 shows that property values in San Pedro and Wilmington were significantly lower than property values anywhere else on or near the water in 1997, while in later years San Pedro just barely edged out Playa del Rey, a community severely impacted by noise from LAX. As shown in the attached table, "Median Home Sales Prices Coastal Los Angeles County", home values in the Port area are well below those in other coastal communities in Los Angeles County.

21-55

The EIS/EIR ignores the fact that as a result of decades of Port activity, property values especially in Wilmington and "near Port" areas of San Pedro have long-term been much lower than those in communities by the sea but without the Port nearby. It also ignores the much slower rise in values in recent years vs. other ocean communities. Additionally of course we are at present in a period of dramatically dropping prices (never mind merely "stagnant").

With no supporting analysis the EIS/EIR states "The proposed project will not adversely influence residential property values in the area immediately adjacent to the Port." We assert that it *will* adversely affect property values in this area. Few people want to live next to a giant industrial project operating all hours of the day and night.

21-56

As the results of studies such as those of the CARB and AQMD, there will be fewer buyers interested in buying a home in "The Diesel Death Zone". This DEIS/EIR admits it will make this situation worse even with all mitigation measures in place. We request that SCAQMD's Draft Report MATES-III Jan 2008 (and subsequent Final Report) be made a part of the administrative record on this matter.

21-57

We assert that blight as a long term result of Port and Port related activities both on and off Port land does exist in the communities of Wilmington and San Pedro. This was described in a document titled "Review of Previous Environmental Documents" August 24, 2004 which was presented to PCAC and BOHC from this committee. The central finding was that "*A substantial backlog exists of unmitigated impacts especially on air quality, traffic, and off port community impacts (Blight).*" [Italics in the original.] The document identified some factors contributing to this. We request that this document be made a part of the Administrative Record on this matter.

21-58

We also have the following specific questions and comments:

1. What is the value of imported goods?
2. What is the value of exported goods?
3. Is this imbalance healthy for the local, regional, and national economy?
4. What is the source for the figure 475,000 jobs in international trade in southern California?
5. If "international trade" jobs include retailing of imported goods does that mean retail

- clerks at local discount marketers are included?
- 21-58 6. This section should address data on housing overcrowding and overpayment available from the US. Census and HUD's CHAS Databook.
7. How were comparable communities selected for inclusion in table 7.2-12?
8. Why does the data in Table 7.2-12 end at 2002?
9. The discussion of socioeconomics must consider both sides of the economic equation, including increased costs due to health problems, congestion/time lost, taxpayer financing for infrastructure and homeland security, wear and tear on infrastructure, stricter air rules for local businesses, lower property values, etc. This must also address how externalization of costs of imported goods costs onto the local communities affects the ability of the US and local California manufacturing sector to compete.

Growth Inducing Impact

21-59 The EIS/EIR must address demand for additional warehouse space and infrastructure, including additional power plants to supply AMP. The EIS/EIR must also address how jobs at the Port will affect regional housing need. It is not adequate to simply conclude that individuals will not be likely to move in order to take a Port job.

Overriding Considerations

We are gravely concerned over the possible use of Overriding Considerations by the BOHC to grant approval for this project despite the significant unavoidable adverse effects identified in the EIS/EIR. If this is the case, then an analysis of project benefits— such as direct and indirect employment – will need to be balanced by an equally comprehensive analysis of project costs. Costs include:

- 21-60
- 1 Costs born by the public due to impacts on health, in both dollars and quality of life
 - 2 Costs born by the public and local business due to traffic congestion
 - 3 Costs born by the public for infrastructure
 - 4 Costs born by the public for homeland security
 - 5 Costs born by local business to balance emissions created by port activities
 - 6 Job loss as businesses leave the region due to congestion and/or emissions restrictions

Identification and consideration of these costs are necessary for the public and decision-makers to make an informed decision about the proposed project.

21-61 The enormous healthcare costs that we have all learned are being created by diesel exhaust air pollution are not analyzed. As the region's largest single source of air pollution, activities associated with the twin Ports are responsible for 21 to 25% of the total air pollution in the South Coast Air Basin. Recently the CARB has tripled its estimate of the number of annual deaths statewide due to air pollution. A recent L.A. Times article was headlined "Up to 24,000 deaths per year in California are linked to Air Pollution" with the lead-in line of "New research finds rates of heart attacks, strokes and other serious disease increase exponentially after exposure to even slightly higher amounts of particulate matter" (L.A. Times article 5/22/08).

We assert that this region is most likely disproportionately represented in that horrifying annual death toll. We do live in the area with the nation's worst air quality. We further assert that this project will increase that death toll through the pollution it will unavoidably create. Further consistent with the principle that the polluter pays for the damages they cause, it is time for this and all Port related pollution sources to pay for the externalized health care costs they have created.

A complete analysis cannot include direct and indirect benefits (including benefits generated "off-port"), without also including direct and indirect (externalized) costs generated by port

growth and port pollution. The 2004 study "California's Global Gateways: Trends & Issues" prepared by the Public Policy Institute of California, provides the framework methodology for the identifying and estimating goods movement costs and benefits.

21-61

We call for a study to be done by an independent, credible third party institution that fairly compares the positive effects of this (and all other) Port projects versus the less well recognized negative effects such as premature death and health care costs. Absent such a study, any findings regarding economic benefits would be arbitrary and capricious.

The EIS/EIR Process

21-62

The EIS/EIR includes the NOI/NOP for the project, but merely a summary of responses. We request that any written responses to the NOI/NOP as well as any notes from scoping meetings, response cards, etc. be included in the EIS/EIR. We also request that comments received on the 2006 China Shipping EIS/EIR be included in this EIS/EIR.

21-63

We remain seriously concerned about any environmental review process in which the Lead Agency, the Sponsoring Agency, the Reviewing Agency, and the Approving Agency (via BOHC) are all the same as is the case once again with this project. No matter what the merits of a project may be, this situation builds in conflicts of interest directly into the CEQA process.

21-64

We wish to re-iterate our concern about the timing of public review for numerous large, highly complex documents. The subcommittee is overwhelmed by the compounded effect of the Port releasing so many EIRs at the same time. Each one of these EIRs is extremely complex and it is sometimes difficult to understand which components and mitigations are associated with which project, as some are mentioned in more than one EIR. We believe that the cumulative effect of releasing so many EIRs at one time is that our capacity to understand the individual projects, and their integration with each other, is greatly diminished.

Many of these documents have been in process for years. Witness the 2003 circulation of the NOI/NOP for this project. Why is it necessary to release so many massive and opaque documents in a short time frame? This is especially distressing in the absence of a comprehensive plan addressing development of the Port as a whole.

21-65

We are also concerned with the price of the hard copies of these documents, which now exceeds \$750.00 each. This raises a concern with CEQA compliance, which requires that the EIRs be accessible and understandable to the public.

21-66

The notice of availability for this document indicates two parties to which a response is to be submitted. One of these is a Post Office Box, which renders it impossible to hand carry, fax, or e-mail a response, effectively limiting the response period to several days before the stated deadline. We are concerned that all comments submitted to *either* the Port or the Army Corps be included in the Final EIS/EIR and that all comments post marked before the July 15, 2008 deadline be included.

We wish to thank Lena Maun-DeSantis of Port staff for agreeing to help the Subcommittee forward its comments to the Army Corps. We are concerned, however, that others may not be so fortunate.

Conclusion

Review of environmental documents is among the Port Community Advisory Committee's core responsibilities. In accordance with the Mayor's and Commission's directive, the Subcommittee has evaluated the Draft Recirculated EIS/EIR prepared for the China Shipping project.

The China Shipping EIS/EIR is one of the first major port industrial project to be analyzed under guidelines established by the Harbor Commission and the Subcommittee. The Subcommittee recognizes that PCAC, port staff and terminal operators are mutually engaged in a learning effort that will inevitably require adjustment as new policies and goals are implemented on the context of actual port operations.

The Subcommittee is pleased to see that many of its recommendations have been implemented and that many of the concerns expressed by the Subcommittee regarding previous environmental studies have been addressed.

However, concerns still remain. As currently presented, the DEIR does not fulfill the objectives established by the Harbor Commission and fails to fulfill the purposes of CEQA.

Thank you for this opportunity to provide these comments.

Very Truly,



Kathleen Woodfield
Acting Chair, EIR/Aesthetic Mitigation Subcommittee
for
John Miller, M.D. FACEP
Chair, EIR/Aesthetic Mitigation Subcommittee

Attachments:

1. Median Home Sales Prices, Coastal Los Angeles County
2. Los Angeles Times Article: Cargo Has Us At A Crawl
3. Los Angeles Times Article: Up To 24,000 Deaths A Year In California Are Linked To Air Pollution
4. Port and Modal Elasticity Study, Dr. Robert C. Leachman
5. California Environmental Protection Agency, Air Resources Board
Methodology for Estimating Premature Deaths
Associated with Long-term Exposures to Fine
Airborne Particulate Matter in California

EIR/Aesthetic Mitigation Subcommittee

Median Home Sales Prices Coastal Los Angeles County

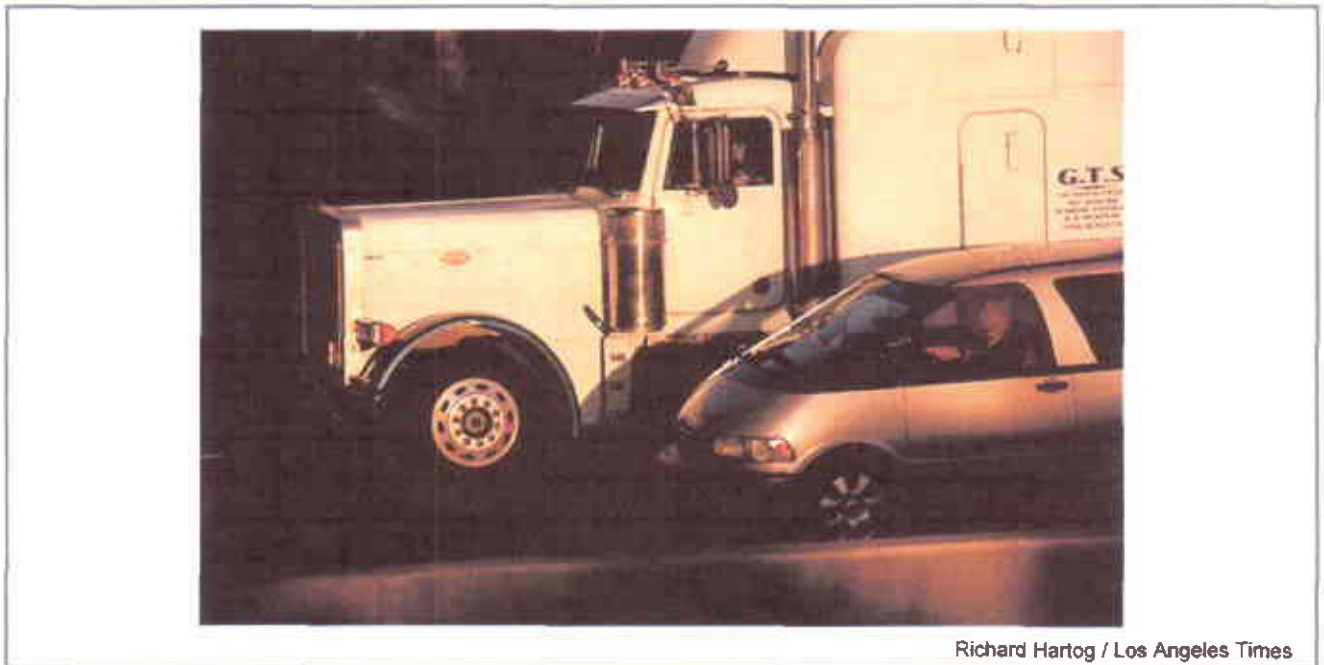
City	Zip Code	2003 median	2007 median
Long Beach, port area	90813	\$199,000	\$420,000
Wilmington	90744	\$248,000	\$459,000
Long Beach, port area	90802	\$275,000	\$420,000
San Pedro	90731	\$362,000	\$567,000
	90732	\$470,000	\$680,000
Redondo Beach	90277	\$535,000	\$1,097,000
El Segundo	90245	\$557,000	\$850,000
Venice	90291	\$615,000	\$1,050,000
Long Beach south coast	90803	\$653,000	\$965,000
Rancho Palos Verdes	90275	\$775,000	\$1,132,000
Hermosa Beach	90254	\$779,000	\$1,199,000
	90405	\$783,000	\$1,275,000
Playa del Rey	90293	\$790,000	\$1,185,000
Marina del Rey	90292	\$908,000	\$1,500,000
	90403	\$1,035,000	\$1,489,000
Palos Verdes Penninsula	90274	\$1,050,000	\$1,450,000
Manhattan Beach	90266	\$1,050,000	\$1,625,000
Malibu	90265	\$1,305,000	\$2,176,000
Pacific Palisades	90272	\$1,328,000	\$1,985,000
	90402	\$1,510,000	\$2,725,000
Santa Monica	90401	\$1,845,000	\$2,125,000
LA County		\$330,000	\$560,000

Source: Dataquick Information Systems

Los Angeles Times California | Local

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Cargo has us at a crawl



Richard Hartog / Los Angeles Times

By Dan Weikel and Jeffrey L. Rabin
June 10, 2008

Frank Schiavone fumed inside his **Acura MDX**, stuck behind the gates of a railroad crossing in downtown Riverside.

Five minutes went by, then 10. Schiavone, a Riverside councilman, wondered how late he would be for an appointment at City Hall as he stared at the freight cars double-stacked with shipping containers. Around him, hundreds of other motorists sat, engines idling, their plans on hold.

Twenty minutes passed before the freight train cleared the crossing.

Schiavone had been trapped yet again by America's enormous appetite for imported goods — an increasingly common experience in his city, which is trisected by rail lines carrying about 125 trains a day.

Municipal officials say freight trains have delayed more than 500 ambulances, police cars and fire trucks in Riverside during the last five years — some for as long as 15 minutes.

"I'm glad I'm not in the back of an ambulance on my way to the hospital in this city," Schiavone said.

Whether the delay comes at a rail crossing or behind a line of big rigs on a clogged interstate, hundreds of thousands of Southern Californians routinely live with the side effects of the region's huge and growing role in international trade.

The ports of Los Angeles and Long Beach make up the nation's largest harbor complex, handling 44% of all goods imported by cargo container into the United States. Last year, the equivalent of 7.85 million 40-foot shipping containers poured through the ports, with most then moving along the region's highways to massive rail yards and warehouses before heading to the nation's interior.

Trade has generated hundreds of thousands of jobs in Southern California. Moving goods is now one of the largest industries in the region, one that helps provide low-cost imports to consumers across the country. The ports are among the region's most valuable economic engines.

But that commerce also helps foul the region's air with diesel exhaust and contributes to paralyzing traffic on the region's streets and highways, many of which were built in the 1950s and '60s and never designed to handle so much cargo.

"If we weren't providing a gateway for the country to consume all these cheap products from Asia, we would have a lot better mobility," said Norm King, a founder of the transportation institute at Cal State San Bernardino.

According to the Federal Highway Administration, highways used for commerce in the Los Angeles area rank among the worst in the nation in terms of delay. That unfortunate distinction is not expected to change soon.

The volume of cargo, which has tripled in the last two decades, is forecast to almost triple again in the next 20 years. By 2025, the number of truck trips on the 710 and 60 freeways and the 10 in the Inland Empire is expected to double to accommodate port growth.

The cost to deal with congestion related to goods movement – or simply to keep it at current levels – is enormous, \$18 billion statewide, mostly in Southern California, according to a recent report for the state Legislature.

A transportation bond measure passed by California voters in November 2006 set aside about \$3 billion for such projects statewide. The ballot initiative is only a start, according to transportation experts who urgently tout a list of high-priced projects, which include:

- * Eliminating 131 street-level rail crossings in Los Angeles, Orange, Riverside and San Bernardino counties – cost \$4.5 billion.

- * Rebuilding an 18-mile stretch of the 710 Freeway from the harbor to Interstate 5, adding four new lanes exclusively for trucks – cost at least \$6 billion.

- * A magnetically levitated train to haul cargo from the ports to warehouses in San Bernardino County – cost \$6 billion to \$8 billion.

Who should pay for the construction remains hotly debated. Local government officials and regional planners say the federal government should pick up a larger share of the cost because trade through Southern California's ports benefits the nation as a whole.

Recent studies by UC Berkeley Professor Robert C. Leachman show that as much as 80% of the containerized goods that arrive in Los Angeles and Long Beach are taken by train or truck to retailers, manufacturers and warehouses out of state.

"It is not California's job to deliver cheap televisions to Omaha. That is the job of the federal government and the transportation industry," said Lee Harrington, former president and chief executive of the Los Angeles County Economic Development Corp.

That road to Omaha begins at the region's two massive ports, where towering cranes pluck steel boxes off giant cargo ships as hundreds of small utility trucks hustle along the docks, moving containers to and from storage yards. Inside are loads of furniture, electronics, clothing, toys, machinery and parts for manufacturers – cargo worth an estimated \$313 billion a year.

Some of the containers are loaded onto trains in port for direct shipment out of state. Most are picked up by big rigs and taken to rail yards and warehouses near downtown Los Angeles and in San Bernardino County, which is one of the nation's leading distribution hubs.

The first leg of this journey often involves the region's truck routes, particularly the 710, 91, 60 and 10 freeways.

The biggest impact is on the 710, the main artery for the port complex. Except for improvements to the median barrier and shoulders that are underway, the highway is in bad shape.

The cracked and broken pavement is heavily patched with asphalt overlays, an adequate but temporary fix in an age of tight state budgets. The short 1950s-style exits and onramps are obsolete. The lanes are often narrow, and the road lacks emergency shoulders in some places.

In 2006, trucks averaged about 39,000 trips per day on the 710 – 20% of the road's traffic. The rigs – the majority 80,000-pounders – often line up nose to tail for miles in the two right lanes on each side of the freeway.

"There are a lot more cars out there today and a lot more big rigs," said Ike Talison of Gardena, a veteran trucker who has hauled cargo from the port on the 710 for almost 19 years. "I used to do five containers a day; now I can do four because of the congestion, if I'm lucky."

Partly because of the interplay of cars and trucks, the accident rate on the 710 Freeway is higher than the norm for state highways.

Truck-related accidents happen on average more than once a day there. From 2002 to 2006, the most recent year for which complete figures were available, the accidents resulted in 18 deaths and 677 injuries.

The steady flow of big rigs on the northbound 710 deposits much of its cargo at Union Pacific's East Yard in Commerce or the Hobart Yard operated by the Burlington Northern Santa Fe Railway Co.

Hobart, which spreads across 245 clamorous acres roughly five miles southeast of downtown Los Angeles, is the busiest rail yard in the country for transferring cargo containers between trucks and trains. Inside, trains up to 1 1/2 miles long are assembled or broken down with the help of global positioning technology, which locates cargo in the facility. The yard handles about 11 incoming trains a day and 11 departures for destinations including Houston, Chicago and Memphis.

Those transcontinental trains must pass through either Los Angeles County or northern Orange County before heading to the Inland Empire and points east. Along the way, they regularly clog traffic on surface streets.

Eliminating freight isn't an option.

"Goods movement is vital to the California economy," said Danny Wu, who managed goods movement planning for the association of governments. "There will be more congestion, delay, noise and health-threatening emissions unless we can come up with more efficient ways of moving freight."

The problems are most apparent in Riverside, which has 26 railroad crossings. Individual delays of 28 minutes per train have been recorded.

In January, an ambulance was delayed seven minutes while rushing a teenage motorcyclist with a serious head injury to a trauma center. The youth, who was hurt in a dirt-bike crash, was unconscious and having seizures. He is recovering.

"Transporting someone with a broken leg might not be a problem," said Peter Hubbard, a spokesman for American Medical Response, which provides the city's ambulance service. "But a person with a serious brain injury or in cardiac arrest needs to see a neurosurgeon or a heart specialist right away."

After the city threatened the railroads with fines and criminal prosecution last summer, railroad executives and Riverside officials agreed to work together to reduce delays for motorists.

Railroad officials acknowledge the problems, but they blame roads and rail networks built years before the surge in trade, and a shortage of government funds to build overpasses and underpasses that separate streets from busy rail lines.

"Delay in one part of the rail system can trickle down into other parts of the system," said Zoey Richmond, a spokeswoman for Union Pacific. "We are working with the city on short-term solutions, but we need to take care of rail bottlenecks and old railroad crossings."

Some of this work is underway.

In 2002, the Alameda Corridor opened from the port to the rail yards near downtown Los Angeles.

At a cost of \$2.4 billion, the project overhauled a 20-mile freight route and eliminated scores of grade-level crossings by lowering the track into a concrete trench. It now carries 50 trains each day.

Transportation officials are planning to extend the corridor east. Earlier this year, the California Transportation Commission earmarked \$366 million for projects in the Los Angeles area and the Inland Empire to eliminate at-grade railroad crossings. Port officials and the railroads also want to build and expand rail yards close to the harbor or on the docks to reduce truck traffic.

In addition, the Southern California Assn. of Governments, a regional planning agency, is studying a network of truck-only highway lanes that would stretch from the ports to the Inland Empire via the 710, 60 and 10 freeways.

Those projects come with big price tags but are a top priority for business leaders and regional planners, who fear the ports will lose business to competitors if congestion continues to worsen.

Traffic congestion regularly delays about a fifth of commercial trucks in the region, increasing the cost of shipping by 50% to 250%, studies show.

"There is increasing concern in the region about moving goods," said Joseph Magaddino, chair of the economics department and the global logistics program at Cal State Long Beach. "It does no good to off-load cargo in port if you can't move it quickly."

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California's air pollution is linked to high rates of heart attacks, strokes and other serious diseases, researchers find.

particulate pollution, triple the previous official estimate of 8,200, according to state researchers. The revised figures are based on a review of new research across the nation about the hazards posed by microscopic particles, which sink deep into the lungs.

"Our report concludes these particles are 70% more dangerous than previously thought, based on several major studies that have occurred in the last five years," said Bart Croes, chief researcher for the California Air Resources Board. Croes will present his findings at a board meeting in Fresno this morning.

The studies, including one by USC tracking 23,000 people in greater Los Angeles, and another by the American Cancer Society monitoring 300,000 people across the United States, have found rates of heart attacks, strokes and other serious disease increase exponentially after exposure to even slightly higher amounts of metal or dust. It is difficult to attribute individual deaths to particulate pollution, Croes conceded, but he said long-term studies that account for smoking, obesity and other risks have increasingly zeroed in on fine particulate pollution as a killer.

"There's no death certificate that says specifically someone died of air pollution, but cities with higher rates of air pollution have much greater rates of death from cardiovascular diseases," he said.

California's air pollution is linked to high rates of heart attacks, strokes and other serious diseases, researchers find. California's air pollution is linked to high rates of heart attacks, strokes and other serious diseases, researchers find. California's air pollution is linked to high rates of heart attacks, strokes and other serious diseases, researchers find.

More measures will be needed, air board officials said, including eventually lowering the maximum permissible levels of soot statewide. California already has the lowest thresholds in the world, at 12 micrograms per cubic meter, but researchers say no safe level of exposure has been found. More regulations are being drafted, including one requiring cleaner heavy-duty trucks.

"We must work even harder to cut short these life-shortening emissions," Air Resources Board Chairwoman Mary Nichols said in a statement.

Up to 24,000 deaths a year in California are linked to air pollution

New research finds rates of heart attacks, strokes and other serious disease increase exponentially after exposure to even slightly higher amounts of particulate matter.

By Janet Wilson, Los Angeles Times Staff Writer
May 29, 2008

As many as 24,000 deaths annually in California are linked to chronic exposure to fine

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Clean air advocates said they would be watching closely

"These numbers are shocking; they're incredible," said Tim Carmichael, senior policy director for the Coalition for Clean Air, a statewide group. He and others said the board must strengthen a soot clean-up plan submitted to them by the San Joaquin Valley Air Pollution Control District. A hearing and vote on the plan is scheduled for today.

Numerous Central Valley public health groups wrote Nichols this week, urging bans on the use of industrial equipment on bad air days, tougher controls on boilers and crop drying equipment, and other action. The economic cost attributed to premature deaths and illnesses linked to particulate exposure in the Central Valley has been estimated at \$3 billion a year, and \$70 billion statewide, according to separate studies. Those figures are expected to be revised upward based on the new report.

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once dead yard into an oasis for their family, their 15 animals and 60,000 bees



2.3.21 Port of Los Angeles Community Advisory Committee – EIR/Aesthetic Mitigation Subcommittee (Comment Letter 21)

21-1 The relocation of the Catalina Express Terminal is described in Chapter 2 of the Recirculated Draft EIS/EIR. Although the relocation represents a minor part of the proposed Project, it is included or discussed in applicable areas of the document including Chapter 2, Chapter 3 (Sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, and 3.14), Chapter 4, and Chapter 5. Regarding the air quality impacts of the relocation, the construction emission calculations are based on a worst-case scenario with overlap of site construction and operation of earlier phases. The scheduling of the relocation would occur outside the worst-case daily scenario. Additionally, all construction-related mitigation would apply to all parts of Project construction. The Catalina Express building is not the ideal building for solar panels as shadows from the Vincent Thomas Bridge would limit the amount of solar exposure on the building.

21-2 The relocation of the Catalina Express terminal represents a minor and conceptually peripheral part of the proposed Project. It had not yet been identified as an element of the Project at the time the Notice of Preparation was issued. However, that element of the proposed Project was prominently identified in the Recirculated Draft EIS/EIR, and has been fully and consistently described and analyzed throughout the EIS/EIR.

21-3 Throughput tracking would occur at the staff level, but it would be presented to the Board of Harbor Commissioners at Board meetings. **MM AQ-23** will be incorporated into the lease with the implementation plan described below.

Throughput shall be monitored by the Wharfingers Office and the Environmental Management Division. Environmental Management Division will report on throughput in 2010, 2015, 2030, and 2045, and numbers will be made available to the Board at a regularly scheduled public Board meeting. If it is determined that throughput numbers exceed EIR assumptions, staff would evaluate actual air emissions for comparison with the EIR. If the criteria pollutant emissions exceed those in the EIR, then new/additional mitigations would be applied through **MM AQ-22**.

However, staff does not expect actual throughput to exceed the assumptions in the Recirculated Draft EIS/EIR because throughput projections have been maximized based on backland area, wharf length, and demand projections, as described in the Recirculated Draft EIS/EIR (Section 1.1.3 and Appendix I) and as explained in the response to Comment 20-5. As described in that response, changes to terminal operations or new technology that could increase throughput beyond what was analyzed in the Recirculated Draft EIS/EIR would require a separate environmental analysis at some later date (subject to public review and consideration by the Board of Harbor Commissioners). Currently, such changes are unknown and, therefore, speculative.

21-4 As described in the responses to Comments 20-5 and 21-3, throughput is not expected to exceed the estimates contained in the Recirculated Draft EIS/EIR

1 unless new technology that allows for increased throughput is developed and
2 implemented. However, such implementation would be subject to further
3 environmental review, including identification of mitigation. Because new
4 technology does not currently exist, analyzing it for the proposed Project is
5 considered speculative. As stated in the mitigation measure, the Port shall
6 determine feasibility, not the tenant. The Port intends to help the tenant
7 implement the new technology. Such assistance could come in the form of
8 financial contributions and/or incentives, technical expertise, and physical
9 modifications (subject to appropriate environmental analysis).

10 **21-5** Please see the response to Comment 21.4.

11 **21-6** Section 1.1.3 of the Recirculated Draft EIS/EIR contains an explanation of
12 throughput projections based on market demand factors and on terminal capacity
13 within the entire Port, and explains how the Port forecasts throughput.
14 Appendix I of the Recirculated Draft EIS/EIR describes the methodology for
15 determining throughput, specific assumptions for the proposed Berth 97-109
16 Container Terminal (and alternatives), along with tables and figures showing the
17 project acreage, throughput per acre, as well as many other calculation factors,
18 and project-related assumptions and projections. Additional information
19 regarding specific formulas and relationships built in the estimation model for
20 TEU throughput for the proposed Project and alternatives can be obtained upon
21 request.

22 **21-7** As discussed in Section 1.1.3, the maximum capacity of a terminal is based on
23 site-specific modeling of the physical and operating parameters. That capacity
24 number is a function of the configuration of the terminal, berth length, backland
25 area, ratio of berth length to backland area, and number and types of equipment
26 used at the terminal. Achieving the maximum capacity of terminals, which is the
27 high end of a realistic operating range, requires that none of the various
28 components of terminal operation is a constraint to the movement of cargo
29 through the terminal. As further discussed, this document analyzed the
30 maximum throughput that could be physically accommodated by the terminal.
31 Market demand is expected to increase throughput over the term of the Project
32 until 2030, when this maximum physical capacity is reached. In 2030, the
33 terminal will be berth limited, meaning there will not be enough additional berth
34 space to accommodate additional ships, and throughput will remain steady.

35 It is possible that operational improvements could eventually increase the
36 capacity of the throughput projections assumed as part of the proposed Project,
37 but at present, such improvements are speculative for technical, economic, or
38 social reasons. However, should new feasible technology become available that
39 would increase Port capacity beyond that anticipated, improvements to
40 implement the technology would require discretionary actions and environmental
41 evaluation in accordance with CEQA.

42 The throughput presented in the Recirculated Draft EIS/EIR is correct. As
43 throughput grows, more gate movements would be distributed to the night and
44 hoot shifts. Infrastructure (such as the highway network) and employee levels
45 can handle the majority of gate movements during the day hours. However,
46 although expected future upgrades to both on- and off-Port infrastructure and
47 additional employees would increase capacity, the gate would become more
48 congested during these hours shifting the additional throughput to the night and

- 1 hoot shifts. Most cargo would continue to move through the gate during the day
2 because warehouses and other cargo end users are expected to operate primarily
3 during the day. To ensure cargo can be handled and moved through the gate at
4 night, the Port and industry groups are exploring operational changes both at the
5 Port and with end users. For example, PierPASS, is a new program that
6 implements financial disincentives to the movement of containers during peak
7 hours (3:00 a.m. to 6:00 p.m., Monday through Friday). While this project
8 assumes constant operation (24 hours per day, 7 days per week) in the future, the
9 terminal, rail facilities, distribution centers and warehouses, and retailers are not
10 expected to operate at full capacity during the night and hoot shifts.
- 11 **21-8** Please see the response to Comment 21.4. Information such as ship calls and
12 truck/rail trips are inherent to any throughput calculations and would be part of
13 the analysis completed by staff through **MM AQ-23**. Therefore, an
14 environmental scorecard mitigation is not required.
- 15 **21-9** As described in Section 2.6.1 of the Recirculated Draft EIS/EIR, prior to
16 March 2001, China Shipping containers were being shipped to the Berth 121-131
17 Container Terminal (Yang Ming). Under CEQA and the ASJ, because Yang
18 Ming used a portion of the Project site as supplemental backlands, the use of
19 45,135 TEUs as the China Shipping baseline is appropriate. As described in the
20 baseline discussion (Section 2.6.1 in the Recirculated Draft EIS/EIR), Yang
21 Ming was using the Berth 97-109 area to spread out existing containers, not to
22 increase overall throughput because the terminal is considered berth limited. As
23 such, the baseline does not assume emissions from the ships, trucks, and rail trips
24 associated with the 45,135 TEUs. The only emissions associated with these
25 containers are the emissions from the yard equipment used to move the
26 containers from Berth 121-131 to Berth 97-109 area. It is assumed that, when
27 Yang Ming gave up the additional acreage, the 45,135 TEUs were moved back to
28 the Berth 121-131 terminal.
- 29 **21-10** Please see response to Comment 21-9. As described in Section 2.6.1 of the
30 Recirculated Draft EIS/EIR, in March 2001, Yang Ming used a portion of the
31 undeveloped land at Berth 97-109 to store containers (mainly empty containers)
32 under a series of temporary space assignments. Use of this area did not allow
33 Yang Ming to increase its overall throughput because the terminal is berth
34 limited. The only emissions associated with these containers are the emissions
35 from the yard equipment used to move the containers from Berth 121-131 to the
36 Berth 97-109 area. Yang Ming operations are included in the cumulative
37 analysis. The cumulative impacts analysis and discussions contained in
38 Chapter 4 of the Recirculated Draft EIS/EIR include the existing operations and
39 the expected future expansion of the Yang Ming terminal. Please see related
40 project Number 29 in Table 4-1 of the Recirculated Draft EIS/EIR.
- 41 **21-11** The comment is noted. Please see response to Comments 21-9 and 21-10. The
42 proposed Project is for a container terminal at Berths 97-109. The comment
43 refers to the existing container terminal at Berths 121-131, which will not change
44 as a result of the proposed Project.
- 45 **21-12** The commenter's opinion is noted. Section 15125 of the CEQA Guidelines
46 requires EIRs to include a description of the physical environmental conditions in
47 the vicinity of the proposed Project that exists at the time of the NOP. In the case

1 of the proposed Project, the ASJ established a CEQA baseline of March 2001
2 (see Section 1.4.3 of the Recirculated Draft EIS/EIR).

3 **21-13** Comment noted. Please see the response to Comments 21-9, 21-10, and 21-12.
4 As discussed in Section 2.6.1 of the Recirculated Draft EIS/EIR, the baseline is
5 established per the ASJ. Prior to March 2001, 43,135 TEUs were being stored at
6 the Berth 97-109 area. The baseline does not assume any operations at the Yang
7 Ming terminal as a result of these containers.

8 **21-14** Answers to the questions in this comment are as follows:

9 21-14.1 As discussed in Section 2.6.1, Yang Ming began using the site in
10 2000. In a space assignment running from April 21 through May 20,
11 2000, Yang Ming was allowed to use 0.5 acre. On April 25, 2000,
12 Yang Ming was allowed to use an additional 7.7 acres through
13 May 24, 2000. From May 25 to July 18, 2000, Yang Ming was
14 allowed to use 20 acres. From July 19, 2000, through August 6,
15 2001, Yang Ming was allowed to use 11.8 acres.

16 21-14.2 Please see response to Comments 21-9, 21-10, and 21-14.1. Yang
17 Ming was permitted to use the site under a temporary space
18 assignment. This space assignment did not allow Yang Ming to
19 increase throughput.

20 21-14.3 The Yang Ming terminal has not been significantly expanded or
21 modified in recent years. As described in the Recirculated Draft
22 EIS/EIR, Yang Ming is currently berth limited and the Port expects
23 to expand the terminal in the near future. Such expansion would
24 require an EIS/EIR.

25 21-14.4 Please see response to Comments 21-14.2 and 21-14.3. Because the
26 terminal has not been expanded, no mitigation measures have been
27 required. However, Yang Ming and Yang Ming's terminal operator,
28 West Basin Container Terminals, have participated in a number of
29 Port-sponsored environmental programs including the VSR Program,
30 the Low-Sulfur Fuel Incentive Program, and use of alternative-fueled
31 and electric yard equipment.

32 21-14.5 Please see response to Comments 21-9, 21-10, and 21-14.1 and
33 Section 2.6.1 of the Recirculated Draft EIS/EIR. Throughput for
34 Yang Ming did not change.

35 21-14.6 Future expansion of the Yang Ming terminal would be subject to an
36 EIR, as discussed in Table 4-1 of the Recirculated Draft EIS/EIR.

37 **21-15** Answers to the questions in this comment are as follows:

38 21-15.1 The capacity of the terminal assuming 100 percent terminal uses at
39 all times of the day is not a realistic assumption (see the response to
40 Comment 21-7).

41 21-15.2 Within the context of container terminals, "optimize" means use the
42 terminal as efficiently, effectively, or functionally as possible. The
43 word "maximize" means to move as many containers as possible
44 considering acreage, berth length, number of cranes, rail capacity
45 and gates.

- 1 21-15.3 Yes, the throughput described in the Recirculated Draft EIS/EIR
2 represents the maximum terminal capacity based on terminal acreage,
3 berth length, number of cranes, size of gate, type and number of
4 terminal equipment, and gate hours. For the proposed Project, the
5 throughput projections are ultimately limited based on the berth. But
6 overall throughput is projected based on a number of components,
7 including acreage, number of cranes, and the gate, not simply berth
8 length.
- 9 21-15.4 Please see the answer to Comment 21.15.3 above. The assumed
10 throughput per acre is approximately 10,900 TEUs, as contained in
11 Appendix I of the Recirculated Draft EIS/EIR.
- 12 21-15.5 The answer to this question is unknown; however, as discussed
13 above, the terminal is assumed to be berth limited in the future,
14 meaning extra backlands would not necessarily allow additional
15 throughput. It should be noted that container terminals require
16 backlands and wharves to be integrated at the same location.
- 17 21-15.6 Please see the response to Comment 21.15.3 above.
- 18 21-15.7 The length of vessel that can be accommodated at a terminal is based
19 on the wharf length, not the number of cranes. The number of cranes
20 factors into how quickly containers can be loaded and unloaded.
- 21 21-15.8 Larger cranes are not expected to be required for future operations
22 under the proposed Project. New or additional cranes would also
23 require a separate environmental analysis.
- 24 21-15.9 Please see the response to Comments 10-20 and 21-15.3. The Port
25 does not monitor truck or rail movements. The assumptions of truck
26 and rail trips are a function of throughput. The analysis used the
27 maximum throughput based on terminal components, not truck and
28 rail trips.
- 29 21-15.10 The 16.9 percent figure is correct. The figures differ due to rounding.
- 30 21-15.11 Please see the response to Comment 10-20. These percentages
31 represent a best estimate from the Port; they are not intended to be
32 minimum usage requirements for China Shipping. Regardless of
33 which terminal captures the largest share of throughput at the
34 on-dock rail yard, the same overall container throughput would occur,
35 and the same overall number of containers would need to be hauled
36 by truck to near-dock rail yards due to on-dock rail yard capacity
37 constraints.
- 38 21-15.12 It is unclear from the comment how purchasing power in two states
39 can translate into errors in the local delivery assumptions. The
40 50 percent assumption is based on Port and other Goods Movement
41 studies and economic forecasts.
- 42 21-15.13 The proposed Project is based on the best available data. It is
43 unclear which assumptions the commenter is referring to or whether
44 those assumptions would be less than or greater than those assumed.
45 Therefore, any answer would be considered speculative.

- 1 21-15.14 The height of the proposed bridges would be approximately 5 feet
2 above mean sea level (msl), which generally corresponds with the
3 grade of the two terminals.
- 4 21-15.15 The storage of containers at Berth 206-209 has no bearing on the
5 proposed Project or the analysis in the EIS/EIR.
- 6 21-15.16 The operational assumptions are based on the best available
7 operational information and data from past container terminals.
8 These assumptions are not requirements and would not be specified
9 in the lease. Mitigation measures that depend on lease provisions for
10 their implementation would be included in the lease.
- 11 **21-16** As discussed in Section 4.2.2 of the Recirculated Draft EIS/EIR, the proposed
12 Project would make a cumulatively considerable contribution to several
13 cumulative air quality impacts. The contribution of the Project to these impacts
14 is discussed in Section 3.2 of the Recirculated Draft EIS/EIR, and include
15 Impacts AQ-1, -2, -3, -4, -6, -7, and -9. **MM AQ-1** through **MM AQ-30**, which
16 represent all feasible measures as required by CEQA, specifically target the
17 reduction of impacts associated with the proposed Project. In addition to these
18 Project-specific mitigation measures, the Port is working toward reducing the
19 overall impacts of the Port to regional air quality. Examples of Port-wide actions
20 include the CAAP, negotiations with Class I railroads, the electric drayage-truck
21 demonstration program (response to Comment 10-13), the Clean Truck Program,
22 the solar energy program (response to Comment 16-27), PierPASS, and the
23 Million Trees L.A. Initiative.
- 24 **21-17** Please refer to response to Comment 1-16 (USEPA).
- 25 **21-18** Please refer to response to Comment 20-1 (PCAC AQ).
- 26 **21-19** Answers to the questions in this comment are as follows:
- 27 21-19.1 Regional power plant emissions from AMP electricity generation are
28 included in the “Ships – Hoteling” category in the emission tables.
- 29 21-19.2 Criteria pollutant emissions associated with electricity generation
30 were calculated using SCAQMD emission factors. GHG emissions
31 associated with electricity generation were calculated using CCAR
32 emission factors. Neither set of emission factors distinguishes
33 between peaker and baseload power plants. Electricity would be
34 provided by the Los Angeles Department of Water and Power, and
35 the Project is not expected to require peaker plants.
- 36 21-19.3 Equipment and rail usage rates will not be incorporated as limits into
37 the lease because the project terminal assumptions developed by the
38 Port for the Recirculated Draft EIS/EIR represent the upper bound of
39 projected throughput for each analysis year. Therefore, the Port is
40 confident that the air quality impacts predicted in the Recirculated
41 Draft EIS/EIR are worst-case estimates. Nevertheless, **MM AQ-23**
42 (Throughput Tracking) is a safeguard against emissions exceeding
43 the projections in the Recirculated Draft EIS/EIR. It gives the Port
44 the means to place additional requirements on the terminal operator
45 should Project throughputs be exceeded in any analysis year.
- 46 21-19.4 Please refer to response to Comments 10-2 and 10-20 (SCAQMD).

- 1 21-19.5 The potential for carbon monoxide (CO) hot spots was assessed in
2 Impact AQ-4 of the Recirculated Draft EIS/EIR. The intersection of
3 Harbor Boulevard/SR-47 eastbound off-ramp/Swinford Avenue
4 (p.m. peak) was selected as the worst-case intersection for the CO
5 analysis for the reasons stated in the Recirculated Draft EIS/EIR.
6 The highest CO concentrations near that intersection were predicted
7 to be 39 percent of the 1-hour CO standard and 60 percent of the
8 8-hour CO standard. We do not expect CO concentrations to be as
9 great near rail crossings because those concentrations would involve
10 traffic on only two opposing legs of an intersection rather than four,
11 and the congestion would be intermittent during an hour rather than
12 continuous.
- 13 21-19.6 The potential for CO hot spots from Project operational emissions,
14 including vehicles waiting inside terminals, was assessed in Impact
15 AQ-4 of the Recirculated Draft EIS/EIR. Table 3.2-31 shows that
16 the highest CO concentrations were predicted to be only 29 percent
17 of the 1-hour CO standard and 45 percent of the 8-hour CO standard.
- 18 21-19.7 Locations of local air quality monitoring stations can be obtained
19 from SCAQMD and/or CARB. Please refer to response to
20 Comment 24-11C for a description of the Port monitoring program.
- 21 21-19.8 All sensitive receptors identified within 5 kilometers (km) of the
22 proposed Project terminal were analyzed in the air quality study and
23 health risk assessment.
- 24 21-19.9 Please see the response to Comment 16-54 (NRDC B) for a
25 discussion of the on-terminal idling time of 20 minutes per truck
26 round trip. Regarding off-terminal idling, the Port believes that the
27 average off-terminal idling time of 30 minutes per truck round trip is
28 a reasonable estimate, considering the following factors: (1) This
29 represents the average off-terminal idling time at the truck trip end
30 points. Incidental idling that would occur along the driving route
31 between the Port and the pick-up/drop-off point, such as at traffic
32 signals, is included in the per-mile emission factors used in the
33 driving emission calculations and, therefore, is in addition to the
34 30 minutes. (2) Some trucks would consist of an empty chassis or no
35 trailer at all (that is, bobtails) on one of their trips and would have
36 relatively little off-terminal idling time, thereby reducing the overall
37 fleet-wide average idling time. (3) The CARB Heavy-Duty Diesel-
38 Truck Idling Regulation, which limits truck idling to 5 minutes
39 except while queuing, would tend to minimize truck idling at the
40 pick-up/drop-off point.
- 41 21-19.10 The comment appears to be referring to **MM AQ-21**, not
42 **MM AQ-22**. Approval of the Project is dependent upon an
43 acceptable Mitigation Monitoring and Reporting Program (MMRP)
44 that identifies all feasible measures to reduce Project air quality
45 impacts. The Port and Project terminal operator will comply with
46 the MMRP, including **MM AQ-21** (minimize idling), for the life of
47 the lease, or 30 years. In addition, **MM AQ-21** has been revised to

1 improve its monitoring and enforceability. The revised measure is as
2 follows:

3 **MM AQ-21: Truck Idling Reduction Measure. Within**
4 **6 months of the effective date and thereafter for**
5 **the remaining term of the Berth 97-109 Permit**
6 **and any holdover, the The Berth 97-109**
7 **terminal operator shall ensure that truck idling**
8 **is reduced to less than 30 minutes in total or**
9 **10 minutes at any given time while on the**
10 **Berth 97-109 terminal through measures that at**
11 **the terminal. Potential methods to reduce**
12 **idling include, but are not limited to, the**
13 **following: (1) operator shall maximize the**
14 **durations when the main gates are left open,**
15 **including during off-peak hours (6 p.m. to**
16 **7 a.m.), (2) operator shall implement a**
17 **container tracking and appointment-based**
18 **truck delivery and pick-up system to minimize**
19 **truck queuing (trucks lining up to enter and**
20 **exit the terminal's gate), and (3) operator shall**
21 **design the main entrance and exit gates to**
22 **exceed the average hourly volume of trucks**
23 **that enter and exit the gates (truck flow**
24 **capacity) to ensure queuing is minimized.**

25 21-19.11 The off-terminal idling time of 30 minutes per truck round trip is an
26 estimate of the average off-terminal idling time at the truck trip end
27 points within the South Coast Air Basin. Please refer to
28 Comment 21-19.9, above, for additional explanation.

29 21-19.12 Please refer to the response to Comment 21-19.9.

30 21-19.13 Please see response to Comment 10-20. CARB has submitted the
31 2006 SIP to the USEPA. USEPA has not yet approved the SIP.
32 According to EPA Guidance, a federal project must demonstrate
33 conformity with the most recently approved SIP, which is the 1997
34 SIP. The Port provides cargo projections to SCAG on an annual
35 basis for a number of forecasting studies.

36 21-19.14 Transport of pollutants in and out of the South Coast Air Basin to
37 and from adjacent air basins can occur as wind conditions dictate.

38 21-19.15 Please refer to the response to Comment 10-18.

39 21-19.16 As stated in Section 3.2.4.1 of the Recirculated Draft EIS/EIR, an
40 average anchorage time of 4.1 hours was assumed for each arriving
41 ship for all Project analysis years. The anchorage time was derived
42 from actual data for China Shipping ship visits for 2004, 2005, and
43 2006.

44 21-19.17 Lead was not included in the emissions tables in the Recirculated
45 Draft EIS/EIR because lead generally is not considered a
46 contaminant of concern for container terminal projects. Lead
47 emissions can be determined by applying the CARB California

- 1 Emission Inventory Development and Reporting System (CEIDARS)
 2 speciation profiles to the PM₁₀ emission rates associated with the
 3 proposed Project. The CEIDARS speciation profiles are listed in
 4 Table E3-2-1 in Appendix E3 of the Recirculated Draft EIS/EIR.
 5 For example, the peak daily lead emission rate for the unmitigated
 6 project, prior to subtracting the baseline emissions, would be
 7 2.6 pounds per day (lb/day), occurring in project year 2030. This
 8 unmitigated peak daily emission rate is less than the SCAQMD
 9 threshold of 3 lb/day. Ships would be the primary source of the lead
 10 emissions. The mitigated project would substantially reduce lead
 11 emissions relative to the unmitigated project because of the use of
 12 cleaner fuels, AMP, and vessel speed reduction.
- 13 21-19.18 According to the traffic engineer, the average trip for all trucks
 14 leaving or entering the Port is 25.6 miles, based on odometer surveys
 15 (Hamrick, 2007). As shown in Table E1-11 of Appendix E1, the
 16 average truck-trip length assumed in the Recirculated Draft EIS/EIR,
 17 which includes local trips, trips to the edge of the South Coast Air
 18 Basin, and trips to near-dock rail yards, ranges from 27 to 43 miles,
 19 depending on the alternative and analysis year. Therefore, the total
 20 truck vehicle-miles-traveled (VMT) assumed in the Recirculated
 21 Draft EIS/EIR is consistent with, or greater than, the survey data.
- 22 21-19.19 Estimates of truck trips were provided by the traffic study and
 23 include nonproductive trip ends.
- 24 21-19.20 Truck emissions include running exhaust, tire wear, brake wear, road
 25 dust, and idling emissions between the Port and the first pick-
 26 up/drop-off point or the edge of the South Coast Air Basin,
 27 whichever comes first. This approach is consistent with the 2005
 28 *POLA Inventory of Air Emissions* (Starcrest, 2007).
- 29 21-19.21 PHL began using a Tier 2 yard locomotive at the Berth 121-131 rail
 30 yard in 2007. This is consistent with the emission calculations in the
 31 Recirculated Draft EIS/EIR, which assumed that a Tier 2 yard
 32 locomotive would commence at the beginning of 2008.
- 33 21-19.22 Operational air quality mitigation measures in the EIS/EIR would be
 34 incorporated into the lease. Construction measures would become
 35 part of all bid specifications.
- 36 21-19.23 One of the known adverse effects of ozone is vegetation damage, as
 37 discussed in Table 3.2-1 of the Recirculated Draft EIS/EIR. Adverse
 38 air quality impacts to agriculture are regulated by the national
 39 secondary ambient air quality standards, which represent the levels
 40 of air quality necessary to protect the public welfare from any known
 41 or anticipated adverse effects of a pollutant. The secondary standard
 42 for ozone is 0.075 parts per million (ppm) for an 8-hour average, the
 43 same as the primary standard, which is shown in Table 3.2-2 of the
 44 Recirculated Draft EIS/EIR. Because of the complexity of modeling
 45 ozone concentrations, the SCAQMD significance thresholds for
 46 VOC and NO_x, both ozone precursors, are used to indirectly assess
 47 the impact of the proposed Project on regional ozone levels. This

1 impact is discussed as Impact AQ-3 of the Recirculated Draft
2 EIS/EIR.

3 **21-20** The HRA and mortality analyses are based on a comparison of the proposed
4 Project to the operations on the project site during the baseline year, which is the
5 appropriate baseline to use, per CEQA and the ASJ. This EIS/EIR hereby
6 incorporates by reference the following document referred to in the comment and
7 its references: *Health Effects of Diesel Exhaust Air Pollution* (PCAC, 2003).

8 **21-21** Children are given special consideration in the HRA (Impact AQ-7) of the
9 Recirculated Draft EIS/EIR. The Hot Spot Analysis and Reporting Program
10 (HARP) risk assessment model considers residential cancer risk for the first
11 70 years of life, which includes childhood. Mother's milk ingestion is one of the
12 exposure pathways evaluated by HARP. The chronic and acute hazard indices
13 are calculated using Reference Exposure Levels (RELs) that have a built-in
14 margin of safety to protect sensitive individuals such as children, the elderly, and
15 the infirm. In addition, health risk results for student receptors were evaluated in
16 the HRA and included in all health risk results tables. The student receptors were
17 modeled with a higher breathing-rate-to-body-weight ratio representative of
18 children.

19 **21-22** Studies on the adverse health effects associated with exposure to airborne
20 particulate matter are taken into consideration by the CARB and USEPA when
21 establishing the ambient air quality standards for PM₁₀ and PM_{2.5}. Therefore, the
22 impacts of the proposed Project are assessed for significance by comparing the
23 emissions and modeled concentrations of the proposed Project to the PM₁₀ and
24 PM_{2.5} thresholds established by the SCAQMD in Impacts AQ-1 and AQ-2 (for
25 construction) and Impacts AQ-3 and AQ-4 (for operation). Nevertheless, for
26 public disclosure purposes, the Port conducted a project-level mortality analysis
27 using CARB methodology; that analysis is presented in the Recirculated Draft
28 EIS/EIR as part of Impact AQ-7. Neither the SCAQMD nor the Port has
29 established a significance threshold for project-level mortality. Subsequent to
30 release of the Recirculated Draft EIS/EIR, the CARB updated its methodology
31 for estimating mortality on a project level. Please refer to response to
32 Comment 11-2 for a discussion of the revised mortality analysis.

33 **21-23** Answers to the questions in this comment follow.

34 21-23.1 The Recirculated Draft EIS/EIR indicates that the City of
35 Los Angeles has adopted the L.A. City CEQA Threshold. As a
36 Department of the City of Los Angeles, the Port relies on City
37 thresholds.

38 21-23.2 When using a dispersion model on sources that extend great
39 distances, common practice is to define a finite geographical source
40 domain and exclude that portion of the sources that fall outside the
41 domain. The selected domain is made large enough such that the
42 excluded sources would have a negligible contribution to the
43 maximum concentrations predicted by the model. Although the
44 excluded sources would generate relatively small impacts near the
45 sources, they would not appreciably affect the overall maximum
46 concentrations predicted by the model. This technique is done to
47 keep the modeling effort manageable from a computing resources
48 standpoint. This technique was done for the dispersion modeling and

- 1 HRA analyses in the Recirculated Draft EIS/EIR, as discussed in
 2 Section E3-2.1 of Appendix E3. Specifically, truck routes, rail lines,
 3 and shipping lanes were modeled out to a sufficient distance and
 4 truncated at that point. The distances were tested in the model to
 5 assure that the excluded sources would not affect the results
 6 presented in the tables in Impacts AQ-4, AQ-7, and Appendices E2
 7 and E3. In the case of shipping lanes, the emissions were modeled
 8 out to and slightly beyond the 50-km distance regarded in the
 9 USEPA *Guideline on Air Quality Models* as the upper limit of
 10 Gaussian model validity.
- 11 21-23.3 Please refer to the response to Comment 21-21.
- 12 21-23.4 The acute hazard indices evaluated in the HRA do consider the
 13 reproductive and developmental systems as potential toxic endpoints.
 14 Analysis results in Tables E3-7-3 and E3-7-6 of Appendix E3 show
 15 that the top contributing pollutant to the acute hazard index is arsenic.
 16 Results shown in Table E3-5-1 indicate that arsenic is listed by the
 17 Office of Environmental Health Hazard Assessment (OEHHA) as
 18 affecting the reproductive and developmental endpoints. The
 19 chronic hazard indices evaluated in the HRA also consider the
 20 reproductive and developmental systems as potential toxic endpoints;
 21 however, the chronic hazard indices were shown to be less than
 22 significant for all receptors.
- 23 21-23.5 Please refer to the response to Comments 11-2 and 21-22.
- 24 21-23.6 In accordance with NEPA and CEQA, the Recirculated Draft
 25 EIS/EIR estimates health impacts from the proposed Project by itself
 26 rather than from the Port as a whole. Furthermore, the mitigation
 27 measures evaluated in the Recirculated Draft EIS/EIR are limited to
 28 those measures that are feasible for implementation on a project level.
 29 Some CAAP measures that can be implemented only on a Port-wide
 30 basis are not accounted for in the Recirculated Draft EIS/EIR. As a
 31 result, the health impacts reported in the Recirculated Draft EIS/EIR
 32 are not necessarily indicative of the overall health impacts of the Port
 33 under the CAAP. Please refer to the response to Comments 1-2,
 34 15-4, and 20-1 for additional discussion. The Recirculated Draft
 35 EIS/EIR uses the accepted threshold of 10 in a million to determine
 36 CEQA and NEPA significance. The Board will consider all EIR/EIS
 37 findings when considering Project approval
- 38 **21-24** The cumulative impact analysis for traffic considers background traffic and,
 39 therefore, includes local and regional traffic. Regarding Project-level impacts to
 40 I-710 and I-110, please see Section 3.6 (Impact TRANS-4) of the Recirculated
 41 Draft EIS/EIR. Regarding cumulative impacts to I-710 and I-110, please see
 42 Section 4.2.6.5 (Impact TRANS-4) of the Recirculated Draft EIS/EIR. As
 43 presented in the Recirculated Draft EIS/EIR, the Project includes a number of
 44 mitigation measures designed to reduce impacts at local intersections.
- 45 **21-25** Answers to the questions in this comment are as follows:
- 46 21-25.1 The Project is not expected to generate truck trips on local streets,
 47 except for a few trips to local destinations such as container storage

- 1 or possibly truck repair facilities. Trucks are legally required to stay
 2 off non-truck routes. It is speculative to predict truck trips that might
 3 occur illegally on non-truck routes, which is an enforcement issue
 4 not an environmental review issue. In any case, the project would
 5 not be expected to generate a significant share of truck trips in the
 6 local area because the origins and destinations of container trucks are
 7 mostly more removed from the ports, such as major truck
 8 warehousing facilities, intermodal yards, and other destinations that
 9 are not in the local area.
- 10 21-25.2 It is correct that not “all” downstream intersections are grade
 11 separated, that statement will be corrected. However, it should be
 12 noted that nearly all intersections up to an approximately 25-mile
 13 distance from the port are grade separated due to the Alameda
 14 Corridor. Some grade crossings exist between the project site and
 15 the Corridor, and those crossings are addressed in the study.
- 16 21-25.3 Trips generated by projects listed in Table 3.6-2 in the Recirculated
 17 Draft EIS/EIR were included in the future background traffic, along
 18 with ambient traffic growth rate, which also accounts for cumulative
 19 growth from elsewhere.
- 20 21-25.4 Please see response to Comment 4-1. The p.m. peak hour represents
 21 the worst-case analysis for this project and the project vicinity, as
 22 verified by local traffic data.
- 23 21-25.5 The highest 1 hour of traffic flow is within the peak periods. The
 24 peak periods are defined as 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.
 25 The highest single hour within each period is then obtained from the
 26 traffic-count data. For example, the 1-hour peak might be from
 27 7:30 to 8:30 a.m. or from 7:15 to 8:15 a.m. or other, depending on
 28 the peak at each location. For future traffic, the highest project
 29 traffic flow estimate during those same peak hours are used for the
 30 future analysis.
- 31 21-25.6 While the percent might be lower in the future, the total use of on-
 32 dock rail to move containers clearly increases in the future. This is
 33 because the volume of container throughput is greater in the future.
 34 Thus, although the percent might decline slightly, the on-dock rail
 35 facility is actually carrying more of the containers in real terms in the
 36 future. An on-dock rail facility has a generally fixed capacity (with
 37 the exception of capacity increases that will occur due to
 38 improvements in operations, labor, and efficiencies). With a fixed
 39 capacity for on-dock rail and an increasing total throughput, the
 40 percent carried by on-dock rail will necessarily decrease even though
 41 the volume of containers moved via on-dock rail continue to increase
 42 in the future.
- 43 21-25.7 The referenced traffic improvements in mitigation measures **MM**
 44 **TRANS-1** through **MM TRANS-6** will not be fully funded by the
 45 Project Applicant because the improvements would also provide
 46 benefits to other roadway users. The Port is expected to also provide
 47 funding for these measures. Funding source is not a determinant of
 48 whether an proposed future improvement is treated as project

- 1 mitigation, so long as the lead agency commits to implementation of
 2 that improvement, and determines that the improvement will feasibly
 3 reduce or avoid significant impacts of the proposed Project.
 4 Regardless, if the listed improvements were considered changes to
 5 future background conditions rather than as mitigation measures, the
 6 environmental result would be the same: The significant impacts
 7 anticipated to occur in the absence of the listed improvements will
 8 not occur if the listed improvements are.
- 9 21-25.8 The commenter is correct. Under CEQA, any impacts from
 10 mitigation measures must be analyzed. Potential impacts from the
 11 roadway improvements proposed as mitigation in the Recirculated
 12 Draft EIS/EIR were considered and were found to not be significant.
 13 The draft document determined at page 3.6-36 that mitigation
 14 measures **MM TRANS-1** through **MM TRANS-6** are largely
 15 striping projects that involve minimal construction, and would be
 16 completed in off-peak traffic hours, and so are not anticipated to
 17 result in significant secondary impacts to the environment. No
 18 revision of the document is required
- 19 21-25.9 The referenced number of cars (28) per train in Section 3.6 is correct;
 20 as is the length of train (8,760 feet) is correct. Each car is made of
 21 five platforms, each of which supports one or more containers.
 22 Typically, one platform will hold up to two containers (stacked one
 23 on top of the other). As discussed in Section 2.4.2.7 of the
 24 Recirculated Draft EIS/EIR, a typical train would carry
 25 225 containers outbound and 150 containers inbound. A typical train
 26 that travels to and from the Port would be composed of up to 28 cars
 27 or up to 140 platforms. The rail delay analysis in Section 3.6 is
 28 based on an 8,760-foot train traveling at 9 miles per hour at two
 29 grade-separation locations just outside the Port.
- 30 21-25.10 Please see response to Comments 21-25.2. Nearly all intersections
 31 up to an approximately 25-mile distance from the Port are grade
 32 separated due to the Alameda Corridor. Some grade crossings do
 33 exist between the Project site and the Corridor, and those crossings
 34 are addressed in the study.
- 35 21-25.11 Please see response to Comments 21-25.2 and 21-25.10. Nearly all
 36 intersections up to an approximately 25-mile distance from the Port
 37 are grade separated due to the Alameda Corridor. Emergency
 38 vehicles are not expected to be delayed at area grade crossings.
- 39 21-25.12 The City of Los Angeles Department of Transportation has
 40 prescribed methods and protocols that must be adhered to for any
 41 construction activity that occurs within a street or roadway, as
 42 described on page 3.6-21 of the Recirculated Draft EIS/EIR.
- 43 21-25.13 The Project, along with other Port projects, is mitigating the impacts
 44 at all significantly affected locations including key I-110 freeway
 45 interchanges that provide project access. The Port continues to fund
 46 local and regional transportation system improvements related to
 47 goods movement, including participation in the I-710 Major Corridor

1 Study, which will develop a proposed plan for the I-710 corridor, a
2 major route for truck travel to and from both ports.

3 **21-26** Comment noted. Please see applicable resource sections in Chapter 3 of the
4 Recirculated Draft EIS/EIR.

5 **21-27** The Recirculated Draft EIS/EIR addresses potential impacts on land uses from
6 both Project-specific (Section 3.9) and cumulative (Section 4.2.9) perspectives
7 associated with construction and operation. Current community plans and zoning
8 ordinances are designed to address off-Port land use compatibility concerns
9 including container storage and scrap material yards. Furthermore, neither the
10 proposed Project nor the alternatives would establish offsite container storage
11 facilities.

12 **21-28** The Community Plan goals and objectives apply to land uses within the Plan area.
13 Although there are objectives for buffers between industrial uses and residential
14 uses within the Plan area, the Project site is unique in that there are no residential
15 uses that are located adjacent to the site. The nearest residential use to the
16 Project site is the single-family home set on Knoll Hill, which is separated from
17 the Project site by rail lines, Front Street, and Knoll Hill itself. In addition, the
18 Recirculated Draft EIS/EIR analyzes the impacts of the project on land use plan
19 consistency in Section 3.9.

20 **21-29** The comment related to Project impacts on Knoll Hill is not precise about the
21 Project's visual effects on this view, and more importantly, does not indicate why
22 the effects of the Project on this view should be of significant concern. The
23 impacts of the proposed Project on views from Knoll Hill are evaluated in
24 Section 3.1.4.3.3.1.7. Figure 3.1-6.2 provides images that allow a comparison to
25 be made of the view from Knoll Hill that existed during the baseline period with
26 the view as it would appear after the Project has been completed and is in
27 operation. As the analysis points out and review of Figure 3.1-6-2 makes clear,
28 the Project will not impede views toward the Vincent Thomas Bridge from this
29 area. The analysis and review of Figure 3.1-6.2 indicate that the cranes, berthed
30 ships, and stacks of containers (when present) have the potential to partially
31 block views toward the Port operations on Terminal Island. Careful review of
32 Figure 3.1-6.2b makes it clear that berthed ships and stacked containers will have
33 a very small effect on views of the open sky and that, although the cranes will
34 break the skyline, their visual effects will be reduced by their open, lattice-like
35 form and by their visual consistency with the existing elements of this view of a
36 working port. Although the berthed ships, stacked containers, and cranes will be
37 visible in this view and will change the view to some degree, the impacts of this
38 change are less than significant because of the at-most moderate level of visual
39 change and the low level of visual sensitivity of this view. For the reasons cited,
40 the Project-related visual elements will not substantially degrade the existing
41 visual character and quality of this view. The importance and sensitivity of this
42 view are not high in that this view is not one that is seen from a residential area
43 and has not been designated or developed as a scenic viewing area. As the
44 description of existing conditions on Knoll Hill in Section 3.1.2.4 indicates, the
45 top of Knoll Hill has been developed as an active recreation area, targeted for a
46 specific use (Little League baseball), and no formal or informal provisions exist
47 for enjoyment of the views toward the port. For example, there are no paths,
48 viewing areas, or benches that have been sited in a way to provide users of this
49 area opportunities to appreciate views of the port.

1 The commenter provides no indication of which views toward the Vincent
2 Thomas Bridge from I-110 would be “lost,” how consequential these views are,
3 or precisely how the presence of the cranes would affect those views.
4 Section 3.1.2.4 of the Recirculated Draft EIR/EIS documents the existing views
5 toward the Project site and the Vincent Thomas Bridge from I-110. As this
6 section points out, after the southbound lanes of I-110 have passed the cranes in
7 the TraPac terminal area that block views toward the Vincent Thomas Bridge, the
8 freeway curves to the west. As a consequence, the Project site and the Vincent
9 Thomas Bridge do not fall within the primary view of travelers. Lines 36-42 on
10 page 3.1-15 and lines 1-17 on page 3.1-16 more fully document these viewing
11 conditions. The impacts of the Project on views from I-110 are evaluated in
12 Section 3.1.4.3.3.1.1, and this analysis does not substantiate the claim embedded
13 in this comment about impacts on views from I-110.

14 **21-30** The cumulative aesthetic impacts of past, present, and future projects at the Port
15 and the potential contribution of the proposed Project to these impacts are
16 considered in Section 4.2.1 of the Recirculated Draft EIS/EIR. This analysis
17 recognizes the fact that past, present, and future projects have and will have
18 effects on the port’s visual environment that are cumulatively considerable and
19 significant. This analysis also concludes that, although the proposed Project
20 would not add in a substantial way to the cumulative impact on visual resources
21 that has occurred at the port, the visual changes the Project would bring about
22 will represent a cumulatively considerable contribution to a significant
23 cumulative impact.

24 **21-31** This comment makes reference to “the restrictive standard for determination of
25 impacts” but does not cite which standards it is referring to and why the
26 commenter finds them to be “restrictive.” The standards used for determination
27 of impact significance are those that the City of Los Angeles has developed for
28 determination of significance in evaluations conducted to respond to the
29 requirements of the California Environmental Quality Act. In addition, a
30 standard was used that is related to the requirements of the National
31 Environmental Protection Act. The commenter also makes reference to impacts
32 being declared insignificant that “the community finds to be significant and
33 adverse.” These impacts are not identified, and no evidence is provided to
34 support the claim that substantial numbers of people who live in the area (that is,
35 “the community”) has found these impacts to be significant and adverse.

36 The issue underlying this comment appears to be a concern about cumulative
37 impacts and their mitigation. As noted in the response to Comment 21-30, the
38 cumulative impacts of past, present, and future projects and the potential
39 contribution by the proposed Project to them are considered in Section 4.2.1 of
40 the Recirculated Draft EIS/EIR. As this response notes, this analysis recognizes
41 the fact that past, present, and future projects have and will have effects on the
42 Port visual environment, which are cumulatively considerable and significant.
43 This analysis also concludes that, although the proposed Project would not add in
44 a substantial way to the cumulative impact on visual resources that has occurred
45 at the Port, it recognizes that the visual changes the Project would bring about
46 will represent a cumulatively considerable contribution to a significant
47 cumulative impact. In response to the impacts identified, mitigation measures
48 are recommended.

1 **21-32** The lighting guidelines cited in the text already have been and will continue to be
2 adhered to in the development of the Project. Most of the lighting that is part of
3 this Project has already been installed and that measurements of nighttime
4 lighting conditions in nearby residential areas did not identify substantial
5 negative light spill or glare effects attributable to the existing Project lighting.

6 **21-33** Answers to the questions in this comment are as follows:

7 21-33.1 All of the photographs used as the basis for preparation of visual
8 simulations are photos that represent baseline (that is, pre-March
9 2001) conditions. With one exception, all of the photos of baseline
10 views are photos that were taken before March 2001. Because no
11 archival photos could be found to represent baseline conditions in
12 Simulation View 4, it was necessary to use a photograph taken in
13 December 2003. As is explained in footnote 5 on page 3.1-21, this
14 photograph was altered to remove the four cranes that were present
15 on the site at the time.

16 21-33.2 The view from Ports O' Call (Simulation View 5) approximates
17 views from the waters of the Main Channel that would be used by
18 recreational boaters. Photograph 18 in Figure 3.1-3j is a view from
19 Rancho Palos Verdes. As explained in the response to
20 Comment 11-1, this view was included because it provides a good
21 representation of the views toward the Project site from a range of
22 viewpoints in Rancho Palos Verdes and provides a sound basis for
23 understanding how the presence of the Project would affect views
24 from other Rancho Palos Verdes viewing locations. As the distance
25 from the Project site increases, the site becomes a smaller part of the
26 overall field of view and the potential for visual impacts is reduced.
27 As can be seen in reviewing this photograph, the Project site
28 represents a very small part of the view seen from Rancho Palos
29 Verdes. Because of this, no view blockages or other substantial view
30 impacts are likely; therefore, no simulations from this perspective
31 were required.

32 21-33.3 Because expansion of the area of fill had already been permitted
33 under another project and the area was not a part of the Berth 97-109
34 project, there was no basis for including it in this analysis.
35 Figures 3.1-5.2, 3.1-6.2, 3.1-7.2, and 3.1-8.2 present versions of the
36 simulations that include a container ship in Port at Berth 100. In the
37 views from SR-47 (Figure 3.1-5.2) and Ports O' Call (Figure 3.1-8.2),
38 the presence of the Project and a ship at Berth 100 have no effect at
39 all on the amount of open water that can be seen. In the views from
40 Knoll Hill (Figure 3.1-6.2) and Channel Street (Figure 3.1-7.2), the
41 presence of the Project and a ship at Berth 100 result in a very small
42 decrease in the amount of open water visible in the views from these
43 locations. Review of the simulations of these two views and
44 comparison of them with the conditions seen in the baseline views
45 make it clear that the small change in the amount of open water will
46 not constitute a substantial alteration of the existing character and
47 quality of these views.

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- 21-33.4 This question rests on a number of unexamined assumptions about the past existence and importance of views toward the Vincent Thomas Bridge from I-110. The Recirculated Draft EIR/EIS analysis documents the fact that, because of the orientation of I-110 as it approaches the bridge and because of the heavy traffic conditions, the Vincent Thomas Bridge is not within the primary cone-of-vision of travelers on this road and is not a central part of the traveler's visual experience. No sources are presented to support the statement that "This is often the first view of the port area for foreign and out-of state visitors coming from LAX and as such is highly significant." As Section 3.1.2.1 of the analysis points out, views of the Vincent Thomas Bridge from the north (the direction from which the bridge would be seen in views from I-110) are seldom found in tourist-oriented materials. The views of the bridge that are iconic and are seen on post cards and in tourism brochures are those from the Main Channel and Ports O' Call and from the approach to the bridge from San Pedro.
- The heart of this question has to do with the analysis and treatment of cumulative impacts. In the Recirculated Draft EIS/EIR, Section 4.2.1.3 of the cumulative impacts analysis evaluates the effects of the proposed Project on views of the Vincent Thomas Bridge, including those from I-110. This analysis recognizes the cumulative impact of past, present, and future Port activities on these views and finds that the cumulative impacts are significant. In response to these impacts, a set of mitigation measures is proposed.
- 21-33.5 The only scenic route in the project area is the route along John S. Gibson Boulevard, Pacific Avenue, Front Street, and Harbor Boulevard, this route is designated in Appendix E, the Transportation Element of the Los Angeles General Plan, adopted in 1999. The stated rationale of the adoption of this set of streets as a scenic route was that these streets provide a view of the working harbor. Because these streets are located in an area that is flat and at the same elevation as the lands between it and the waters of the harbor, views toward the open waters of the harbor would have always been limited because of the intervening land and the activities on them. The only place where any substantial views of the harbor waters would have been visible are in the area along John S. Gibson Boulevard north of Channel Street where there would have been views up the channel that extends west from the Main Basin. This channel has been narrowed because of recent fill activities, but these activities are not a part of this project. Increased numbers of cranes and container stacks in views from this route would not be inconsistent with the purpose of this scenic route, which is to provide views of port activities.
- 21-33.6 This comment makes the assertion that the aesthetics and visual resources analysis dismisses views as "degraded" but does not specify which formerly attractive views it is referring to. This assertion is curious because a word search reveals that the term "degraded" is not used anywhere in the entire visual analysis. The

- 1 concern of this question appears to be the cumulative effects of past
 2 port projects on views toward the port. These concerns are
 3 addressed in the Recirculated Draft EIS/EIR, in Section 4.2.1.3,
 4 which acknowledges that the cumulative effects of port projects have
 5 created a significant impact on views, and proposes measures to
 6 mitigate the effects.
- 7 21-33.7 The widely accepted practice in visual impact assessment is to
 8 evaluate the relative importance of visual changes in the context of
 9 the degree of sensitivity of the views involved. A high degree of
 10 sensitivity is assigned to views that have been recognized and given
 11 special status and/or protection in publicly adopted plans and policies.
 12 For views like those from SR-47, which have not been given any
 13 special public recognition, a look is taken at the numbers and kinds
 14 of viewers. The reasonable assumption is made that viewers in
 15 residential environments and in some classes of recreational
 16 environments are likely to be highly sensitive to changes in their
 17 views, while viewers in working environments are more likely to be
 18 focused on their work and less likely to be focused on or be
 19 concerned about changes to their views. These assumptions about
 20 the varying sensitivity of different kinds of views are reasonable, and
 21 make no assumptions about the “worthiness” of any particular
 22 population group. These assumptions are an integral part of visual
 23 resource assessment methods adopted by the Federal Highway
 24 Administration, the Bureau of Land Management, and other federal
 25 agencies.
- 26 21-33.8 This question raises a concern that the cumulative impacts of port
 27 activities might have altered past perceptions of SR-47 as a scenic
 28 drive. As the question notes, SR-47 has never received any formal
 29 recognition as a scenic route. Without a reference to documentation
 30 of the past role of SR-47 as a scenic drive, it is difficult to evaluate
 31 this question. In any case, the cumulative impact analysis more
 32 generally recognizes that past port activities have had a cumulative
 33 impact on views in the port area and proposes a number of measures
 34 to mitigate them.
- 35 21-33.9 Please see the Recirculated Draft EIS/EIR, Section 3.1.2.4, for
 36 documentation of the existing views from C Street.
- 37 21-33.10 The land on the top of Knoll Hill is Port-owned land that is being
 38 leased on a temporary basis for Little League use. Review of the site
 39 layout makes it clear that this area has been developed specifically
 40 for Little League baseball and does not include facilities or areas that
 41 have been designed for viewing the Port.
- 42 21-33.11 Figures 3.1.5.2, 3.1.6.2, 3.1.7.2, and 3.1.7.2, which include
 43 simulations of large container ships berthed at the Project site
 44 provide a clear understanding of how the larger vessels that will be
 45 accommodated at the site will affect views.
- 46 21-33.12 The heights of the cranes at Berths 97-109 would be of similar height
 47 as other cranes used throughout the port complex.

- 1 21-33.13 The lighting standards are spelled out in Section 3.1.4.3.3.2.1. Much
 2 of the Project lighting has already been installed and adheres to these
 3 standards. These standards have not been proposed as a mitigation
 4 measure because adherence to them will be required by the Port as a
 5 condition of the lease for the site.
- 6 21-33.14 Please see the response to Comment 21-33.13.
- 7 21-33.15 The standards take safety needs and aesthetics into consideration.
- 8 21-33.16 Containers will likely be stacked no more than five containers high,
 9 which is approximately 40 feet.
- 10 21-33.17 Container chassis can be stacked approximately 15 to 20 feet.
- 11 21-33.18 Please see Section 4.2.1.5 of the Recirculated Draft EIS/EIR.
- 12 21-33.19 The discussion of low-profile cranes in the Recirculated Draft
 13 EIS/EIR is correct and is based upon procedures specified in the ASJ.
 14 Please see Section 3.1.4.4.1 for documentation of the findings that
 15 substitution of low-profile cranes for the A-frame cranes proposed
 16 for this Project would be infeasible.
- 17 21-33.20 Comment noted. Port leases contain standard requirements to ensure
 18 safe operations and that lease areas are maintained.
- 19 21-33.21 Plaza Park is listed as a mitigation measure to compensate for views
 20 lost under all phases of the project.
- 21 **21-34** The Community Plans for Wilmington and San Pedro delineate land use zones
 22 and associated compatible uses and are implemented through zoning and other
 23 health and safety ordinances. Enforcement of these ordinances is designed to
 24 eliminate incompatible land uses and to allow development only to specified
 25 levels of intensity. Furthermore, neither the proposed Project nor the alternatives
 26 would establish offsite container storage facilities.
- 27 Please see response to Comment 21-14 (all sections). As discussed in the
 28 Recirculated Draft EIS/EIR, Yang Ming periodically used undeveloped acreage
 29 at Berth 97-109 during the baseline. Yang Ming usage of the Project site during
 30 the baseline period also allowed Yang Ming to operate more of a wheeled
 31 operation (containers on chassis rather than being stacked). The annual
 32 throughput associated with Yang Ming usage of the Project site was minimal
 33 with only about 45,000 TEUs, as discussed in Section 2.6.1 of the Recirculated
 34 Draft EIS/EIR. The loss of use of this site by the Yang Ming terminal would not
 35 result in the need for Yang Ming to require offsite container storage because the
 36 use of the Berth 97-109 did not result in additional throughput.
- 37 **21-35** The commenter's opinion regarding Port planning programs is noted. The
 38 potential for inconsistencies between the proposed Project and the policies
 39 contained in adopted Port plans and programs is addressed in Section 3.9 of the
 40 Recirculated Draft EIS/EIR. Applicable planning documents are updated on a
 41 periodic basis and the update process includes extensive public participation.
- 42 **21-36** Plans considered in the Recirculated Draft EIS/EIR include the Port Master Plan
 43 (PMP), Port of Los Angeles Plan, and other community plans. It is unclear if
 44 throughput would be an appropriate designator for Port land uses because
 45 throughput is an operational characteristic, whereas land use intensity is related

1 to the density of uses, or the floor area. However, the proposed measures of land
2 use intensity for the port can be suggested for inclusion in future revisions to land
3 use plans that guide growth and development at the Port.

4 **21-37** The City of Los Angeles Planning Department conducts the required
5 coordination as part of the Los Angeles General Plan development process.

6 **21-38** The PMP, Port of Los Angeles Plan, and community plans identify broad land
7 uses and policies, including infrastructure policies, for the Project site and area.
8 In addition, the City's General Plan includes circulation and air quality elements.
9 Growth at the Port and in communities adjacent to the Port are addressed in
10 environmental compliance documents (EIS/EIRs) prepared for specific projects
11 or at the General Plan level.

12 **21-39** Until such time as a new PMP is prepared and adopted, the existing PMP is in
13 force and is not "moot." Projects approved in the area subject to the PMP are
14 approved as subject to that comprehensive Plan, which calls for the project site
15 and the West Basin area to be used for cargo handling, and so are not and will not
16 be approved on a "piecemeal" basis.

17 **21-40** Answers to the comments in this comment are as follows:

18 21-40.1 The rail delay impacts discussed in the Recirculated Draft EIS/EIR
19 focused on the at-grade rail crossings located between the Port and
20 the Alameda Corridor, which eliminated at-grade rails crossings
21 between the Port and Downtown Los Angeles. In addition, please
22 see the responses to Comments 12-6, 12-7, 13-8, 13-9, 13-22 and
23 13-27. Please see the response to Comment 21-23.2 regarding the
24 HRA and its geographical area of influence. The issue of rail
25 corridor noise is addressed in Section 3.11.4.3.1.2 of the
26 Recirculated Draft EIS/EIR. As discussed in that section, the
27 greatest incremental increase in noise levels along rail corridors
28 serving the Port of Los Angeles is calculated to be 0.8 dBA CNEL,
29 which falls below the significance threshold. Farther inland, the
30 percentage of trains to and from the Project versus total trains
31 traveling along any particular route would decrease because there are
32 multiple tracks that the trains from the Project could take, and there
33 are other trains that are using the inland tracks. The decrease in
34 percentage of trains to and from the Project on inland tracks would
35 translate into a lower increase in noise to the CNEL than the 0.8 dBA
36 at locations closer to the Project site. Therefore, significant rail noise
37 impacts at inland locations are not anticipated.

38 21-40.2 The amendments to the PMP have been specific amendments
39 regarding particular sites or projects. The Port of Los Angeles Plan
40 is a community plan that contains the broad land use goals and
41 objectives for the Port. The Port of Los Angeles Plan provides the
42 overall land use framework within the context of the City's General
43 Plan, whereas the PMP serves as the coastal development plan for
44 the Port under the California Coastal Act. The two plans are not
45 inconsistent with each other. In addition, the PMP includes a public
46 input process, and any public concerns about potential
47 inconsistencies on a project-specific basis can be addressed during
48 that process.

- 1 21-40.3 Please see the Port of Los Angeles Plan available at the City of
2 Los Angeles Planning Department.
- 3 21-40.4 The Project site is zoned M3, which does not specify a height limit.
4 Height limits for buildings are limited by height district; however,
5 the Project site is not located in a height district.
- 6 21-40.5 SCAG employment and population projections are prepared using
7 numerous techniques and data sources: econometric, demographic,
8 and land use. The projections, prepared at the regional level and
9 disaggregated to smaller geographical areas, are adopted by all
10 association members. Project employment is consistent with SCAG
11 projections.
- 12 21-40.6 The definition of “local” can vary with the context and can range
13 from the communities adjacent to the Port (such as San Pedro and
14 Wilmington) to a larger City area.
- 15 21-40.7 As of July, 2008, the unemployment rate stood at 7.3 percent for the
16 State of California, 7.5 percent for the Los Angeles-Long Beach-
17 Santa Ana area, and 8.9 percent for the Riverside-San Bernardino-
18 Ontario area.
- 19 **21-41** The Recirculated Draft EIS/EIR has evaluated the potential operational noise
20 impacts in terms of CNEL effects, which is a 24-hour metric, in accordance with
21 the City of Los Angeles applicable standards. The noise evaluation includes the
22 nearest receivers in Wilmington. In regard to evaluation of single-event noise
23 level (SENEL), it is believed that the project would not necessarily result in a
24 magnitude increase of noise events from the Port operations. Sporadic loud
25 events are anticipated to continue to occur as would be expected in a location in
26 immediate vicinity to Port operations. Frequency of any such events would be
27 random and their contribution to the overall noise environment is inherent in the
28 calculated CNEL changes due to the proposed project.
- 29 **21-42** The noise analysis in the Recirculated Draft EIS/EIR includes an evaluation of
30 railroad noise in Section 3.11.4.3.1.2. Answer to the questions raised by this
31 comment are as follows:
- 32 21-42.1 Potential noise impacts due to traffic-generated noise along
33 roadways have been examined in the study by analyzing the noise
34 level changes arising from increases in vehicular traffic against the
35 baseline conditions as required by CEQA and NEPA. The CEQA
36 Baseline uses 2001 noise conditions, as described in
37 Section 3.11.4.1.1. In addition, Section 3.11.4.1.2 explains the
38 NEPA baseline.
- 39 21-42.2 The specific pre-school mentioned in the comment is not disclosed;
40 however, the noise level increases due to the proposed project and
41 alternatives (construction and operation) are discussed in the Noise
42 Section (Section 3.11) of the Recirculated Draft EIS/EIR. Potential
43 noise level changes at the pre-school would be similar to anticipated
44 increases at the nearest representative noise receiver location
45 discussed in the Recirculated Draft EIR.

- 1 21-42.3 Train noise varies based on number and type of locomotives, number
 2 of cars, and speed of the train. Contribution of train noise to overall
 3 noise levels and resultant changes in noise has been accounted for in
 4 Section 3.11.4.3.1.2 of the Recirculated Draft EIS/EIR. The greatest
 5 incremental increase in noise levels along rail corridors serving the
 6 Port of Los Angeles is calculated to be 0.8 dBA CNEL, which falls
 7 below the significance threshold.
- 8 21-42.4 Project-related train activity has been included in both the project
 9 impact evaluation and assessment of cumulative impacts in
 10 Section 4.2.11.4 of the Recirculated Draft EIS/EIR. The cumulative
 11 impacts reflect the Related Projects listed in Table 4-1. The
 12 cumulative impact analysis includes rail noise and concludes that the
 13 proposed Project would make a cumulatively considerable
 14 contribution to a cumulative noise impact.
- 15 21-42.5 Comment noted. Railroad noise has been evaluated in the
 16 Recirculated Draft EIS/EIR; please see the responses to
 17 Comments 41-40.1, 21-42.3, and 21-42.4.
- 18 21-42.6 Number and type of locomotives per train will vary depending on
 19 seasonal fluctuations in throughput and other factors. Trains
 20 typically have more than one locomotive attached to the front, rear or
 21 both ends. However, only one locomotive is typically used at a time
 22 within Port boundaries.
- 23 **21-43** Hardcopies (all four volumes) of the Recirculated Draft EIS/EIR were available
 24 at all local libraries and at the Port of Los Angeles as listed in Section 1.7 of the
 25 Recirculated Draft EIS/EIR. In addition, hard copies were provided to the PCAC
 26 and local Neighborhood Councils. CDs and hard copies of the Executive
 27 Summary were provided to over 200 individuals, agencies and groups. The
 28 entire document was also posted on the Port's website. The Port is concerned
 29 about paper use as the document was over 6,000 pages long. The Port is
 30 currently working with the Past EIR Subcommittee on ways to improve the
 31 Executive Summary and electronic copies to support both public access and
 32 sustainability.
- 33 **21-44** The Port and USACE generally try to avoid having numerous environmental
 34 documents under public review at the same time. In addition, the Port and the
 35 USACE appreciate the voluminous nature of the EIS/EIRs, and has circulated the
 36 environmental documents for time periods greater than legally required. As an
 37 example, the public review period for the Recirculated Draft EIS/EIR was
 38 75 days.
- 39 **21-45** The comment is noted. Please see Chapter 5 and Table 5-3 of the Recirculated
 40 Draft EIS/EIR for the relevant information.
- 41 **21-46** Answers to the comments in this comment are as follows:
- 42 21-46.1 Comment noted. Please see Sections 5.3 and 5.4 of the Recirculated
 43 Draft EIS/EIR which lists all relevant EJ policies and describes the
 44 proposed Project in light of these policies.
- 45 21-46.2 Chapter 5 describes the potential impacts to minority and low-
 46 income populations, consistent with applicable regulations. The

- 1 purpose of the environmental justice evaluation is to identify
 2 potential impacts to such populations so that the decision-makers can
 3 consider those impacts in their deliberations and the balancing of
 4 benefits and impacts.
- 5 21-46.3 Please see the response to 21-46.2. It should be noted that decision-
 6 makers will also consider the overall project impacts regardless of
 7 race, and will balance the project benefits in deciding whether to
 8 approve or disapprove the proposed Project or alternative.
- 9 21-46.4 The comment is noted. As described in the Draft EIS/EIR, the
 10 proposed Project includes numerous mitigation measures to reduce
 11 any potential impacts on the local community.
- 12 21-46.5 Please see the responses to Comments 21-19.8 and 21-42.3.
- 13 **21-47** Under CEQA, the baseline is generally established as of the date of the Notice of
 14 Preparation. For the proposed Project, the baseline was established as of March
 15 2001 by the ASJ. The cumulative effects of past, present, and future projects are
 16 described, and the proposed Project's cumulative contribution to those effects are
 17 evaluated for each resource area in Chapter 4 of the Recirculated Draft EIS/EIR.
 18 Neither NEPA nor CEQA provides authority for the mitigation of impacts not
 19 attributable to the proposed Project in this EIS/EIR.
- 20 **21-48** Comment noted. Please see the response to Comment 21-9.
- 21 **21-49** Comment noted. Please see the discussions under the heading "Contributions of
 22 the Proposed Project" for each resource area in Chapter 4 of the Recirculated
 23 Draft EIS/EIR.
- 24 **21-50** Answers to the questions in this comment are as follows:
- 25 21-50.1 All vessels operate under strict procedures both in, and on approach
 26 to, the Port and many vessel characteristics (including size) are
 27 incorporated into these procedures. The Port does not anticipate any
 28 substantial increase in the risk of vessel collisions based on the
 29 procedures and the use of Port Pilots.
- 30 21-50.2 Terminal operators attempt to minimize crane accidents and falling
 31 cargo, and due to the unknown nature or frequency of such events,
 32 there is no way to accurately predict such accidents. However, given
 33 that the cranes and containers would be confined to the terminal site
 34 during loading and unloading operations, the potential of an
 35 accidents resulting in significant physical changes to the
 36 environment is not large.
- 37 21-50.3 Please see the response to Comment 21-25.11. In addition, a rail
 38 delay evaluation for at-grade crossings in Riverside County show
 39 that average vehicle delay would not be significantly affected by the
 40 proposed Project (see the responses to Comments 12-6, 12-7, 13-8,
 41 and 13-9).
- 42 21-50.4 The proposed Project is not expected to increase security risks at the
 43 Port as compared to baseline conditions. However, the Port as a
 44 whole is an area of national interest and the state and federal
 45 governments have committed significant funds to establish
 46 preventative measures.

- 1 **21-51** The commenter’s concerns are noted. Please see the impact discussion under
2 Impact PS-5 in Section 3.13 of the Recirculated Draft EIS/EIR.
- 3 **21-52** The commenter’s opinions are noted. The document, as appropriate and required
4 under NEPA and CEQA, adequately addresses the impacts of the proposed
5 Project to the physical environment
- 6 **21-53** Thank you for referencing the documents. The decision-makers may consider
7 these documents as part of their review process. In addition, the decline in
8 manufacturing employment in Southern California during the past few decades is
9 undeniable. However, the reasons behind this decline are numerous and subject
10 to interpretation. There are many “costs of doing business” such as availability
11 and cost of labor and materials, compliance with local, state, and federal rules
12 and regulations governing environmental, health, and safety conditions, and
13 changing market conditions at the local, regional, national, and international
14 levels. It is not required that this level of detail (even if it were feasible to
15 accomplish) be included in the environmental document.
- 16 **21-54** The Port cannot be responsible for performing economic analyses on regulations
17 developed by the SCAQMD upon the local or regional economy. Rather, the
18 evaluation of impacts under CEQA and NEPA focus on anticipated physical
19 changes in the environment.
- 20 **21-55** The commenter’s opinions are noted. Property values can and do vary
21 dramatically between communities, even between adjacent communities and are
22 influenced by a multitude of factors. Real estate values in communities adjacent
23 to the Port, however, have responded similarly to other communities under
24 similar market conditions; positive and negative.
- 25 **21-56** Please see Sections 3.2 and 4.2.2 of the Recirculated Draft EIS/EIR for a
26 description of the project-level and cumulative impacts to air quality. In addition,
27 the MATES III study is referenced in the environmental document.
- 28 **21-57** The commenter’s opinions are noted. Please see Section 3.9.2.2 of the
29 Recirculated Draft EIS/EIR for a discussion of blight, as defined by the
30 California Community Redevelopment Law. In addition, there are several
31 Redevelopment Projects in the vicinity, and the CRA is addressing blight through
32 those projects.
- 33 **21-58** Answers to the questions in this comment are as follows:
- 34 21-58.1 Information presented by the federal Bureau of Transportation
35 Statistics, indicates that the Port of Los Angeles handled imports
36 with a value of \$105 billion in 2003 (the latest year for which data
37 are available). The value of imported goods varies by season, year,
38 and reporting period.
- 39 21-58.2 Information presented by the federal Bureau of Transportation
40 Statistics, the Port of Los Angeles handled exports with a value of
41 \$17 billion in 2003 (the latest year for which data are available). The
42 value of exported goods varies by season, year, and reporting period.
- 43 21-58.3 Whether the trade imbalance associated with imports and exports
44 through the Port of Los Angeles is healthy from an economic
45 perspective is a concern beyond the scope of this environmental
46 document.

- 1 21-58.4 The source of information is the Los Angeles County Economic
2 Development Corp. (LAEDC), <http://www.laedc.org>.
- 3 21-58.5 The number of jobs includes not only longshoremen but also a wide-
4 array of other activities including vessel operation, services to
5 vessels, cargo handling, surface transportation, (rail and truck), air
6 cargo, trade finance, freight forwarding, customs brokers, insurance
7 and law (the latter are necessary to interpret the growing roster of
8 trade security regulations).
- 9 21-58.6 The focus of the section pertaining to housing was on property
10 values and the potential linkage with operations at the Port.
- 11 21-58.7 The communities for which information is presented in Table 7.2-12
12 are located in the area referred to as “South Bay” in Los Angeles
13 County.
- 14 21-58.8 At the time the recirculated EIR/EIS was developed, the latest
15 information available was used. It is derived from a report entitled
16 “South Bay, Los Angeles County, 2002-2003 Economic Overview
17 and Forecast” published in December 2002 by the LAEDC.
- 18 21-58.9 The focus of the Recirculated Draft EIS/EIR is on impacts resulting
19 from physical changes in the environment, and is not intended to be a
20 cost-benefit study.
- 21 **21-59** The proposed Project does not include offsite container storage or warehousing.
22 Section 3.9 (Impact LU-4) discusses the anticipated secondary impacts of the
23 proposed Project and alternatives. Long-term direct employment at the proposed
24 site could range from about 2,200 to 8,400 jobs, depending on which alternative
25 is selected, if any. Although it is possible that creation of these job opportunities
26 could result in the relocation of some workers and families, the potential number
27 is small when placed in perspective to the availability of housing, locally and
28 regionally.
- 29 **21-60** The decision-makers will consider your concerns.
- 30 **21-61** Comment noted. The project-level and cumulative health risks of the proposed
31 Project are evaluated in Section 3.2 and Chapter 4 of the Recirculated Draft
32 EIS/EIR.
- 33 **21-62** The comments received on the NOP are a part of the administrative record and
34 are available for review at the Port. Because the environmental document was
35 revised and recirculated, comments received on the first Draft EIS/EIR are not
36 applicable to the Recirculated Draft EIS/EIR.
- 37 **21-63** The commenter’s opinion is noted.
- 38 **21-64** Please see the response to Comment 21-44.
- 39 **21-65** The Port appreciates the commenter’s concern. Given the voluminous nature of
40 Port environmental documents (the Recirculated Draft EIS/EIR is approximately
41 6,000 pages including all the volumes), the Port has placed the document on its
42 website and hardcopies at five locations in the project area.
- 43 **21-66** Comment noted. Comments submitted to either agency by the deadline have
44 been included in the Final EIS/EIR.

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**COASTAL
SAN PEDRO**
NEIGHBORHOOD COUNCIL

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An official
neighborhood
council of the
City of Los Angeles

Certified December 11, 2001



May 24, 2008

Commander, U.S. Army Corps of Engineers
Los Angeles District, c/o Dr. Spencer D. MacNeil
P.O. Box 532711
Los Angeles, CA 90053-2325

Dr. Ralph G. Appy, Director Environmental Management Division
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: Comments Submittal for the Re-Circulated Draft EIR/EIS for
Berth 97-109 (China Shipping) Container Terminal Project

Dear Dr. Appy and Dr. MacNeil,

We appreciate the opportunity to submit comments regarding the Subject Project Environmental impacts and hereby state our opposition to the Proposed Project as described in the Re-Circulated Draft EIR/EIS due to the current unhealthful conditions in the affected community identified as a Federal non-attainment area for Air Quality, and due to the failures listed in the sections SUMMARY COMMENTS and SPECIFIC COMMENTS, below which we note are very similar to comments submitted applicable to the recent TraPac EIR/EIS.

SUMMARY COMMENTS

1. The Mitigation Measures applicable to Ocean Going Vessels (OGV's) listed for the Proposed Project require revision to, at a minimum, ensure compliance and consistency with all applicable Measures stated in the San Pedro Bay Ports Clean Air Action Plan (CAAP) and on the schedule required in the CAAP. As noted in SPECIFIC COMMENTS, highly crucial CAAP measures are scheduled for implementation at dates that undermine the CAAP. 22-1
2. We are gravely alarmed that the Port proposed the Project with the statement that the air quality impacts are "considered significant, adverse, and unavoidable" after the proposed mitigation measures have been applied. We recommend that the Port require the mitigation efforts for the Project as defined in the CAAP and if projected emissions still create residual significant air quality impacts after full application of all feasible mitigation measures, we recommend that mitigation measures be required for existing sources in closest proximity to the Project. The mitigations applicable to sources other than the Project provide the opportunity to reduce the residual emissions to below significant levels on a port-wide basis. 22-2

SPECIFIC COMMENTS

Measure MM AQ-11, Low Sulfur Fuel (LSF) in Ships applicable to Auxiliary and Main engines, requires revision to schedule full implementation based on current availability of LSF and as was originally committed in the CAAP. The EIR's currently stated phase-in of LSF (maximum sulfur content of 0.2 percent) in Ocean Going Vessels of 30% in 2009, 50% in 22-3

2010, and 100% in 2013 violates the CAAP commitment to implement 100% LSF compliance in terminal leases as they are renewed or modified. The EIR/EIS requires revision to impose 100% LSF implementation on start of operations.

We noted that the CAAP included implementation of Measures OGV3, applicable to Auxiliary Engines, and OGV4, applicable to Main Engines, which required that, on lease renewal or revision, all ocean going vessels utilizing the leased facilities must burn $\leq 0.2\%$ S MGO within the current Vessel Speed Reduction program boundary of 20 nm, subsequently expanded to the 40 nm boundary. The schedule in the draft EIR would not require all OGV to comply until four years after the date established in the CAAP (lease renewal/revision) and would result in a severe shortfall in the emission reductions promised in the CAAP.

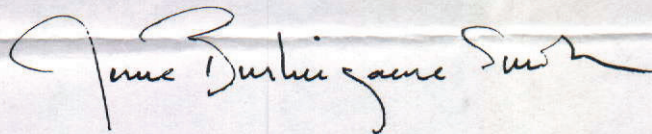
Furthermore, OGV3 and 4 require the port to continue to evaluate the availability of $\leq 0.1\%$ S fuels and possibly change the requirement to the lower limit. Therefore, MM AQ-11 should be revised to require the lease to automatically adjust the sulfur limit to $\leq 0.1\%$ when the CAAP is amended to generally require $\leq 0.1\%$.

Measure MM-AQ12, Slide Valves in Ship Main Engines requires revision to ensure consistency with the CAAP. The currently stated phase-in of slide valves in the EIR/EIS applicable to Ocean Going Vessels at 25% in 2009, 50% in 2010, 75% in 2012, and 100% in 2014 fails to satisfy the CAAP milestones applicable to the same slide valve measure applicable to OGVs.

The CAAP requires that the Measure OGV5, Slide Valve Technology, shall be implemented through lease requirements as new leases are established or existing leases are revised. Specifically, OGV5 requires that immediately upon lease renewal, all ocean going vessels utilizing the leased facilities must employ slide valve technology. The schedule in the Re-circulated Draft EIR/EIS would not require all OGVs to comply until five years after the date established in the CAAP (lease renewal/revision), resulting in a substantial shortfall in the emission reductions promised in the CAAP. Further, we noted that the Re-circulated Draft EIR/EIS falls short of the previous China Shipping Draft EIR/EIS which required slide valve technology on 100% of the ships serving the terminal by 2010.

Measure MM-AQ-23, Throughput Tracking, indicates the Port's recognition of the potential for exceeding throughput as planned in the EIR/EIS yet requires revision to impose review of actual throughput through a defined process and on a stated basis, such as yearly. The current MM-AQ-23 defines no specific requirement for when or how the reviews will be performed and further definition for the Measure is required to ensure compliance.

We look forward to release of the Final EIR/EIS with incorporation of our recommendations as we seek mutually to benefit from improved air quality.



June Burlingame Smith
President
Coastal San Pedro Neighborhood Council

Copies to: Dr. Geraldine Knatz, Port of Los Angeles Executive Director; Mr. Henry Hogo, Deputy Executive Officer, South Coast Air Quality Management District; Todd Sterling, California Air Resources Board

22-3

22-4

22-5

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**2.3.22 Coastal San Pedro Neighborhood Council
(Comment Letter 22)**

- 22-1** This comment summarizes Comments 22-3 and 22-4, below. Please refer to those responses.
- 22-2** Please refer to response to Comment 20-1.
- 22-3** Please refer to response to Comment 10-1.
- 22-4** Please refer to response to Comment 10-9.
- 22-5** Please refer to response to Comment 21-3.

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Northwest San Pedro Neighborhood Council

"Your Community Voice"

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July 14, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o: Spencer D. MacNeil, D. Env.
ATTN: CESPL-CO-R-2003-01029-AOA
P.O. Box 532711
Los Angeles, CA 90053-2325

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U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

Dan Dixon
President

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Treasurer

Mary Hamlin
Secretary

Ralph Appy
Director of Environmental Management
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425 S. Palos Verdes Street
P.O. Box 151
San Pedro, CA 90731-015

**Subject: Comments of the Northwest San Pedro Neighborhood Council
Berth 97 -109 Container Terminal Project
Draft Environmental Impact Statement/Environmental Impact
Report**

Dear Dr. Appy and Dr. MacNeil,

We the elected Board of the Northwest San Pedro Neighborhood Council provided the comments below to the Berth 97 -109 Container Terminal Project Draft Environmental Impact Statement (EIS) Environmental Impact Report (EIR). Given the proximity of the proposed project to Northwest San Pedro we have developed the attached comments for your review and consideration in the final EIR/EIS to be considered by the Board of Harbor Commissioners. All of the comments below are related to the proposed project.

General Comments

23-1

1. There are significant unmitigated air quality, noise, and traffic impacts from the proposed project. Some impacts, especially traffic west of Harbor Boulevard and Interstate 110, were not even considered. Additional litigation is both necessary and reasonable.

- 23-2 | 2. All aspects of the project should meet and exceed the requirements of the San Pedro Bay Clean Air Action Plan, and No Net Increase Policy adopted by the Board of Harbor Commissioners.
- 23-3 | 3. During implementation of the project construction and operation the Port needs to evaluate air quality, noise and transportation impacts to test the modeling and basis for the mitigations proposed. Should actual air quality, noise, or transportation impacts be greater than estimated in the DEIR/DEIS/DIES then the Port should propose additional mitigations to reduce the impacts to acceptable levels.
- 23-4 | 4. Every five years during terminal operations verification of throughput projections stated in the Final EIR/EIS should be performed. Should these projections be exceeded then additional air quality and transportation mitigation should be required.
- 23-5 | 5. Biological Impact 4b/4c is considered significant with mitigation not available beyond regulatory compliance. We find this to be unacceptable and request that the Port and COE include specific language within the lease agreement for the treatment and management of ship water to reduce and/or eliminate the potential for invasive non native species to be released into San Pedro Bay Waters.

Specific Comments - Air Quality

1. **Environmental Impact AQ-1, AQ-2: Construction would produce unmitigated emissions that exceed South Coast Air Quality Management District (SCAQMD) emission significance thresholds.**
- 23-6 | The amount of emissions from construction of the proposed project is unacceptable. The Port should explore additional opportunities to lower the pollutant emissions.
- 23-7 | During construction of the proposed project, there will be significant unmitigated emissions of VOCs, CO, NOx, Sox and PM₁₀ and PM_{2.5}. More specific air quality mitigations to control construction emissions need to be included as part of the DEIR/DEIS and in future construction specifications. Specifically, all construction equipment: should:
- 100% Use low sulfur diesel fuel
 - Limit idling times to 5 minutes for all equipment and trucks
 - Use diesel particulate filters on all equipment
 - Use of electrical or natural gas equipment on-site where feasible.
- In addition, we would expect that specific construction mitigations would be included on all Port projects to achieve no net increase in emissions.

2. **Environmental Impact AQ-3: The proposed project and the project alternatives will result in operational emissions that exceed 10 tons per year of VOCs and SCAQMD thresholds of significance.**

23-8

According to the analysis in the DEIR/DEIS analysis the project will have significant impacts from VOCs, CO, NOx, PM₁₀, and PM_{2.5} through the project lease (40 years) even with mitigations. We understand that technical challenges exist in reducing air quality impacts while growing TEU throughput. However proposing a project that never over a 40 year time frame does not completely mitigate air quality impacts is a concern. Should mitigations not be available on this project we ask the Port to evaluate mitigation measures that could be applied to reduce emissions at other locations to further reduce the emissions from the terminal to below CEQA Thresholds.

3. **Environmental Impact AQ-7: The proposed project or alternative would expose receptors to significant levels of toxic air contaminants (TAC).**

23-9

According to the analysis in the DEIR/DEIS analysis the project will exceed the cancer risk significance threshold with mitigations from 2004 -2074. The CEQA cancer risk increment is 20 in a million and is based on a location in Wilmington north of C Street and east of Figueroa. Given that the highest unmitigated CEQA impact is 200 yards west of Knoll Hill we would expect the highest CEQA mitigated impact to be within the boundaries of the NWSPNC. As with AQ-3 we understand that technical challenges exist in reducing air quality impacts while growing TEU throughput. However proposing a project that never over a 40 year time frame does not reduce cancer risk to the significance threshold is a concern. We ask the Port to evaluate mitigation measures that could be applied to reduce TAC emissions within the project area and at other locations in the Port to lower the acute hazard index to the significance threshold.

4. **There should be periodic review and application of new technology and regulations.**

23-10

As part the project construction and operation the Port needs to include a post-project validation system that implements new technologies to reduce air quality impacts as soon as possible and take advantage of advances in air pollution control technologies. In addition, a formal review should be done every year to evaluate the state of the emissions control industry and how new technologies and devices could be applied to Port projects.

5. **The DEIR/DEIS identifies small particle emissions as significant, adverse, and unavoidable.**

23-11

There is a difference between having an unavoidable result and an unmitigated impact. If it is true that small particle emissions are unavoidable, these impacts can be mitigated by more aggressive emissions control and mitigations. Among the mitigation that should be considered is by evaluating air quality within home and office spaces in the impacted areas. Based on analysis of the indoor air quality the Port can evaluate the need to supply air purifiers and other improvements for indoor air spaces impacted by small particle emissions from the Port.

6. The DEIR/DEIS should evaluate Air Emissions at the maximum operations, three shifts at full capacity for the worst case scenario.

23-12

Over the course of the terminal operations the throughput could increase if TEUs moved during the night and hoot shifts equals the day shift. To evaluate the maximum emissions from full terminal operation at its operational capacity the air quality analysis should be done for three shifts at operating at day shift levels.

Specific Comments related to Transportation/Circulation

1. Figure 3.10-2 “Proposed Project Trip Distribution”.

23-13

The project will generate 1.508 million truck trips annually. Of these, 754,400 [50%] will use the 110 Freeway and another 316,680 (21% will use Alameda Street via Harry Bridges Blvd. The impact of these large numbers on freeway congestion has not been evaluated in the DEIR/DEIS, including the addition of 714,000 trucks per year from the TraPac terminal project.

A comparison should be done showing the impact of both TraPac and the China Shipping project on the 110 Freeway. Further, and evaluation of truck traffic from the project using the proposed ACTA Alameda Flyway to reduce traffic on the 110 Freeway and Alameda Street should be performed.

2. The DEIR/DEIS does not assess any traffic impacts west of the 110 Freeway.

23-14

The DEIR/DEIS does not evaluate truck traffic from the proposed project west of the 110 Freeway along North Gaffey Street. Given the location of the Port of Los Angeles Distribution Center on North Gaffey Street at

23-14

Westmont Drive and the number of trucks that currently use the facility; we do not believe that there will be fewer than 43 project trips, the City of LA significance standard, at the following intersections:

- North Gaffey and Channel Street
- North Gaffey and Capital
- North Gaffey and Westmont

Given the proximity of the Los Angeles Distribution Center to the Berth 97 -109 project we believe that truck traffic on N. Gaffey, Channel Street will increase with implementation of the proposed project.

As mitigation for the increase, we suggest that the Port evaluate additional on and off ramps to serve the Distribution Center as part of the West Basin Transportation Improvement program.

23-15

3. **The DEIR/DEIS should evaluate transportation impacts at the maximum operations, three shifts at full capacity for the worst case scenario.**

Over the course of the terminal operations the throughput could increase if TEUs moved during the night and hoot shifts equals the day shift. To evaluate the maximum transportation impacts from full terminal operation at its operational capacity the traffic and rail analysis should be done for three shifts at operating at day shift levels.

Specific Comments to Section 3.1 Aesthetics/Visual Resources

23-16

1. The addition and expansion of Berth 97 -109 terminal will increase the number of utility poles and add to the "cross-arms" on existing poles. This impact should be mitigated by putting all utilities underground along Front Street and John Gibson and by placing utilities underground along the boundary of the terminal. In addition, landscaping should be placed along the perimeter of the facility to reduce the visual impacts. The implementation of the NWSPNC China Shipping Mitigation project should be undertaken as part of the first phase of terminal construction.

23-17

2. The number and concentration of cranes within the proposed project area has reduced the aesthetics and visual resources of the surrounding area. This should be mitigated by adopting a crane painting program using a painting scheme designed to blend the cranes into the background.

23-18

3. The expansion of the container terminal at Berths 97-109 will result in large area lights and additional six cranes along the waterfront north of the Vincent Thomas Bridge. The Vincent Thomas Bridge can be seen many neighborhoods northwest of the project site. The view lines of the bridge

23-18

span and decorative light will be changed with the addition of the new cranes and light standards. To mitigate the loss of aesthetics we propose the following mitigations, in addition to the MM AES-2.

- Completion of Phase II – Gatun to Channel, of the Northwest San Pedro North Gaffey Beautification Project
- Removal of the EZ Smog along North Gaffey Street, across from the Department of Motor Vehicles and include in Phase I of the Northwest San Pedro Beautification project.

We look forward to release of the Final EIR/EIS with incorporation of our comments and recommendations as we work to develop a terminal project with the least impacts to the NWSP and Port community.

Dan Dixon
President
Northwest San Pedro Neighborhood Council

cc: Dr. Geraldine Knatz, Port of Los Angeles Executive Director;
Ms. Janice Hahn, Council District 15
Mr. David Freeman, Board of Harbor Commissioners President



Northwest San Pedro Neighborhood Council

"Your Community Voice"

RESOLUTION

**Comments Concerning Recirculated Draft
Environmental Impact Statement/Report
Berth 97-109 Container Terminal Project**

Dan Dixon
President

John Mavar
Vice President

Sanni Wehbe
Treasurer

Mary Hamlin
Secretary

July 14, 2008

WHEREAS, the Army Corps of Engineers and Port of Los Angeles have asked for comments to the Berth 97 – 109 (China Shipping) terminal project; and

WHEREAS, this project will consist of a 40 year lease, 234 ship calls, 1,551,000 TEUs, 1,508,004 truck trips and 817 rail trips annually at full build out in 2030; and

WHEREAS, the proposed terminal project will affect stakeholders in Northwest San Pedro through unmitigated significant impacts to air quality, aesthetics, ground transportation, noise, water quality, geology, and biological resources.

NOW THEREFORE, the NWSPNC provides the attached comments to the draft Berth 97 -109 Recirculated Draft EIR/EIS:

Adopted July 14, 2008

1

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2.3.23 Northwest San Pedro Neighborhood Council (Comment Letter 23)

23-1 Comment noted. All feasible mitigation measures as required by NEPA/CEQA have been applied to the proposed project in the EIS/EIR. Regarding traffic, please see the response to Comment 11-3.

23-2 Please refer to response to Comments 1-2 and 20-1.

23-3 Please refer to response to Comments 21-3 and 21-8. The EIS/EIR identifies, evaluates, and identifies feasible mitigation to reduce or avoid the significant impacts of all reasonably foreseeable activity under the proposed Project. Therefore, environmental impacts under the proposed Project are not anticipated to be greater than estimated. Nevertheless, Mitigation Measure AQ-22 and AQ-24 provide a basis by which the applicant may implement and/or the Port may require additional mitigation measures that may become available with the continuing development of emissions control technology.

Throughput tracking would occur at the staff level, but would be presented to the Board of Harbor Commissioners at Board meetings. **MM AQ-23** will be incorporated into the lease with the implementation plan described below. Throughput shall be monitored by the Wharfingers Office and the Environmental Management Division. Environmental Management Division will report on throughput in 2010, 2015, 2030 and 2045 and numbers will be made available to the Board at a regularly scheduled public Board Meeting. If it is determined that throughput numbers exceed EIR assumptions, staff would evaluate actual air emissions for comparison with the EIR and if the criteria pollutant emissions exceed those in the EIR, then new/additional mitigations would be applied through **MMAQ-22**. Information such as ship calls and truck/rail trips are inherent to any throughput calculations and would be part of the analysis completed by staff through **MM AQ-23**.

23-4 Please refer to response to Comment 21-3.

23-5 As specified in the Recirculated Draft EIS/EIR, (1) adherence to current State guidelines minimize the possibility for future introductions of non-native species, and (2) no feasible mitigation is available to further minimize potential introductions of non-native species. However, if/when new measures become available they will be implemented as required at that time.

23-6 This comment is a summary of Comment 23-7. Please refer to response to Comment 23-7. The proposed Project includes construction mitigation measures consistent with the Port's recently approved Sustainable Construction Guidelines.

23-7 All feasible mitigation measures as required by NEPA/CEQA have been applied to project construction in the EIS/EIR. **MM AQ-3** and **MM AQ-4** impose a 5-minute idling limit for trucks and construction equipment, respectively. **MM AQ-5** would require emission control technologies such as diesel oxidation catalysts and catalyzed diesel particulate traps, where feasible. In addition, California Diesel Fuel Regulations would require ultra low sulfur fuel in construction equipment, trucks, and harborcraft, as described in Table 3.2-19 of the EIS/EIR. Responses to Comments 10-5, 10-6, and 10-7 provide additional

1 information regarding the construction equipment specifications that the Port
2 would require during project construction.

3 **23-8** Please refer to response to Comment 20-1. In this EIS/EIR, all measures
4 determined by the Port to be feasible for the proposed Project are prescribed as
5 mitigation. It is the intention of the Port to directly reduce or eliminate the
6 source of emissions. In addition, **MM AQ-22** provides a process to consider new
7 or alternative emission control technologies at regular intervals during the lease
8 and an implementation strategy to ensure compliance. Under **MM AQ-22**, the
9 opportunity to add new measures to the lease would occur at least every 7 years.

10 Regarding the comment to provide offset mitigation, that mitigation be applied to
11 sources other than the Project, neither NEPA nor CEQA authorizes the
12 imposition of mitigation in the context of this EIS/EIR for the purpose of
13 reducing or avoiding impacts that are not directly or indirectly attributable to the
14 proposed Project. Such impacts are being addressed by the Port outside the
15 NEPA/CEQA process, through implementation of CAAP, the recently agreed
16 upon MOU. Through the MOU, the Port has agreed to establish a Port
17 Community Mitigation Trust Fund geared toward addressing the overall off-Port
18 impacts created by Port operations outside the context of project-specific NEPA
19 and/or CEQA documents. This fund includes, for example, approximately
20 \$6 million for air filtration in schools and funding for an initial study of off-Port
21 impacts on health and land use in Wilmington and San Pedro, as well as a more
22 detailed subsequent study of off-Port impacts of existing Port operations, which
23 will examine aesthetics, light and glare, traffic, public safety and effects of
24 vibration, recreation, and cultural resources related to Port impacts on harbor area
25 communities. As part of the MOU, the Port would contribute \$3.50 per container
26 received at the terminal up to an amount of approximately \$4 million. The off-
27 Port community benefits of the MOU are designed to offset overall effects of
28 existing Port operations.

29 **23-9** As pointed out in the comment, the maximum residential cancer risk increment
30 moved from Knoll Hill before mitigation to Wilmington after mitigation, as
31 shown in Figures 7-3 and 7-8 in Appendix E3 of the EIS/EIR. A number of
32 factors influence the location of the maximum receptor location, including the
33 relative contributions of the various emission sources and the effect of
34 subtracting the baseline impacts to obtain the increment. Before mitigation, the
35 relatively high impacts from the proposed Project tend to wash out any effect
36 from subtracting the baseline. This tends to result in the maximum receptors
37 being very near the greatest emission sources. However, after mitigation, the
38 relatively low proposed Project impacts cause the baseline impacts to have a
39 much greater influence when subtracted. In certain situations, this effect can
40 sometimes move post-mitigation maximum increment receptors farther away
41 from the emission sources, where the impacts from baseline are less and
42 therefore the project increment is greater.

43 Please refer to response to Comment 20-1 for a discussion of mitigation.

1 **23-10** The Port will encourage use of cleaner construction equipment, including the
 2 cleanest available harbor craft, through the Environmental Compliance Plan
 3 required of all contractors. Each contractor is required to submit an
 4 Environmental Compliance Plan for work completed as part of the Berth 97-109
 5 Container Terminal Project. The Environmental Compliance Plan will be
 6 developed by the contractor and must:

- 7 ■ Identify the overall construction area
- 8 ■ Identify work hours and days
- 9 ■ Describe the overall construction scope of work
- 10 ■ Identify all construction equipment to be used to complete the project
- 11 ■ Identify all applicable mitigation measures depending on scope of work and
 12 construction equipment list
- 13 ■ Develop a plan to adhere to all applicable mitigation measures
- 14 ■ Develop a record-keeping system to track mitigation and any pertinent
 15 permits and/or verification documents, such as equipment specifications,
 16 equipment logs, and receipts
- 17 ■ Develop a tracking system to ensure mitigation is completed within the
 18 specified plan
- 19 ■ Identify one lead person, plus one backup person to be responsible for
 20 environmental compliance
- 21 ■ Identify additional measures, practices or project elements to further reduce
 22 environmental impacts

23 The Environmental Compliance Plan must be submitted to the Port of
 24 Los Angeles for review prior to commencing construction. The Port of
 25 Los Angeles reserves the right to modify the Plan in conjunction with the
 26 contractor, and to identify additional measures, practices, or project elements to
 27 further reduce environmental impacts.

28 In addition, the Port, through the CAAP, has established the TAP to fund new
 29 technology to reduce air emission. The TAP is funded primarily by both Ports
 30 with additional funding from participating agencies.

31 **23-11** It is the goal of the Port and USACE to apply mitigation to the source of
 32 emissions to reduce health effects from proposed projects in NEPA/CEQA
 33 environmental documents. The Recirculated Draft EIS/EIR incorporates all
 34 feasible mitigation measures that would reduce air pollution and human health
 35 impacts from proposed construction and operational emission sources, and could
 36 be accomplished in a successful manner within a reasonable period of time,
 37 taking into consideration economic, environmental, legal, social, and
 38 technological factors (CEQA Guidelines Section 15364). Reducing emissions at
 39 the source benefits both indoor and outdoor air quality in all receptor locations,
 40 and is therefore much more effective than controlling ambient concentrations at
 41 individual receptors.

42 By contrast, mitigation applied at the receptors, such as installing air purifiers in
 43 homes and schools, is economically infeasible at the project level because
 44 relatively few individuals would benefit at a relatively high cost. For example,

1 according to data compiled for the POLA's TraPac EIS/EIR, the purchase of air
 2 filters for 2,645 homes, 38 elementary schools, 4 hospitals, and 33 day care
 3 centers in the Wilmington, San Pedro, and Harbor City areas would cost
 4 approximately \$8.5 million, not including installation and maintenance costs,
 5 which would also be substantial. The effectiveness of air filtration would also
 6 depend on consistent and proper operation of the filters, which would be out of
 7 the control of the Port or the applicant. Therefore, an air purifier program would
 8 only be economically feasible on a Port-wide basis, outside the NEPA/CEQA
 9 project-level process. For this reason, as discussed in response to Comment 1-17,
 10 the Port, through a Memorandum of Understanding, has previously agreed to
 11 establish a Port Community Mitigation Trust Fund geared towards addressing the
 12 off-Port impacts created by Port operations. This fund includes as one of its
 13 elements approximately \$6 million for air filtration in schools in Wilmington and
 14 San Pedro.

15 **23-12** Please refer to response to Comment 10-19.

16 **23-13** This comment addresses annual truck flow and annualized impacts. As is
 17 standard procedure in traffic impact studies, the worst case peak hour impacts are
 18 the focus of the analysis. Daily or annual data do not provide any useful insights
 19 into peak flow nor needed roadway capacity. Thus, the peak hour analysis as
 20 provided is the most conservative and worst case approach and provides the
 21 required data to make decisions on significant impacts, mitigation measures and
 22 cumulative impacts.

23 The cumulative analysis does consider the traffic of both TraPac and the China
 24 Shipping projects on the I-110 freeway. The "Alameda Flyway" or otherwise
 25 called the SR-47 Expressway project extension, is not a funded project, thus it
 26 cannot be included in the underlying assumptions (it would unrealistically take
 27 traffic from other routes in the analysis and result in an analysis that did not
 28 represent the worst case). In any event, it is unlikely that much or any of the
 29 China Shipping traffic would use the SR-47 as the most direct route to areas to
 30 the east are along Harry Bridges and Alameda Street and the SR-47 would not
 31 represent a direct route for China Shipping trips.

32 **23-14** Please see response to comment 11-3 regarding trips west of I-110. Also, the
 33 Distribution Center gets truck traffic from all over the region and from all Port of
 34 Long Beach and Los Angeles terminals; this project will not by itself cause
 35 significant impacts due to trucks to/from that location as it will only represent a
 36 small proportion of the trips to and from the distribution center. In addition, the
 37 impacts of the Distribution Center were previously assessed as part of separate
 38 environmental documentation. Additional ramps to the Distribution Center have
 39 been in the City of Los Angeles Community Plan for many years, but the
 40 improvements have not been found to be feasible nor required.

41 **23-15** The analysis in the traffic study does account for overlapping impacts of all three
 42 shifts in the future, thus the worst case scenario is assessed and presented. A
 43 reasonable level of operations for each shift is assumed, it is not realistic to
 44 assume that the night shifts and hoot shifts would operate at day shift levels.
 45 Please see the response to Comment 21-7.

46 **23-16** The proposed Project would utilize electrical power provided by LADWP via
 47 three industrial stations on the project site, as discussed in Section 3.13.2.2.5 of
 48 the Recirculated Draft EIS/EIR. These stations connect with existing power lines

1 maintained by LADWP. Contrary to the comment, the proposed Project would
2 not increase the number of utility poles or cross arms, and the project would not
3 result in an aesthetic impact that could be mitigated by placing all of the
4 electrical lines along Front Street and John S. Gibson underground. However,
5 please see mitigation measure **MM AES-2**, which calls for a feasibility study of
6 undergrounding some of the utility line along Front Street. Regarding the
7 recommendation to place landscaping along the perimeter of the site, please see
8 mitigation measure **MM AES-3**, which provides for beautification improvements
9 along a portion of John S. Gibson Boulevard and Pacifica Avenue (at the
10 intersection of Channel Street), including landscaping. Regarding the
11 recommendation that the NWSPNC China Shipping mitigation project be
12 undertaken as part of the first phase of terminal construction, it is the
13 understanding of the Port that the referenced mitigation project includes many
14 improvements to areas in which a nexus has not been established in the
15 Recirculated Draft EIS/EIR. It should be noted that **MM AES-3** includes some
16 of the recommendations in the referenced mitigation plan, namely landscaping
17 along John S. Gibson Boulevard and portions of Pacific Avenue.

18 **23-17** Comment noted. The recommendation is included in the Recirculated Draft
19 EIS/EIR as **MM AES-2**.

20 **23-18** This comment asserts that in views toward the Vincent Thomas Bridge from
21 neighborhoods to the northwest of the project site, view lines toward the bridge
22 and decorative lighting on the bridge will be changed by the new cranes and light
23 standards that are a part of the project. Review of the photographs and
24 simulations presented in the Section 3.1 Aesthetics and Visual Resources reveals
25 that this assertion is incorrect. The reality of the physical relationships between
26 the hillside neighborhoods to the west and northwest of the project site and the
27 Vincent Thomas Bridge is that when the bridge is visible, it is seen at an oblique
28 angle on the right side of the views from these areas, and the cranes will be seen
29 to the left of the bridge and will not block the views toward it. This relationship
30 can be seen in Photograph 16 on Figure 3.1-3i, which is a view from the edge of
31 the bluff in the Shields Drive neighborhood, the residential neighborhood that
32 lies closest to the project site. In this view, the Vincent Thomas Bridge is visible
33 at the far right of the view, while the four cranes that were installed after 2001
34 can be seen to the left of it, and do not interfere with lines of sight toward the
35 bridge. It should also be noted that most of the backland light standards that are
36 a part of the project had already been installed at the time this photograph had
37 been taken. These light standards can be seen in this photo, and it is evident that
38 because of their trim profiles and locations, they have little potential to interfere
39 with views toward the bridge. The relationship of the cranes to views of the
40 bridge can also be seen in the simulations presented as Figures 3.1-7.1 and
41 3.1-7.2, which simulate the view from Channel Street at Cabrillo Avenue in the
42 hillside neighborhood located 0.3 mile to the west of the project site. As these
43 simulations make very clear, when the ten cranes are present, they will not
44 interfere with sight lines toward the bridge in this view. Photograph 18 in
45 Figure 3.1-3j is representative of views toward the project site and the Vincent
46 Thomas Bridge from viewpoints located at higher elevations on the hillside to the
47 west and northwest of the site. From this viewpoint, the existing cranes and light
48 standards do not interfere with sight lines toward the bridge. In addition, as this
49 photo suggests, from these viewpoints, because of the distance, the project site

1 and Vincent Thomas Bridge play a relatively small part in the overall panorama
2 of the Ports of Los Angeles and Long Beach.

3 Farther to the northwest of the site, in the corridor that lies along Gaffey Street to
4 the north of Channel Street, and in the neighborhoods to the west of the
5 commercial corridor that lines the west side of Gaffey Street, the elevation is
6 relatively low. Because of this, this area does not offer clear views toward either
7 the project site or the Vincent Thomas Bridge. Because the corridor along
8 Gaffey Street to the north of Channel Street does not have views that would be
9 substantially affected by the visual changes that the proposed Project would bring
10 about, there does not appear to be a nexus between the mitigation measures this
11 comment mentions and the visual impacts of the Project.

12 Specifically, the proposed Project would not result in aesthetic impacts that
13 would be mitigated by the recommendation to complete Phase II – Gatun to
14 Channel, of the Northwest San Pedro beautification Project, which would
15 implement beautification improvements along North Gaffey Street from Gatun
16 Street to Channel Street, or the recommendation to remove the EZ Smog
17 business along North Gaffey Street (assumed to be located at 1500 N. Gaffey
18 Street).

**SAN PEDRO & PENINSULA HOMEOWNERS COALITION
PO BOX 1106 –SAN PEDRO, CA 90733**

July 14, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325
Dr. Ralph G. Appy, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: COMMENTS FOR CHINA SHIPPING DRAFT EIR/EIS, BERTHS 97-109

Dear Mr. MacNeil and Dr. Appy:

We wish to enter into the record the following comments and questions regarding the EIR/EIS for China Shipping Phase II, Berths 97-109.

24-1

We believe that it is important to question at the very beginning of our comments the legality of this EIR/EIS document as it relates to the ability of Community Citizens to access and comprehend it. This highly technical, voluminous and cumbersome document simply does not comply with the intent of CEQA. In fact, it represents the polar opposite of it's intent by it's incredibly technical terminology and illustrations/maps (both present and MISSING). The difficulty is not limited to the terminology but extends into the ability to navigate through the document because of it's physical size (3 volumes representing over 7,000 pages). Restrictions have been placed on hard copies due to the amount of paper required for production, but computer access is not truly providing the accessibility that is mandatory for "all". Our organization was able to attain a hard copy of the document only after repeated requests leaving us even far less than the minimum 30 days review time (inadequate time for a document of this size) as required by law. When this document is reintroduced in the future, conditions of public review time must be further analyzed so as not to breach the intent of CEQA. It must be scrutinized for simplicity of understanding and a proper amount of review time that will ensure the public's comprehension of the document.

We have spent many, many hours and accumulated an inordinate number of questions and comments regarding the multitude of failings in this latest revision of the Draft EIR/EIS for China Shipping. The length of our commentary has been reduced since the publication of the newest report (July 9, 2008) of the National Oceanic and Atmospheric Administration, an official agency of the United States of America.

24-2 **The findings of this most current research (see attached) on the Maritime Shipping Industry, confirms the long standing belief of our local communities that the air pollution problems and all related port business impacts are far more reaching and significant than recognized by the City and the Port in this and all previous Port EIR's! Therefore, most data and information critical in the analysis of this Terminal's expansion impacts are incorrect and this document, based on it's incorrect information, has been rendered "meaningless". The physical conditions have "changed".**

24-3 **The political promises of "No additional pollution or increase in health risk" has the 1st priority over any future port expansion. Under the current circumstances it is imperative that the port must now first reevaluate, resolve, and re-circulate this EIR to reflect the "real and existing" physical conditions now revealed in the July, 2008 NOAA report. It is incumbent upon the US Army Corps of Engineers to demand a new EIR of the China Shipping Project.**

SYNOPSIS OF COMMENTS RELATED TO **NOW OBSOLITE** EIR:

A1. Executive Summary:

24-4 This EIR Summary describes several different projects.(see page ES9 & 10 pictures) They differ from the project outlined on the front of this document! This inconsistency is prevalent throughout both the Executive Summary and the EIR/EIS document itself. An example in the larger document can be seen in Vol. 3 exhibit B2. These are just a couple of the actual examples that we found to be inconsistent in reference pictures, maps and exhibits. Confusion illustrated in this EIR appears to be a tactical maneuver of the port that allows the port to move forward in the future under the guise of having already addressed potential new expansion changes since it has been referenced in a plan or map already within this EIR.

A2. Statical Information in EIR

- 24-5
1. 5,000 truck trips per day does not coincide with other stats. The calculations appear to be wrong.
 2. Buildings needed for operation do not comply with maps or phase descriptions.
 3. If the intermodal yard is not present then no expansion should be given. Is this expansion part of this EIR? It is not noticed or mapped with details at Berth 121.
 4. Is Knoll Hill property included in the definition of "backland".
 5. "Local trucks" are being described as Nevada, Arizona, & Utah. These exemptions are not tolerable. Transport or hauling containers Statewide should be on decentralized railyards. All trucks servicing the ports should be complying to California air quality laws and standards.
 6. Earthquake analysis is not adequate.
 7. Cumulative effects overall, by definition, do not comply with legal requirements.
 8. What is this EIR's definition of TEU? Containers?
 9. 5 Million TEU's will be overstepped to a greater number. This does not represent the maximum figure. Also, truck numbers and other ships outside of China Shipping's own inventory does not comply or are not fully estimated. This fact has historical commonality in the way that terminals have taken on additional cargo.

24-5

- 10. Phases and descriptions are non-compliant
- 11. Where is the new designated location for Catalina Express? It is included in discussion without identifying exact location.
- 12. Does the removal of many tons of Catalina rock for the development of this terminal not require an EIR?

A3. Alternatives

24-6

The alternatives used in this EIR/EIS do not respond to the legal requirements of CEQA. They do not fulfill the legal description. An alternative is not meant to be a “variation of the same project”, and/or a project that does not meet the same goal and intended objective of the expansion activity.

24-7

Ie: A Floating Wharf. A floating wharf designs exists that would provide more security to the port in the event of a disaster and cause basically no environmental impacts. Other more respectful and environmentally friendly alternatives are available but not considered by either the port or the US Army Corps of Engineers.

24-8

Other ports in the world have a varied number of alternatives and solutions in place while the city of LA and it's Port does not even recognize those alternatives that could increase cargo throughput while preserving and enhancing the local communities. The San Pedro & Peninsula Homeowners Coalition is pressed to push for the most optimum opportunity for our surrounding communities.

A4. Responsibility & Qualifications of Lead Agency

24-9

As witnessed from previous EIR's and the current one receiving comments today, we see little or no improvement in meeting the demands of CEQA law. Those laws were created to ensure the safety and quality of life for residents and have been ignored repeatedly by our Mayor and City Councilmembers. Based on the referenced deficiencies and the overwhelming volume of paper generated for this project, it becomes obvious that the EIR process is a sham. The agencies are clearly not in command of executing the laws in an appropriate way.

Critical Points and Questions

1. HEALTH RISKS/IMPACTS

24-10

- a. Where is a health study that has been performed that supports further expansion in the Port of LA accompanied by an approved methodology that shows how the medical risks are being significantly reduced?
- b. Where in the document is the justification for increased health risk/additional deaths weighed against profitability and/or commercial value to the shipper? What is the estimated dollar amount of profit that validates increased death and disease to local populations exposed due to business operation?
- c. What is the obligation of the Shipper to those affected by all negative impacts of their business operation?

2. MITIGATION OF HEALTH RISKS & AIR QUALITY (some recommendations)

- 24-11
- A) Port tenants should be held responsible in employing the newest technology available in vessels, yard equipment, trucks and rail in order to reduce emissions. There should be NO delays allowed in the leasing contracts that would permit escaping newer less polluting methods and technology.
 - B) Air filtration systems should be installed at all local schools.
 - C) There should be a warning system and complete halt of operations for workers when pollution levels reach “unsafe” conditions. Monitoring equipment must be located on the terminals to evaluate conditions hourly. This warning also needs to be extended to those within the neighboring communities and communicated to those on highways in route to the area. The promenade and Lane Victory are recreational sites that will be impacted significantly.
 - H) Health Clinics made available free of charge to those residing in the “diesel death zone” to diagnosis and treat port-related illnesses.

3. SEISMIC /SOILS IMPACTS

- 24-12
- a. Where is the geological study that has been performed by USGS that supports further taxpayer investment of millions of public dollars for terminal expansion on an active earthquake fault, over liquefaction, in the middle of a State budget crisis and on the potential precipice of economic collapse?
 - b. Are there Seismic calculations performed that prove the Vincent Thomas Bridge strong enough to withstand the force of a tsunami, the impact of a ship docked at China Shipping against it, or an earthquake of 6.5 or greater magnitude? If so, where are these findings?
 - c. What are the economical impacts in case of 6-7.0 earthquake? Were results of such an impact studied? How much damage would be anticipated and who is responsible in case of such an event? Is the Port prepared? If so, please illustrate how they are prepared? What about preparedness in the case of operational interruption?
 - d. What are the economical impacts in case of 6-7.0 earthquake? Were results of such an impact studied? How much damage would be anticipated and who is responsible in case of such an event? Is the Port prepared? If so, please illustrate how they are prepared? What about preparedness in the case of operational interruption? Is there a plan for terminal and local community in the event of a disaster?
 - e. Where is the Port’s consideration of vibration caused from terminal activity that affects the surrounding geographic soils condition of areas near the port terminal? Community neighbors are already experiencing structural problems directly related to vibration.

MITIGATION (some recommendations)

- 24-13
- A seismic evaluation should be ordered to inform all residents and businesses of the amount of devastation that could be generated from earthquake and tsunami events on a sliding scale. Public disclosure of increased risks from the port (via health, chemical exposure, terrorism, seismic vulnerability, etc) should be made upon sale of all local real estate. Public evacuation plans should be created and efforts made to educate locals of escape routes and sites for available disaster emergency medical care. All unstable land and hillside retaining walls surrounding the ports that have become structurally compromised from port vibration should be stabilized.

4. LIGHT, AESTHETICS AND NOISE

- a. Addition of 6 more 350 ft. cranes will continue to damage views to the public from several vantage points within and out of the community, both **ON** and **OFF** Port lands. They will (as declared) further obliterate views of the Vincent Thomas Bridge from several locations. This is, indeed, a **significant impact** and given **no mitigation** consideration, whatsoever. Why? Although, there may be little the port can do to in the way of substitution of equipment for container movement, there is much they can do to enhance “views” of other harbor sites as an offset. This is their legal obligation to the communities affected.
- b. Why is the mountain of dredging material at this terminal (as a result of CS expansion) NOT considered in this EIR as it relates to Aesthetic impacts? Not only is this pile of dirt, which has been stored there for several years now, unsightly...but, it has been blowing dust from contaminated soil throughout the neighborhoods. How and why could consideration of this menace not be given when it is directly related to this project? If this is referred to in “another” EIR/EIS...is that not considered **segmentation** of use, and **illegal**?? It has been said that this dirt pile is referred to in the Deepwater Dredging EIR/EIS about to be released. If that is true, it is reason for concern!
- c. Why would the increase in terminal use not trigger consideration to additional “Noise” that will be generated??
- d. What are methods used to reduce noise? Where are sound walls?
- e. Additional lighting at this terminal will affect increased overall lighting of the port’s area. Even with the newest lighting technology the accumulation of more light will increase overall lumens. Increased night lights have been associated with an increase of breast cancers and other types due to a reduction in the human body’s production of melatonin. Concerns related to this health effect must be addressed in the Port’s documentation and should be researched.


24-14

5. GLOBAL CONSIDERATIONS

- A. Where does the EIR/EIS address Global Climate Change? Maritime business effects are global. The site cannot be separated from worldwide operations. Where is a study that identifies global impacts and mitigations?
- B. Does not the intention of this EIR/EIS directly neglect the US Presidential Ocean Policy?
- C. How does the growth of ports affect the Global Lifecycle?
- D. Where is there a comparison made to illustrate the difference in pollution of US production of goods vs imported goods?
- E. Where is there a similar study or comparison to the economics of US manufactured goods vs imported goods.
- F. How is the American employment situation evaluated against the benefit of Foreign employment and profit by Non-US Citizens.
- G. What part does this expansion of China Shipping play in the air pollution catastrophe in China affecting millions of their people?
- H. How is the potential effect of disaster at the ports through terrorism, or seismic catastrophe being insulated from an International Collapse of the Cargo Transportation system?
- I. What are the expected results of a “dirty bomb” scenario at the Ports? What has been the investment into the local community’s security?

24-15

24-15

- 
- J. What is the statement of Homeland Security regarding a dirty bomb event at this site?
 - K. The attack of 911 had National and International impacts and consequences. A dirty bomb in the ports would have a far greater impact on human lives killing tens of thousands. The long time consequences would be more far reaching and unimaginable. Those doing the evaluation of this EIR are not qualified to analyze such an event. Why was it not submitted to the proper authorities for intense evaluation.
 - L. What is the Mayor of LA's response to this immense gamble?
 - M. By promoting the growth of the port at this point in time, Mayor Villaraigrosa and Port of Los Angeles is recklessly promoting a policy of "Commerce without Conscience." This EIR/EIS contradicts the existing policy of the United States to promote a healthier and cleaner environment not only for the USA but for the entire planet. Port growth is in direct opposition to the President's Ocean Policy, The Environment Protection Agency's latest efforts to minimize pollution, and the National Oceanic and Atmospheric's Administration latest attempt to identify and curb port pollution.

24-16

In closing, these remarks are in no way expected to represent the full scope of our concerns. We are vehemently opposed to any expansion that harms (or has the potential to harm) our community residents. The Port and Army Corps continue to propose projects that are not fully identified, not properly mitigated, inadequately studied, and carelessly implemented. It is incumbent upon our government to protect it's people and to plan in the public's best interest. Unfortunately, there is an enormous void in this responsibility as witnessed by recent disasters throughout our Country. Unless this irresponsible attitude and disregard for safety issues ceases, we fully expect to see the Port listed as the next casualty and catastrophe. Sadly, we will be an intimate part of it .

We urge you to carefully consider our comments.

Sincerely,

Andrew Mardesich
President
Cc's attached

2.3.24 San Pedro & Peninsula Homeowners Coalition (Comment Letter 24)

24-1 Comment noted. Please see the response to Comment 21-65. The voluminous nature of the Recirculated Draft EIS/EIR reflects the level of interest by the public, residents, agencies, and organizations in the proposed Project. The Recirculated Draft EIS/EIR attempts to make the technical discussions as clear as possible, but unfortunately, some resource evaluations are complex by their nature.

24-2 The commenter's opinions are noted. The physical conditions and assumptions used in the Recirculated Draft EIS/EIR are based on actual physical parameters and a number of studies, technical plans, reports and conversations with the proposed tenant.

24-3 The purpose of the environmental document is to identify project impacts and identify alternatives and mitigation measures that could feasibly reduce or avoid those impacts. All feasible mitigation measures have been applied to the proposed Project and alternatives. The comment will be considered by the decision-makers.

24-4 The comment appears to refer to the site plan presented in the Executive Summary compared to the aerial photograph depicted on the cover of the Recirculated Draft EIS/EIR. The project boundaries shown on the cover of the document are based on an older aerial photograph that shows the Southwest Slip prior to its filling by the Channel Deepening Project whereas Figures ES-1 and ES-2 show the area of the Southwest Slip filled in from the Channel Deepening Project. The description of the Project is contained in Chapter 2 of the Recirculated Draft EIS/EIR, and this project description is consistent and stable throughout the EIS/EIR. The Project boundaries as shown on the EIS/EIR cover are the same as the Project boundaries shown in Figures ES-1 and ES-2. The Berth 97-109 Container Terminal Project was originally started prior to the placement of the Channel Deepening Project fill in the Southwest Slip, however the aerial photograph on the document cover has not been updated. As the Project has developed over time following the placement of the Channel Deepening Project, the project details have been reflected in the site plans. The fact that the cover of the document uses an older aerial photograph of the project site does not mean that the placement of the fill in the Southwest Slip under the Channel Deepening Project is a part of the Project. Rather, as stated in Section 2.4.2.3 of the Recirculated Draft EIS/EIR, the fill was placed in the Southwest Slip as part of the Channel Deepening Project. Furthermore, the Project boundaries shown on the cover are not intended to describe the Project; rather, they are intended to provide the reader with an easy way to identify the project site at a glance.

24-5 Answers to the questions in this comment are as follows:

24-5.1 It is unclear what other statistics the commenter is referring to.

24-5.2 The meaning of this comment is unclear. Buildings used for operation are indicated on the proposed Project figures.

- 1 24-5.3 Please see Section 2.4.2.5 of the Recirculated Draft EIS/EIR for a
2 description of how the on-dock rail yard at Berths 121-131 would be
3 utilized by the proposed Project.
- 4 24-5.4 Knoll Hill is not included as part of the Project backlands.
- 5 24-5.5 Local trucks refer to trucks that stay within the Los Angeles
6 metropolitan area and average approximately 20 miles per one-way
7 trip to or from the Port of Los Angeles.
- 8 24-5.6 It is unclear how the earthquake analysis is inadequate. During the
9 Project design stage, the Port bases the structural needs of the wharf
10 and cranes, in part, on the maximum credible earthquake that is
11 likely to occur.
- 12 24-5.7 It is unclear in what manner the comment is asserting that the
13 cumulative impacts analysis does not comply with legal
14 requirements. The cumulative impact analysis in Chapter 4 of the
15 Recirculated Draft EIS/EIR focuses on whether the impacts of the
16 proposed Project are cumulatively considerable within the context of
17 impacts caused by other past, present, or future projects. In addition,
18 the potential for the proposed Project (and alternatives) to make
19 cumulatively a considerable contribution to a significant cumulative
20 impact for each resource area is contained in Chapter 4.
- 21 24-5.8 One container is approximately equal to 1.8 TEUs or Twenty-foot
22 Equivalent Units. Page 1-6 of the Recirculated Draft EIS/EIR
23 provides an explanation of a TEU.
- 24 24-5.9 The proposed Project would handle approximately 1.55 million
25 TEUs annually; it is unclear why the commenter is referring to
26 5 million TEUs.
- 27 24-5.10 It is unclear what the project phases are out of compliance with.
28 Please see Section 2.4.4 of Chapter 2 of the Recirculated Draft
29 EIS/EIR for a description of the construction phasing of the proposed
30 Project.
- 31 24-5.11 Please see Section 2.4.2.6 of the Recirculated Draft EIS/EIR.
- 32 24-5.12 The removal of rock from the quarry at Catalina Island has been
33 permitted as part of the quarry operations.
- 34 **24-6** The project alternatives represent a reasonable range of alternatives, as required
35 by CEQA that would reduce or avoid the significant impacts of the proposed
36 Project. As discussed in Section 2.5 of the document, and as required under
37 NEPA and CEQA, the alternatives given detailed consideration in the document
38 are reasonable, would be potentially feasible and would be able to implement
39 most basic Project objectives
- 40 **24-7** Container terminal wharves serve as a key interface between a terminal's
41 landside operations and the waterside operations such as berthing of the container
42 ships. The wharves must be able to support the weight of the A-Frame Cranes
43 and its associated rail track system. In addition, the wharves must also be able to
44 withstand the lateral forces of the container ships being acted upon by the tide, as
45 well as the tugboats that maneuver the container vessels into position along the
46 wharves. Due to the massing of both the cranes and the container vessels, as well

1 as the tremendous forces exerted by the tugboats (tugboats often have main
2 engines in excess of 5,000 horsepower), the wharves are usually constructed of
3 reinforced concrete fixed to a pile support system. The recommendation of using
4 floating wharves is not considered technically feasible due to the loading
5 requirements of container terminal wharves.

6 **24-8** Section 2.5 of the Recirculated Draft EIS/EIR identifies and describes the
7 18 project alternatives, including 10 alternatives that were considered and
8 withdrawn. As discussed in Section 2.5.2, the Port and USACE considered and
9 withdrew 10 alternatives that had different locations and/or uses, including the
10 use of other West Coast ports outside California, expansion of terminals in
11 Southern California but outside the Port of Los Angeles, a Liquefied Natural Gas
12 facility, and a terminal with narrower wharves. Other alternatives are also
13 described in Section 2.5.2. These 10 alternatives were considered in light of the
14 project objectives and eliminated from further consideration either because they
15 did not adequately meet the Project objectives or because they would involve
16 unacceptable risks. Of the eight alternatives that are carried forward in the
17 Recirculated Draft EIS/EIR (including the proposed Project), six are container
18 terminals, one is a bulk cargo terminal, and one is a regional development project
19 that has been evaluated, per the requirements of the ASJ. The alternatives
20 evaluated in the EIS/EIR represent a reasonable range of alternatives that have
21 been determined to best meet the Project objectives, or that meet the
22 requirements of the ASJ. It should be noted that none of the Project alternatives
23 would include elements or terminal features that would be located outside of the
24 Port's boundaries or within local communities. Although the preservation or
25 enhancement of local communities are not included in the project objectives, they
26 are reflected in the Port decisions to withdrawal consideration of an LNG
27 Terminal as discussed in Section 2.5.2.5 and the Offsite Backlands Alternatives
28 discussed in Section 2.5.2.6.

29 **24-9** The Recirculated Draft EIS/EIR has been prepared with the intent of complying
30 with NEPA and CEQA, and both the Port and USACE believe that this has been
31 accomplished. Although numerous comments have been submitted to the Port
32 and USACE, the comments have been responded to in this section. Regarding
33 the comments that the EIR process is a sham and the agencies are not in
34 command of executing the laws in an appropriate way, the commenter's opinion
35 is noted.

36 **24-10** Answers to the questions in this comment are as follows:

37 24-10.1 The commenter does not specify how the Recirculated Draft EIS/EIR
38 is deficient. Please see the responses to Comments provided by
39 other agencies, community groups, and individuals.

40 24-10.2 The Recirculated Draft EIS/EIR does not include a cost-benefit
41 analysis regarding public health and Project revenues. Despite the
42 application of all feasible mitigation measures, significant
43 unavoidable adverse project-level and cumulative impacts would
44 remain. These impacts have been identified in the EIS/EIR, and the
45 decision-makers will have to consider them as part of deliberations
46 to approve or disapprove the project. In addition, the Findings of
47 Fact and Statement of Overriding Considerations (a public document
48 that will be released prior to Board consideration) will include a

- 1 discussion comparing and contrasting the proposed Project, the
 2 reduced Project, and the No Project. The discussion includes
 3 comparison charts and ratings. In certifying the EIR and approving
 4 the Project, the Board must consider and adopt the Findings of Fact
 5 and Statement of Overriding Considerations.
- 6 24-10.3 Please refer to response to Comment 15-4.
- 7 24-10.4 The purpose of an EIS/EIR is not to “justify” or advocate for a
 8 proposed Project, nor is it to provide a cost/benefit analysis. Rather,
 9 the purpose, which this EIS/EIR adequately fulfills, is to identify,
 10 evaluate, and discuss alternatives and mitigation measures to reduce
 11 or avoid, the significant environmental impacts of the proposed
 12 Project – including the proposed Project’s health risk. In addition to
 13 this EIS/EIR, the Harbor Board of Commissioners will consider
 14 other information concerning the economic aspects of the proposed
 15 Project.
- 16 24-10.5 The project applicant will be required to implement mitigation
 17 measures, to reduce or avoid significant effects on the environment,
 18 as described in the Recirculated Draft EIS/EIR.
- 19 **24-11** Answers to the questions in this comment are as follows:
- 20 24-11.1 Please refer to response to Comment 16-36.
- 21 24-11.2 Please refer to response to Comment 23-11.
- 22 24-11.3 The Port of Los Angeles is conducting an air quality monitoring
 23 program within its operational region of influence (ROI). This
 24 monitoring program supports the Port’s commitment to improve air
 25 quality within the San Pedro Bay Ports area under the Clean Air
 26 Action Plan (CAAP), by helping to better manage and provide
 27 feedback on the Port’s air quality improvement efforts. The
 28 monitoring program includes a network of four air monitoring
 29 stations that measure a comprehensive set of air pollutants within the
 30 ROI.
- 31 The air quality monitoring stations measure ambient air pollution
 32 levels in the vicinity of the Port. The program includes a number of
 33 real-time air quality measurements: ozone, sulfur dioxide, nitrogen
 34 dioxide, carbon monoxide, two sizes of particulate matter (PM₁₀ or
 35 coarse particles, and PM_{2.5} or fine particles), polycyclic aromatic
 36 hydrocarbons (PAHs), and ultrafine particles. In addition, twenty-
 37 four hour integrated samples of particulates are collected on filters
 38 every third day for detailed chemical analyses, which can not be
 39 done with real-time monitors. As part of the program,
 40 meteorological monitoring stations operate adjacent to each air
 41 monitoring station, to help interpret the air quality data and for use in
 42 other Port programs. Each meteorological monitoring station
 43 collects wind speed, wind direction, and temperature data; in
 44 addition, one station also collects solar radiation, relative humidity,
 45 and barometric pressure data.

- 1 The monitoring stations are strategically located within the Port's
 2 ROI at (1) the Outer Harbor area at Berth 47 near the south end of
 3 the Port, (2) the Terminal Island Treatment Plant (TITP) in the center
 4 of Port operations, (3) within the San Pedro community near the
 5 intersection of South Harbor Boulevard and 3rd Street, and
 6 (4) within the Wilmington community at the Sts. Peter & Paul
 7 Elementary School. Selection of the locations for the two
 8 community stations was dependent on a special "validation study" to
 9 ensure that the monitoring sites were representative of ambient
 10 conditions within the community.
- 11 All of the real-time data are available for public review on the CAAP
 12 web site, which can be accessed from this location. The CAAP web
 13 site also displays data collected by two stations operated on behalf of
 14 the Port of Long Beach, which provides a more comprehensive
 15 picture of air quality within the San Pedro Ports area.
- 16 The proposed Project is not expected to result in unusual air
 17 pollution such that a warning system would be required.
- 18 24-11.4 Please see the response to Comment 1-18.
- 19 **24-12** Answers to the questions in this comment are as follows:
- 20 24-12.1 The Port of Los Angeles is the Lead Agency under CEQA for the
 21 proposed Project, and is responsible for the preparation of the EIR,
 22 including the applicable seismic evaluation. A major element of the
 23 Project is the construction of the wharves, which will require
 24 dredging and fill placement and require a permit from the USACE.
 25 Because of this, the USACE is the Lead Agency under NEPA and is
 26 responsible for preparation of the EIS, including the applicable
 27 seismic evaluation. The USGS does not have jurisdiction over the
 28 project or project site. Section 3.5 of the Recirculated Draft EIS/EIR
 29 evaluated the geology and soils impacts of the project and
 30 alternatives, including the anticipated seismic and liquefaction
 31 related impacts. To summarize, Section 3.5.4.3.1 identifies
 32 significant seismic impacts related to the construction and operation
 33 of the project, including impacts related to faults and liquefaction.
 34 Regarding the commenter's concerns that the project would use
 35 taxpayer monies during a State budget crisis, construction and
 36 operation of the proposed Project would not be funded by taxpayers.
 37 The Port is an income-generating Department of the City and is not
 38 dependent on taxes from City residents for its capital expenditures.
- 39 24-12.2 Questions regarding the seismic design parameters of the Vincent
 40 Thomas Bridge should be directed to Caltrans. When docked,
 41 ocean-going vessels would be secured to the wharf. Also, please see
 42 the discussion about tsunami probabilities in Section 3.8 of the
 43 Recirculated Draft EIS/EIR.
- 44 24-12.3 Under NEPA and CEQA, the Draft EIS/EIR is required to focus on
 45 the significant impacts of the proposed Project and Project
 46 alternatives to the physical environment. The question regarding the

- 1 economic impacts of a 6-7.0 earthquake on Port operations appears
2 to fall outside of the scope of the Recirculated Draft EIS/EIR.
- 3 24-12.4 See response to comment 24-12.3.
- 4 24-12.5 Terminal activity is not expected to result in vibrations that could
5 affect nearby structures. It is unclear what aspect of the proposed
6 Project that the commenter's believes will cause vibration damage to
7 residences.
- 8 **24-13** The commenter is referred to Section 3.8 (Impact RISK-5) for a discussion of
9 potential impacts from seismically induced tsunamis that could affect the project
10 site. Terminal construction would utilize equipment that is commonly used
11 throughout urbanized and rural areas, and generally do not produce vibrations at
12 levels capable of resulting in structural damage. In addition, the project site is
13 located far enough from surrounding residential land uses for vibrations to be
14 unnoticeable due to attenuation. Regarding the recommendation that the Port
15 stabilize all unstable land and hillside retaining walls surrounding the Port, the
16 Project would not result in activities that could result in destabilization of the
17 hillside areas to the west of the Project site, and the recommended measure
18 would thus not provide mitigation for any Project impact.
- 19 **24-14** Answers to the questions in this comment are as follows:
- 20 24-14.1 A complete analysis of potential Project impacts from cranes on
21 views of the Vincent Thomas Bridge are addressed in Section 3.2 of
22 the Recirculated Draft EIS/EIR.
- 23 24-14.2 The comment incorrectly states that the pile of soil in the Southwest
24 Slip is a part of the China Shipping project; it is not. When new fill
25 is created in the Port, excess soil or surcharge is placed on top of the
26 fill area to compact the fill over time. The soil is then removed at a
27 later date and the new landfill is complete. The existing fill and
28 surcharge in the Southwest Slip was created as part of the Channel
29 Deepening Project in 2003, and the removal of the surcharge is also a
30 part of that project. As stated in Section 2.4.2.3 of the Recirculated
31 Draft EIS/EIR, the Channel Deepening Project is a separate project
32 from the Berth 97-109 Container Terminal Project. The proposed
33 Project would include some backlands on the fill created by the
34 Channel Deepening Project. The fill was evaluated in the
35 Supplemental EIS/EIR for the Channel Deepening Project (USACE
36 and LAHD, 2000) and supplemental environmental assessment
37 (USACE, 2002). The use of the fill created by the Channel
38 Deepening Project as backlands for the proposed Project is described
39 in the Project Description in Chapter 2 of the Recirculated Draft
40 EIS/EIR, and analyzed throughout the remainder of that EIS/EIR,
41 including the aesthetic impacts in Section 3.1. Because the creation
42 of fill in the Southwest Slip is a separate project that has been
43 evaluated in the previous environmental document, not repeating the
44 evaluating for the referenced fill creation in the Berth 97-109
45 Container Terminal project is not considered segmentation.
- 46 24-14.3 The proposed Project would generate additional noise, as discussed
47 in Section 3.11 of the Recirculated Draft EIS/EIR.

- 1 24-14.4 Sound walls were considered for noise mitigation, as discussed in
2 Section 3.11 of the Recirculated Draft EIS/EIR; however, they are
3 not determined feasible or effective, given the local topography and
4 location of noise receptors. Please see Section 3.11 for further
5 explanation.
- 6 24-14.5 Nighttime lighting is ubiquitous throughout the Port, the City of
7 Los Angeles, and the surrounding developed region. The effects of
8 lighting on human health are not quantifiable.
- 9 **24-15** Answers to the questions in this comment are as follows:
- 10 24-15.1 Impact AQ-9 in Section 3.2 of the Recirculated Draft EIS/EIR
11 discusses greenhouse gas impacts of the proposed Project. Project
12 level mitigation measures identified in Section 3.2 also reduce the
13 generation of greenhouse gasses.
- 14 24-15.2 The intent of the Recirculated Draft EIS/EIR is not to neglect the US
15 Presidential Ocean Policy. It is unknown what the commenter means
16 by the “US Presidential Ocean Policy”. There is a US Commission
17 on Ocean Policy which prepared a report containing 212
18 recommendations addressing all aspects of ocean and coastal policy.
19 The 16 members of the Commission call on the President and
20 Congress to take decisive, immediate action to carry out these
21 recommendations, which will halt the steady decline of our nation's
22 oceans and coasts. Draft EIS/EIR includes mitigation measures to
23 reduce any potential impacts on the marine environment.
- 24 24-15.3 The question appears to fall outside of the scope of the Recirculated
25 Draft EIS/EIR. It is unknown what the commenter means by Global
26 Lifestyle.
- 27 24-15.4 The question appears to fall outside of the scope of the Recirculated
28 Draft EIS/EIR.
- 29 24-15.5 The question appears to fall outside of the scope of the Recirculated
30 Draft EIS/EIR.
- 31 24-15.6 The question appears to fall outside of the scope of the Recirculated
32 Draft EIS/EIR. China Shipping’s operation in China is governed by
33 China.
- 34 24-15.7 The question appears to fall outside of the scope of the Recirculated
35 Draft EIS/EIR.
- 36 24-15.8 The question appears to fall outside of the scope of the Recirculated
37 Draft EIS/EIR. As noted above by the commenter, the Port, state
38 and federal government have invested significant funds in security to
39 prevent potential terrorist actions.
- 40 24-15.9 Please see the Homeland Security discussion in Section 3.8.2.4 of the
41 Recirculated Draft EIS/EIR.
- 42 24-15.10 Please see the discussion of terminal security measures in
43 Section 3.8.2.5.2 of the Recirculated Draft EIS/EIR.
- 44 24-15.11 Please see the responses to Comments 24-15.9 and 24-15.10.

- 1 24-15.12 The question is best directed to the Mayor of the City of Los Angeles.
- 2 24-15.13 The commenter's opinion is noted.
- 3 24-15.14 The comment will be considered by the decision-makers.

Coalition For A Safe Environment

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July 15, 2008

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Re: Re-Circulated Draft Environmental Impact Report (DEIR)/
Draft Environmental Impact Statement (DEIS) For
Berths 97-109 China Shipping Container Terminal
Corps File Number 2003-01029-SDM
SCH No. 2003061153
ADP No. 030127-018

Su: Request To Deny Approval of Project and Certification of The Re-circulated Draft EIR/EIS
For Berths 97-109 China Shipping Lines Container Terminal

25-1

The Coalition For A Safe Environment (CFASE) wishes to request the Port of Los Angeles Board of Harbor Commissioners (POLABOHC), City of Los Angeles (COLA) and U.S. Army Corp of Engineers (USACOE) deny approval of the China Shipping Terminal project expansion proposal application, USACOE permit and certification of the Draft Environmental Impact Report (DEIR)/Draft Environmental Impact Statement (DEIS) for non-compliance and in violation of CEQA, NEPA, including but not limited to: the Federal Clean Air Act, Clean Water Act, Executive Order 12898, Council on Environmental Quality (CEQ) *Guidance for Environmental Justice Under NEPA* (CEQ, 1997), AB 32 Global Warming Act, Resource, Conservation & Recovery Act (RCRA), U.S. Civil Rights Act, the California Health and Safety Code.

25-2

The Coalition For A Safe Environment is an Environmental Justice Community based non-profit organization with members in 25 cities in California.

We find the proposed China Shipping Lines Container Terminal Expansion Project DEIR/DEIS to be unacceptable because it fails to meet evaluation factors approval criteria, fails to justify its purpose, fails to eliminate where feasible all negative impacts, fails to mitigate negative impacts

25-2 ↑ where feasible to less than significant and fails to include all reasonable and available feasible mitigation measures.

The following information and outlined points, concerns, references, examples, issues, recommendations and requests describe the inadequacies of the DEIR/DEIS:

1. The DEIR/DEIS states that the China Shipping Lines Terminal expansion project and all Alternative except Alternative 1 will have a disproportionate high and significant impacts on environmental justice, minority and low income populations is unacceptable, immoral and illegal.

The Ports and USACOE's conclusions that these impacts are unavoidable, that all potential mitigation measures were assessed and all feasible mitigation measures adopted is a lie and in violation of the Civil Rights Act, CEQA, NEPA and other legal statutes.

The Port has ignored Executive Order 12898 and failed to comply with the intent of the law and the definition of environmental justice and fair treatment.

25-3 The Port ignored the composition of affected areas, the disproportionate high & adverse human health and environment effects, cumulative impacts, relevant public health data in its decision making and requests for further medical and scientific research. The Port made a conscious decision to move forward business as usual. A violation of the Council on Environmental Quality: Environmental Justice-Guidance under NEPA.

Environmental justice, minority and low income populations are not the sacrificial lambs for the monetary greed and political power of the Port of Los Angeles, the City of Los Angeles, the State of California, the Federal Government, their corrupt or incompetent management, staffs, consultants, commissioners and their fellow international trade industry racketeers.

Ports are allowed to operate in the public's best interest and not exclusively for private business profit making industries. Ports are not allowed to participate in premeditated murder, cause a public health problem, cause personal injury, cause physical harm, cause loss of income, cause loss of quality of life, cause loss or damage to real or personal property or incur a potential safety impact.

2. The DEIR/DEIS states the project will have significant and unavoidable impacts and when considered in their entirety will have significant and numerous cumulative impacts.

25-4 Significant negative impacts and cumulative impacts are prohibited by law. They are contrary to the public's best interests, will cause disproportional impacts on environmental justice communities and are a legitimate basis for denial of project approval, a permit and DEIR/DEIS certification.

The DEIR/DEIS additionally fails to comply with the Title VI Civil Rights Act in protecting designated groups.

3. There is both a national and state concern for both the protection and utilization of *important resources*. What was left out of this statement was that there is also concern and support for the restoration of natural resources and biological habitats that have been destroyed, lost, degraded due to the failure of the USACOE and the Port of Los Angeles

25-5 ↓

25-5 ↑ to protect native indigenous and historical resources. 99% of all coastal tidelands, wetlands, coastal bird life, fish and shellfish habitats have been destroyed and lost in San Pedro Bay. Coastal water quality receives an "F" grade annually.

4. The DEIR/DEIS fails to disclose and prove that there is a need to expand the current China Shipping Lines Terminal and the benefits of the project out way the reasonable foreseeable detriments. The DEIR/DEIS discusses employment and employment data, but provides no economic study or assessment that proves that the Port is experiencing significant growth, will create employment or that there is a national or state crisis justifying the need for the expansion of this terminal and endangering the public to negative significant environmental, traffic, public health and public safety impacts.

25-6 It is a fact that the Port of Los Angeles in the first two quarters of 2008 and in the year 2007 experienced zero business growth. Other Ports in California have experienced increases in their international trade business.

The Port has failed to provide any information or study that proves Wilmington and San Pedro residents who will be the most negatively impacted by the project will be the primary employment and economic benefactors of this project.

25-7 5. The DEIR/DEIS failed to consider and include public recommended Alternatives such as wetlands restoration on Port properties, establishment of a salt water fish hatchery, building of salt water reclamation facilities and new recreational marine facilities.

6. The DEIR/DEIS fails to comply with the Mayor of Los Angeles's mandate to mitigate the impacts of Port growth. The DEIR/DEIS lists 7 Unavoidable Significant Impacts and 15 individual significant categories and Cumulatively Significant Impacts that can be mitigated.

25-8 CFASE, other organizations and individuals have identified other significant impacts that the DEIR/DEIS does not acknowledge or notes and are not mitigated. CFASE, other organizations and individuals have identified numerous mitigation measures that the DEIR/DEIS does not acknowledge and include.

The Port has failed to justify why no feasible mitigation measures are available that would avoid all of the potential impacts or reduce all impacts to less than significant levels. CFASE requests that the Port conduct an in-depth assessment of all recommended mitigation measures and release a report of all proposed public comment mitigation measures.

25-9 ↓ 7. The DEIR/DEIS states that one of the project purposes is to maximize cargo handling efficiency and capacity of terminals while raising environmental standards through the application of all feasible mitigation measures, which is not being achieved to maximum efficiency and application of all feasible mitigation measures.

The DEIR/DEIS does not meet the basic objectives criteria of minimizing surface transportation congestion or delays while promoting conveyance to local and distant cargo destinations, which is not being achieved to maximum efficiency and application of all feasible mitigation measures.

CFASE during the past public comment periods has recommended that the Port build as its primary container and cargo goods movement transportation system an all Electric Rail Transportation Systems or a Magnetic Levitation (MagLev) Rail Transportation System both which produce zero-emissions. Our research has further confirmed that MagLev Technology is feasible, the best long term future technological investment and the least environmentally and public health impacting technology. The Port has failed to provide an assessment of why this mitigation is not feasible and proposed.

Toxic air polluting diesel fuel locomotive trains can be replaced with a 100% clean operating electric MagLev System and achieve a non-significant impact. This will significantly reduce public health risks and public health impacts.

EMMI Logistics Solutions and American MagLev Technology have designed a state-of-the-art goods movement transportation system that can transport up to 8,000 containers a day and more than 3 times the speed of a traditional diesel locomotives. This technology does not require having to accumulate 250-300 train cars before it can travel to its destinations.

The increased velocity and through-put would therefore not require the construction of additional backlands, since the traditional long queue times would be eliminated.

This high speed transportation logistics system would decrease the need for 1,000's of additional diesel air polluting trucks trips a day to carry cargo since higher volumes could be transported by the Maglev System.

EMMI has further proposed to the Board of Harbor Commissioners and Port of Los Angeles to build at their expense a MagLev System demonstration project from the Port of Los Angeles to the Union Pacific ICTF facility in less than three years.

We request once again that the Port of Los Angeles replace the on-dock and near-dock diesel air polluting locomotive rail systems China Shipping Terminal proposes to use with an on-dock MagLev Transportation Clean Technology.

8. CFASE during the past public comment periods has recommended that the Port of Los Angeles finance the conversion of the Alameda Corridor to an all Electric Train Rail System or MagLev Rail System. The Alameda Corridor current two railroad companies Union Pacific and BNSF railroad both use diesel fuel air polluting locomotive engines which can never achieve zero emissions like a MagLev System.

The China Shipping Lines Terminal will be using the Alameda Corridor and by converting the Alameda Corridor to a MagLev System the Port of Los Angeles can achieve a non-significant impact. The Port has failed to provide an assessment of why this mitigation is not feasible and is not recommended.

We request once again that the Port of Los Angeles finance the conversation of the Alameda Corridor diesel fuel air polluting locomotive rail system China Shipping Lines Terminal proposes to use with a zero emissions MagLev Transportation Technology. This will significantly reduce public health risks and public health impacts.

9. The DEIR/DEIS does not meet the basic objectives criteria: a. to optimize the use of existing land and waterways, b. increase container-handling efficiency and c. improve or construct ship berthing and infrastructure capacity.

25-9

25-10

- 25-10 A more optimized and efficient Port terminal design would be to build a dock terminal whereby a ship can be unloaded from both sides of the ship at the same time. This would require a ship to dock between two land terminals as in a U-Shape. Cranes would operate from both side at the same time. International Port design consultants have submitted this concept proposal to the Port of Los Angeles in that past which was ignored and not considered as an Alternative design and mitigation measure in this DEIR/DEIS.
- 25-11 10. The DEIR/DEIS does not meet the basic objective criteria of increasing container-handling efficiency and access to land-based rail because no on-dock rail is proposed in this DEIR/DEIS, the use of Berths 121-131 on-dock rail is not part of the China Shipping Lines Terminal, they are in fact part of the Yang Ming Terminal and they are not immediately adjacent to the China Shipping Lines Terminal.
- In fact, 1,000's of containers daily will have to be transported by yard tractors to the neighboring Yang Ming Terminal in order to have access to Berths 121-131, dropped off for temporary storage, stacked and restaged for loading onto a train car for transportation to the final transportation route. There is also no guarantee that Yang Ming will always allow China Shipping Lines access to their terminal, berths and on-dock rail in the future. The Port has provided no documentation of any long term agreement.
- In addition, Yang Ming will be allowed to relocate up to 632,000 TEU's onto the China Shipping Lines Terminal backlands, which would create additional yard tractor traffic for moving them, temporary storage, staging and later returned to Yang Ming Terminal.
- This additional TEU tractor traffic and emissions have not been included into air emissions totals, mitigation measures and efficiency claims.
- 25-12 11. USACOE's claim that it does not need to include additional ship, truck, yard tractor or rail trips at Berth 121-131 and Berths 97-109 is not legal, not in compliance with NEPA, the Clean Air Act, Clean Water Act, cumulative impact assessment requirements and environmental justice mandates. Wheeled operations are not more efficient and cheaper that direct on-dock rail loading. The DEIR/DEIS contains no cost-benefit analysis or efficiency assessment for this determination and the baseline determinations.
- 25-13 12. CFASE has requested in past public comments that the Port of Los Angeles mandate that the China Shipping Lines Terminal use the Alameda Corridor in lieu of diesel air polluting trucks.
- CFASE requests that the Port of Los Angeles conduct a China Shipping Lines Terminal Study to determine the amount of containers that must be delivered by truck due to their local delivery requirements vs those which must travel long distance and out of state. The percentage of those that must travel long distance will be the mandatory Alameda Corridor use percentage requirement.
- Refusal of China Shipping Lines to increase the use of the Alameda Corridor is grounds for not approving expansion and this DEIR/DEIS
- 25-14 13. The DEIR/DEIS does not mandate that all China Shipping Lines container ships must use the Port of Los Angeles electric shore-power AMP System. The China Shipping Lines Company has had three years to retrofit all ships and to delegate which ships would be

servicing the Port of Los Angeles regularly and understood that this would become a mandatory future requirement.

CFASE requests that the Port of Los Angeles mandate that all of the China Shipping Lines fleet use the AMP System. This will significantly reduce public health risks and public health impacts. The Port has failed to provide an assessment of why this mitigation is not feasible.

25-14

CFASE requests that the Port of Los Angeles purchase the Advanced Cleanup Technologies, Inc. – Advanced Marine Emissions Control System (AMECS) System for use at the China Shipping Lines Terminal for all ships that have not been retrofitted to use the AMP System.

CFASE requests that the Port of Los Angeles purchase an AMEC's barge system which can meet ships outside the breaker and dock alongside to capture all emissions. The use of this system will be mandatory for ships that must wait outside the breaker.

14. The DEIR/DEIS acknowledges that this China Shipping Lines expansion project will cause a significant increase in rail lines usage but fails to mitigate the locomotive engines diesel toxic emissions, traffic congestion and noise impacts.

The DEIR/DEIS fails to acknowledge, assess and mitigate train rail traffic, air emissions and noise at all transportation corridors, rail yards, distribution centers that China Shipping Lines will use. As a minimum these include the Wilmington Watson Rail Yard, Alameda Corridor, Carson ICTF Terminal, UP Vernon rail yard and BNSF East LA rail yard and Riverside and San Bernadino County Distribution Centers.

25-15

CFASE requests that the Port of Los Angeles, Union Pacific and Burlington Northern Santa Fe purchase the Advanced Cleanup Technologies, Inc. – Advanced Locomotive Emissions Control System (ALECS) System for use at all Port of Los Angeles Terminals on-dock, near dock rail locations and off-port property rail yard facilities that the China Shipping Lines Terminal intend to use.

The increased noise may not exceed the state or federal standards, however, there will be a public nuisance and increased public health problems from non-stop continuous noise from train braking, connecting cars, turning corners, train whistles at stop, engine startup, transmission changing, changing speeds and no large silence periods from train noise. Due to the Port adopted Pier Pass Program trains are running 24/7 and China Shipping Lines will increase train rail usage. In addition, when trains block public street intersections and access to Port terminals, truck drivers begin to honk their horns.

The DEIR/DEIS failed to research other public street intersections that will be impacted by increased china Shipping Lines rail traffic such as near the intersection of Anaheim Street and Alameda. Wilmington residents must wait for the train to pass in order to travel east on Anaheim to go to Long Beach.

25-16

15. The DEIR/DEIS states the intent of China Shipping Lines to use the Union Pacific (UP) Carson ICTF intermodal facility, the Burlington Northern Santa Fe (BNSF) Hobart Yard facility in Vernon and the UP East Los Angeles Rail Yard facility but fails to mitigate the significant negative environmental, traffic, public health and public safety impacts in those bordering cities and communities.

The Port of Los Angeles and USACOE has held no public hearings in those cities and communities, has provided no public notification and has solicited no public comment. City officials in those cities did not receive any official notification.

25-16

The ICTF facility impacts not only the City of Carson residents but also borders the neighboring Environmental Justice community of Wilmington in the City of Los Angeles and the Westside Environmental Justice community of the City of Long Beach.

The UP East LA and BNSF Vernon facilities also impact the bordering cities of Commerce, Bell, Maywood and Bell Gardens.

16. The DEIR/DEIS fails to disclose that the California Air Resources Board Study of PM and Ozone Health Effects Associated with Ports & Goods Movement in California that is quoted in the DEIR/DEIS contradicts the Ports alleged low public health risks data and are in fact substantially higher.

CFASE has requested in past public comments that the Port of Los Angeles sponsor a Wilmington and San Pedro Port Harbor Community Public Health Survey to validate its Health Risk Assessment conclusions. The Port of Los Angeles adopted 10 in one million cancer risk is based on no scientific or medical study.

CFASE has conducted its own preliminary sample public health survey which do not collaborate the Ports conclusions and in fact indicate that the cancer risk is significantly higher. The Port has failed to provide an assessment of why this mitigation is not feasible.

25-17

The UCLA Medical Center at Harbor General Hospital conducted a 2007 Wilmington Children's Asthma Study which discovered that 23.9% of all children in Wilmington have asthma. The DEIR/DEIS fails to include this information, address this issue and to mitigate its air pollution to safe levels for children, local residents and workers.

A similar Children's Asthma Study in West Long bordering the Port of Los Angeles/Union Pacific ICTF disclosed that 19.7% of all children have asthma as a result of the Ports and its tenants truck traffic and rail yard operations. The DEIR/DEIS fails to include this information, address this issue and to mitigate its air pollution to safe levels for children and local residents and workers.

The Port of Los Angeles and its business tenants have deprived 1,000's of Harbor residents and children the right to live a normal and healthy life. The Port contributes and causes a significant amount of toxic air, land and water pollution which is known to cause cancer and numerous other temporary and permanent public health problems and disabilities.

The Port failed to notify Harbor residents, dock workers and the public of the life and health threatening nature of its business activities. The Port failed to provide to the public governmental agency, medical and scientific public health study information that it knew existed that could assist the public in preventing & minimizing health impacts, seeking health care and assist the public in participating in the Port public hearing and

meeting process where they could make public comments on the negative impacts of the ports business activities on public health and request mitigation.

25-17

CFASE requests that the Port of Los Angeles sponsor and finance a comprehensive Wilmington and San Pedro Port Harbor Community Public Health Survey, an Epidemiology Study and a Morbidity Study to validate its Health Risk Assessment conclusions and the Port of Los Angeles adopted 10 in one million cancer risk and to establish a public health baseline. We request that the Port contract with UCLA and USC for these studies.

CFASE further requests that the Port conduct the same public health studies in all communities and cities that border all transportation corridors, rail yards, distribution centers that China Shipping Lines will use.

17. CFASE has requested in past public comments that the Port of Los Angeles include public health care mitigation by establishing a Public Health Care Mitigation Trust Fund to fund local community clinics such as the Wilmington Community Clinic and San Pedro Harbor Free Clinic, and the Los Angeles County Harbor General Hospital. The Port has failed to provide an assessment of why this mitigation is not feasible.

The Port has failed to provide any medical financial assistance to the impacted families who have identified themselves at previous Port of Los Angeles public hearings and meetings. The Port has failed to assess the extent of the public health problems and premature deaths it has caused. The Port has failed to provide any financial assistance to impacted families who have had family members die due to the Ports business operations.

25-18

CFASE further requests that funds be used to provide air purification and sound proofing systems in local public schools, child care centers, public libraries, convalescent care facilities, senior citizen housing and resident's homes.

CFASE, Wilmington residents and the public have requested that the Port of Los Angeles establish a Public Health Care Mitigation Trust Fund which can provide financial assistance for immediate, short term and long term:

- a. Public health care & treatment.
- b. Financial assistance to pay for health care at local clinics & county hospitals.
- c. Financial assistance to pay for health insurance.
- d. Financial assistance to pay for medical equipment.
- e. Financial assistance to pay for medical supplies.
- f. Financial assistance to pay for medical prescriptions.
- g. Financial assistance for funeral expenses.
- h. Financial assistance for short & long term convalescent care.
- i. Financial assistance for rehabilitation.
- j. Financial assistance for job retraining.
- k. Financial assistance for lost income.
- l. Financial assistance for special learning disability assistance.

25-18 ↑ CFASE requests that the Port of Los Angeles establish a Public Health Care Mitigation Trust Fund and charge a Public Health Care Mitigation Tariff of \$10.00 per China Shipping Lines TEU for the DEIR/DEIS current baseline and \$15.00 per TEU over the DEIR/DEIS baseline to mitigate future growth.

25-19 18. CFASE has requested in past public comments that the Port of Los Angeles include Wetlands Restoration Projects in San Pedro Bay as Biological Mitigation. The Ports use of off-port property Bolsa Chica Mitigation Credits is unacceptable. CFASE and the Sierra Club Harbor Vision Task Force have identified numerous potential Wetlands Restoration Project sites in Wilmington and San Pedro.

CFASE requests that the Port of Los Angeles establish a Wetlands Restoration Mitigation Trust Fund based on \$1.00 per China Shipping Lines TEU Tariff and adopt the Coalition For A Safe Environment's and the Sierra Club's Harbor Vision Task Force San Pedro Bay submitted and identified recommendations.

25-20 19. CFASE has requested in past public comments that the Port of Los Angeles include the establishment of a Marine Fish Hatchery to restore the fish population that the Port has destroyed in San Pedro Bay. The Ports fish inventory is unacceptable because it is based after the natural fish population has been decimated.

CFASE believes that the establishment of a Marine Fish Hatchery could replenish the decreasing fish population. Various types of native fish could be raised and released into San Pedro Bay. CFASE supports the restoration of reefs and seaweed beds in the outer harbor, however, CFASE does support the sinking of ships and dumping of junk to create new habitats. New habitats should be created as close to the original natural materials that used to exist.

CFASE requests that the Port of Los Angeles establish fish hatcheries, reefs and seaweed beds in San Pedro Bay as Biological Mitigation. CFASE requests that the Port of Los Angeles establish a Biological Restoration Mitigation Trust Fund based on \$1.00 per China Shipping Lines TEU Tariff.

25-21 20. CFASE has requested in past public comments that the Port of Los Angeles decontaminate and sanitize containers before allowing its China Shipping Lines tenant to place them in container storage yards in Wilmington and other port communities.

CFASE has stated that Port of Los Angeles ships and containers as carriers of the West Nile Virus, various insects, bacteria, fungus, toxic and hazardous materials.

25-21 CFASE has stated that Port of Los Angeles containers are painted with lead and other toxic chemicals which deteriorate in container storage yards in Wilmington and other port communities. The lead paint peels, pulverize and are blown into residents homes, yards and public parks.

CFASE requests that the Port of Los Angeles decontaminate and sanitize containers before they are placed into off-port property container storage yards.

25-22 ↓ 21. The Port has provided no justification for agreeing to a 40 year contract, in which the terms and condition have not been made available in this DEIR/DEIS to the public for review. The public has repeatedly stated its disagreement of long term contracts which cannot be modified in the future. The public also does not support the Port having to

25-22 negotiate incentives to force tenants to make technology, environmental, public health or public safety improvements, because of the Ports negligence to incorporate public safeguards into the original contracts. Promises that future long term contracts will include regular and periodic reviews and allowances for imposing stricter environmental, traffic, public health and public safety requirements have not been disclosed to the public. The Ports so called past 5-year contract reviews have provided no known public, environmental, public health, public safety, transportation infrastructure benefits in the past 25 years.

CFASE requests that terminal lease contracts be no longer than 20 years, with requirements that the Port review contracts every 5-years. CFASE further requests that contracts require that all terms and conditions be updated to include the most current best available pollution control technologies, the lowest sulfur & toxic chemical content fuels, green alternative energy sources be incorporated whenever possible, electric rail & MagLev transportation maximum use be made mandatory, the maximum use of the Alameda Corridor be made mandatory, contribution to a public health mitigation fund, contribution to an environmental mitigation fund and an infrastructure mitigation fund.

25-23 22. There are numerous assumptions that the USACOE has accepted and agreed to in the DEIR/DEIS that are not mandatory, signed by contract or agreement, have not been implemented, have no schedule for implementation, have no penalties or sanctions for failure to be implemented or guaranteed.

23. CFASE disagrees with the Ports DEIR/DEIS conclusion that no additional port police are necessary. The Port is increasing the public risk and harm due terrorist attacks, ship accidents, truck accidents, train accidents and truck accidents on and off port property.

The Port is also conducting off-port property container inspections which again increases the public danger risk and harm.

25-24 The Port has failed to prepare an adequate Public Emergency Notification and Evacuation Plan. The Public is not aware if a plan even exists, where to find one in an emergency and what to do in case of any Port related emergency, catastrophe or terrorist attack.

There is inadequate Port police to supervise any emergency response or evacuation in Wilmington or San Pedro. The Port has made no preparations to relocate and house harbor residents. No plans to feed or provide water to local residents. No plans to provide medical care or assistance to local residents. No plans to provide electricity to residents.

CFASE requests that the Port of Los Angeles conduct public meetings to establish a Public Emergency Notification and Evacuation Plan.

25-25 24. The DEIR/DEIS fails to address all Aesthetic impacts and feasible mitigation. The Port has failed to acknowledge and mitigate all off-port property transportation corridors, rail yard facilities, container storage yards, truck/chassis staging areas, distribution centers and dredged material storage/drying areas aesthetic impacts.

The Port failed to conduct a comprehensive assessment of off-port property impacts and mitigation that is not limited to land areas bordering the Port.

25-26

25. The DEIR/DEIS fails to mitigate permanent long term operational negative air quality impacts to insignificant. These permanent and long term impacts will have significant public health impacts which include premeditated murder, premature deaths, increased respiratory, cardio-vascular, early childhood neurological and physical development health problems.

Technology exists to eliminate or minimize over 90% of all toxic and hazardous emissions. The Port has failed to include these technologies.

These public health impacts are illegal, immoral and warrant the disapproval of this project, required permits and denial of certification of this DEIR/DEIS

25-27

26. The DEIR/DEIS fails to mitigate temporary and permanent long term operational negative air quality impacts on water to insignificant. These temporary, permanent and long term impacts will have significant toxic and hazardous chemicals and substances atmospheric aerial deposition impacts on water quality which includes ocean water, neighboring lakes, rivers, fresh water reservoirs and underwater aquifers.

The Clean Water Act protects all public water resources. These significant public water impacts are illegal, immoral and warrant the disapproval of this project, required permits and denial of certification of this DEIR/DEIS.

25-28

27. The DEIR/DEIS fails to mitigate temporary and permanent long term operational negative air quality impacts on land to insignificant. These temporary, permanent and long term impacts will have significant toxic and hazardous chemical and substances atmospheric aerial deposition impacts on land quality which includes public port property, coastal tidelands, wetlands, bordering city and county lands and private property.

The Clean Air Act and the Resources, Conservation & Resources Act (RCRA) protects all public and private land resources. These significant public land impacts are illegal, immoral and warrant the disapproval of this project, required permits and denial of certification of this DEIR/DEIS.

25-29

28. The DEIR/DEIS fails to comply with the California AB32 Global Warming Act to decrease and prevent the generation of CO2 and other Port generated or caused Green House Gases. The DEIR/DEIS does not require all BACT's, Comprehensive Inspection & Preventive Maintenance Programs, Zero and Near Zero Emissions Technologies

There are also fugitive HFC's emissions from diesel trucks and refrigerated containers (reefers). Diesel truck and reefer air conditioning units have a high seal failure rate, which gets worse over time. They are being refilled numerous times during the year. The Port did not accurately estimate the amount of HFC's being leaked into the atmosphere.

Thousands of containers are in storage yards which are not evacuated and a result tens-of-thousands are leaking every day. Not only is this a global warming concern, but a resident public health concern due to the fact children and residents are breathing these toxic HFC's.

A review of recent Port of Los Angeles air quality data from July 8 – July 15 disclosed that O3 over an 8hr. period exceeded both the state and federal standard 7 out of 8 days and were classified as Very Unhealthy.

29. The DEIR/DEIS fails to consider the Cumulative Impact of all ship vessels traveling to and entering the Port of Los Angeles and San Pedro Bay and their impact on migrating whales and other sea mammals.

25-30

The DEIR/DIES fails to mitigate these negative impacts. CFASE recommends as appropriate mitigation to change the current ship routes and distances along California's and Baja California's coast. Ships do not need to have an aesthetically pleasing coastline view. Prohibit ships from traveling along the coast if not necessary and traveling no closer than 50 nautical miles when necessary. Reduce ship speed to 10nph when within 50 nautical miles of the coast and space the number of ships that enter to allow time for whale and mammal passage.

30. The DEIR/DEIS Cumulative Impact Assessment is incomplete and fails to include numerous other local and non-local construction and operation projects. Locally the assessment fails to include expansion construction projects in Wilmington such as: L.A. Harbor College, ConocoPhillips Oil Refinery, Tesoro Shell Oil Refinery, Valero Oil Refinery, new Elementary/Middle School and Carson such as: BP/ARCO Oil Refinery, BP/ARCO Hydrogen Power Plant, a new Elementary & High School and a new Retail Shopping Mall.

25-31

CFASE requests that the Port conduct a more comprehensive Cumulative Impact Assessment that does not leave out other significant projects toxic and hazardous air emissions and traffic impacts.

31. The DEIR/DEIS fails to address the impacts of Container Storage Facilities located off-port property. The Port of Los Angeles has failed to adopt state-of-the art storage technologies which can automatically stack, identify, store, retrieve and transport containers which would eliminate the need for off-port property container storage yards in Wilmington and throughout the Harbor area. The Port has failed to establish empty container return policies and requirements in its tenant lease agreements that would eliminate storage of containers off-port property. The Port has failed to adopt a plan to eliminate off-port property storage of empty containers which have been stored for numerous years that will never go back.

25-32

The DEIR/DEIS fails to address the impacts of Container Storage Facilities located off-port property. The Port of Los Angeles has failed to adopt state-of-the art storage technologies which can automatically stack, identify, store, retrieve and transport containers which would eliminate the need for off-port property container storage yards in Wilmington and throughout the Harbor area. The Port has failed to establish empty container return policies and requirements in its tenant lease agreements that would eliminate storage of containers off-port property. The Port has failed to adopt a plan to eliminate off-port property storage of empty containers which have been stored for numerous years that will never go back.

The Port has failed to adopt policies and requirements that would require the sanitation and decontamination of containers that are placed into storage yards. Workers and the public are exposed to the West Nile virus, other insect infestation, bacteria, fungus, toxic

paint and coating due to deteriorating paint, toxic and hazardous chemicals that were stored in containers etc..

25-32

Container storage yards are also havens for rats, possums, raccoons, homeless and drug dealers. They also are trash magnets and have created truck routes in residential areas. The additional truck traffic destroys locals streets, street signs, curves as trucks run-over them, damage bridges other transportation infrastructure and has increased traffic accidents.

The Port has not conducted a comprehensive assessment of these impacts on the Wilmington and Harbor communities.

- 32.** The DEIR/DEIS fails to address the impacts of Off-Port Property Container Inspection Facilities. The Port of Los Angeles has expanded its container inspection facilities to include off-port property facilities in the City of Carson which borders Wilmington.

This has caused new unapproved Port truck routs to be established through Wilmington and Carson to get to the facilities that never existed. This has created new truck traffic, increased traffic accidents, truck breakdowns, endangers the public from potential hazardous materials spills, fires and explosions.

25-33

There was a recent bomb detection threat which required the evacuation of the company, all neighboring industrial park business facilities and the local corner market. Carson and Wilmington residents and workers lives were in danger. People lost income, could not get to work, residents could not get to their homes. Carson sheriffs, Los Angeles police, Port police, bomb squad, FBI, fire departments and others were on-sight.

To by-pass the public hearing process, public disclosure and its legal responsibilities it secretly subcontracted these services to a private company. The City of Carson licensing, permitting and zoning departments were not aware of these activities when the issued any license or permit. There was no public hearing or public disclosure.

The Port has not conducted a comprehensive assessment of these impacts on the Wilmington and Harbor communities.

- 33.** The DEIR/DEIS does not address Truck & Chassis Storing & Staging Areas Impacts. The Port and its tenants have allowed numerous Truck & Chassis Storing & Staging Areas to be established by private business owners and subcontractors in Wilmington and in the Harbor area most of which border residential areas. These facilities cause traffic congestions problems, community blight, contaminate the land and adjacent properties, release toxic and hazardous air emissions, they destroy sidewalks, destroy and modify sidewalks to make driveways, illegally double park, conduct unauthorized business activities and cause a public safety hazard.

25-34

The Port of Los Angeles currently own numerous acres of land and plans to expand its off-port property purchase of land in Wilmington in the City of Los Angeles for off-port property activities for truck & chassis storage and staging areas. The Port also leases

25-34

these properties to companies so that they can deny and avoid any mitigation and liability.

The Port has not conducted a comprehensive assessment of these impacts on the Wilmington and Harbor communities.

34. The DEIR/DEIS fails to address and mitigate numerous truck issue impacts. The Port and its tenants have allowed numerous unacceptable conditions to occur without mitigation:

- a. Increasing truck traffic congestion on public freeways, highways, streets and bridges.
- b. Increasing truck traffic accidents.
- c. Increasing public car insurance rates due to truck accidents.
- d. Increasing public health care costs due to truck caused accidents.
- e. Increasing truck breakdowns on freeways, highways, streets.
- f. Increasing truck breakdowns on public bridges.
- g. Increasing truck traffic running of street lights.
- h. Increasing truck blockage of drivers views.
- i. Increasing truck traffic running over sidewalks & curves while making turns.
- j. Increasing truck traffic damage to freeways, highways, streets, bridges.
- k. Increasing truck traffic failing to stop for residents crossing the streets.
- l. Increasing illegal truck driver dumping of tires, truck parts, oil, fluids and trash.
- m. Increasing illegal truck traffic through residential areas.
- n. Increasing illegal truck driver usage of containers to transport personal items.
- o. Increasing illegal truck parking on city streets, residential areas & public parks.
- p. Increasing public costs to maintain, repair & replace transportation infrastructure.
- q. Increasing truck transportation of toxic and hazardous chemicals, substances & materials.
- r. Increasing truck transportation of public health hazards such as the West Nile Virus, bacteria, fungus, molds and other non-native species.
- s. Failure to sanitize and decontaminate trucks & containers.
- t. Truck honking at all hours of the night while stopped at train intersections.
- u. Truck revving their engines.

25-35

The Port has diverted truck traffic through the middle of the Wilmington community on Pacific Coast Highway vs Harry Bridges Road which is one of the normal truck routes, when the bridges are closed due to truck accidents, breakdowns or other reasons. This has become a regular occurrence. The Port has begun to post numerous Detour Signs on public freeways and streets to direct trucks where to go.

The Port has not conducted a comprehensive assessment of these impacts on the Wilmington and Harbor communities.

25-36

35. The DEIR/DEIS fails to address the increase in other noise categories from on-port property and off-port property business operations due to increased Port & Homeland Security, these include:

25-36

- a. Ship horns during the day & at all hours of the night.
- b. Police Helicopters flying during the day & at all hours of the night.
- c. Port Tour Helicopters flying during the day.
- d. Media News Helicopters flying during the day& at all hours of the night.
- e. Film Crew Helicopters flying during the day& at all hours of the night.
- f. Port, City, State & Federal Police/FBI/CIA etc. Sirens during the day & at all hours of the night.
- g. Fire Department Vehicle Sirens during the day and at all hours of the night.
- h. Containers being accidently dropped during the day & all hours of the night.

Wilmington and San Pedro residents have no cessation of noise, it is continual 24hrs. a day and 7 days a week. One cannot sit on their front porch, under a tree in the back yard, watch television, listen to a radio and children cannot do their homework in peace and silence.

25-37

36. The DEIR/DEIS fails to acknowledge, address and mitigate the fact that there is no adequate Port Public Emergency & Disaster Notification, Response or Long Term Care System. The Port has created no emergency funds pool, contracted no third party support services, contracted no relocation areas, contracted no food or water services etc.

The Port has put every Harbor resident and Harbor Community in extreme danger from its business operations. All planning that has been conducted has been to protect "Port Assets" not Harbor resident's lives and livelihoods. If there is a Port catastrophe"

- a. There are inadequate Port and City Police to protect and assist the public.
- b. There are inadequate Fire Department Personnel & Equipment to provide assistance.
- c. There are inadequate medical & hospital services & beds available.
- d. There is no relocation place for displaced families to go to.
- e. There are no emergency food & water resources for displaced families.

25-38

37. The DEIS/DEIS fails to disclose that a Wilmington Air Tracer Study conducted for the California Air Resources Board (CARB) does not collaborate the toxic and hazardous air emissions dispersion models and data that are contained in the DEIR/DEIS. The CARB Study in fact shows a wider and farther dispersion then the Port of Los Angeles documentation is claiming and mitigating.

25-39

38. The DEIS/DEIR describes the mitigation measures for Fugitive Dust but fails to mention that the Port of Los Angeles recently received a Notice of Violation from the South Coast Air Quality Management District for fugitive dust at the China Shipping Terminal where hundreds of tons of dredged dirt is stored.

The Port failed to prevent fugitive dust on this date and numerous past dates which required San Pedro and Wilmington residents to call in and file a complaint. Residents only recently found out that they could report the Port for fugitive dust.

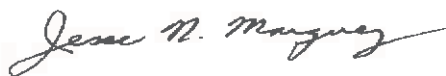
Boat owners and Boat Live-ins at Consolidated Slip which houses several boat marinas have also complained about Port of Los Angeles fugitive dust that is stored on Pier A West. They have also complained about chemical odors, having headaches, feeling nausea, dizzy and breaking out in skin rashes.

- 25-39 ↑ The Port has claimed that their tests have found nothing toxic or hazardous in the soil or air. This is strange because numerous water and soil tests have been performed in and around Consolidated Slip which have disclosed high concentrations of DDT, PCB;s lead, arsenic and other toxic and hazardous chemicals.
- 25-40 | 39. The DEIR/DEIS fails to disclose that the cumulative air emissions data at the Port does not include the numerous on-site oil company VOC emissions from storage tanks, pipelines, valves and bulk loading terminals.
- 25-41 | 40. CFASE request that the DEIR/DEIS include that the Port of Los Angeles Community Advisory Council be designated as a third party overseer of all mitigation.

Coalition For A Safe Environment Mission Statement is - To protect, promote, preserve and restore our Mother Earth's delicate ecology, environment, natural resources and wildlife. To attain Environmental Justice in international trade marine ports, goods movement transportation corridors, petroleum and energy industry communities.

The Coalition For A Safe Environment reserves the right that its previously submitted public comment documents and verbal public comments are part of this submitted public comment document.

Respectfully Submitted,



Jesse N. Marquez
Executive Director

2.3.25 Coalition for a Safe Environment (Comment Letter 25)

- 25-1 The comment is noted and will be considered by the decision-makers.
- 25-2 The comment is noted and will be considered by the decision-makers.
- 25-3 Please see the response to Comment 1-2.
- 25-4 The Recirculated Draft EIS/EIR complies with NEPA and CEQA by disclosing and evaluating significant impacts and identifying feasible alternatives and mitigation measures to reduce or avoid those impacts. In addition, the document discloses and evaluates disproportional impacts on the environmental justice community. Despite the application of all feasible mitigation measures, significant unavoidable adverse project-level and cumulative impacts would remain. These impacts have been identified in the Recirculated Draft EIS/EIR, and the decision-makers will have to consider them as part of their deliberations to approve or disapprove the project or.
- 25-5 The comment is acknowledged. It should be noted that natural resources have been degraded over time, but this is not unexpected given that this Port has been in existence for approximately 100 years. The degradation to natural resources has been acknowledged in Section 4.3.2 of the Cumulative Impacts Chapter of the Recirculated Draft EIS/EIR.
- 25-6 Regarding the comment that the DEIR/DEIS fails to prove there is a need to expand the current terminal, please refer to the container throughput projections included in Section 1.1.3 of the Recirculated Draft EIS/EIR, as well as Appendix I, which identifies throughput projections for the Project and alternatives. As can be seen from these references, projected container throughput demand will exceed the aggregate container terminal capacity within the Port Complex by the year 2030. Because of this, the Port and USACE have established Project objectives that include establishing a new container terminal to accommodate projected throughput demand. Section 2.3.1 of the Recirculated Draft EIS/EIR discusses the CEQA Project Objectives and Section 2.3.2 discusses the USACE Purpose and Need. Furthermore, as required by NEPA and CEQA, the Recirculated Draft EIS/EIR focuses on the significant environmental effects of the proposed Project, and is not intended or required to be an economic cost/benefit analysis, nor is the EIS/EIR intended to allocate employment benefits to the residents of any particular community.
- 25-7 The Project alternatives have been developed within the framework of the Port Master Plan and the requirements of the ASJ, and represent a reasonable range of alternatives that would reduce or avoid the significant impacts of the proposed Project, while allowing implementation of most, if not necessarily all, of the basic purpose and need for the proposed Project. None of the alternatives provided in the comment would meet most of the project goals and objectives or the overall Project purpose.
- 25-8 The proposed Project is consistent and in some cases exceeds the CAAP, which is the Port's blueprint for the Mayor's mandate to "Grow Green". It is unclear what specific significant impacts or mitigation measures the commenter or others have identified that should be considered in the Recirculated Draft EIS/EIR.

- 1 Regarding the comment that not all impacts have been mitigated to a less than
2 significant level, please see the response to Comment 25-4.
- 3 **25-9** Please see the response to Comment 15-12.
- 4 **25-10** Contrary to the comment, the proposed Project would meet the project objectives.
5 The recommendation to build a terminal with docks situated such that a ship can
6 be unloaded from both sides is not a feasible or desirable alternative because it
7 would require the conversion of large amounts of backlands to channel in order
8 to maintain the existing Main Channel configuration and would pose
9 inefficiencies in the docking of ships. The reduction in backlands would likely
10 reduce the overall efficiency of the container terminals.
- 11 **25-11** Although the proposed Project and container terminal alternatives do not include
12 an on-dock rail yard on the China Shipping site, they do utilize the on-dock rail
13 yard at the Berth 121-131 Container Terminal. On-dock rail yards require a large
14 section of area with a relatively straight orientation so that train segments and
15 trains can be assembled efficiently. In addition, on-dock rail yards adjacent to
16 container terminals are best situated along one side of the terminal adjacent to
17 rail line access. A review of the Berth 97-109 site configurations shows that
18 there are no large areas with a relatively straight orientation adjacent to the
19 existing rail line near the western end of the site. As can be seen in Figure 2-2 of
20 the Recirculated Draft EIS/EIR, the western boundary of the Project site is
21 configured in a stair-step fashion that would not allow efficient train assembly if
22 an on-dock yard is placed along that boundary. In addition, a review of the on-
23 dock yard at Berths 121-131 in the same Figure highlights the needs of such a
24 yard and the lack of suitable area on the Project site for such a yard. Furthermore,
25 the establishment of an on-dock-yard elsewhere on the Project site would either
26 interfere with the movement of containers from the vessels to the backlands, or
27 interfere with efficient backland utilization and access. As a consequence, the
28 placement of an on-dock rail yard at the Berth 97-019 site is not considered
29 feasible. Because of this and because of the desire to utilize rail for the transport
30 of containers, the proposed Project would use the on-dock rail yard at the
31 Berth 121-131 container terminal. The terminal operators at both terminals are
32 affiliated and are demonstrating operational coordination via the shared gate. As
33 discussed in Section 2.4.2.7 of the Recirculated Draft EIS/EIR, a portion of the
34 containers from the proposed terminal would be transported through the on-dock
35 rail yard located at Berths 121-131 via the internal road that connects the two
36 terminals. The internal roadway is depicted in Figure 2-2. In addition, the
37 proposed Project would construct additional bridges across the Southwest Slip,
38 which could also be used to transport containers from the terminal at Berth 97-
39 109 to the on-dock rail yard at Berths 121-131. The internal roadway and the
40 proposed bridges across the Southwest Slip would ensure that operational
41 efficiency between the on-dock rail yard at Berths 121-131 and the backlands at
42 Berths 97-109 is maximized. In addition, please see the response to Comment
43 10-20. As a point of clarification, Yang Ming terminal operators would only be
44 allowed to store 632,000 TEUs on the terminal site under Alternative 1, No
45 Federal Action alternative. The air emissions associated with the storage of the
46 632,000 TEUs have been quantified in Section 3.2 under Alternative 1.
- 47 **25-12** The commenter is incorrect in implying that the truck and yard equipment trips
48 between the Berths 121-131 and Berths 97-019 terminal is not accounted for.
49 The evaluation of the Project impacts includes all anticipated trips between the

1 two terminals via the existing internal roadway. Specifically, equipment trips
2 between the proposed Berth 97-109 and the on-dock rail yard at Berths 121-131
3 are included in the emissions calculations for the proposed Project and
4 Alternatives (1-6) in Section 3.2 of the Recirculated Draft EIS/EIR. The
5 Recirculated EIS/EIR, as required under NEPA and CEQA, focuses on
6 evaluating, and identifying alternatives and mitigation measures to reduce or
7 avoid, the significant impacts of the proposed Project to the physical environment,
8 and is not required to conduct an economic cost/benefit comparison. In response
9 to the comment regarding the use of an on-dock rail yard, the proposed Project
10 would utilize the yard at Berths 121-131, but no on-dock rail yard is proposed for
11 the project site for the reason stated in the response to Comment 25-11. In
12 response to the comment regarding the USACE scope of analysis for this Project,
13 please see the response to Comment 16-58.

14 **25-13** As a point of clarification, the terminal operator's obligation is to bring the
15 containers to the terminal from overseas and load them on third party trucks or
16 transport them to the on-dock rail yard where a third party railroad company
17 would assemble trains loaded with the containers for rail transport by a fourth
18 party. The terminal operator is not a railroad company that is in the position to
19 dictate use of the Alameda Corridor, nor is the terminal operator able to dictate
20 the means of container transport to the person or firm that has ordered the goods
21 within the container. Likewise, the Port does not have the ability to mandate that
22 the terminal operator use rail exclusively. As discussed in the Recirculated Draft
23 EIS/EIR, approximately 50 percent of the cargo is local cargo that stays within
24 20 miles of the Port. Much of the non-local cargo is trucked to Southern
25 California distribution centers for repackaging. The current rail system cannot
26 accommodate this cargo; the rail system is designed for long-distance deliveries.

27 **25-14** Regarding **MM AQ-9** (AMP), please refer to response to Comment 16-5. The
28 Advanced Maritime Emissions Control System (AMECS) is still in the
29 demonstration phase and is currently not a feasible mitigation measure.

30 The Port anticipates that AMECS technology could eventually prove feasible and
31 cost-effective as an alternative to AMP for some or all vessels calling the Port,
32 especially marine oil tankers. Parts of an AMECS system have been tested as
33 part of a pilot project at the Port of Long Beach that is focused on vessels
34 carrying dry bulk, break bulk, and roll-on/roll-off cargo (Port of Long Beach,
35 2006). However, at this time, the full system has not been tested on any vessel.

36 Should AMECS become feasible and commercially available in the future,
37 **MM AQ-22** provides a process to consider new or alternative emission control
38 technologies in the future and an implementation strategy to ensure compliance.
39 Under **MM AQ-22**, the opportunity to add new measures to the lease would
40 occur not less frequently than once every 7 years.

41 **25-15** **MM AQ-18** would require diesel particulate filters on yard locomotives at the
42 on-dock rail yard by 2015. Please refer to response to Comment 10-12 for
43 additional discussion of mitigation measures for switch and line haul locomotives.

44 The emission calculations in Impact AQ-3 include all locomotive emissions
45 associated with transporting China Shipping containers by rail into and out of the
46 South Coast Air Basin. The emissions include locomotive activity at on-dock
47 and off-dock rail yards as well as along the various haul corridors including the
48 Alameda Corridor. For the purposes of the air emission calculations, the

1 Berth 121-131 rail yard, Carson ICTF, and LA Rail yards were used as
2 representative rail yards for all project-affected rail yards in the South Coast Air
3 Basin. For a discussion of the modeling and health risk assessment approaches
4 for rail emissions, please refer to response to Comment 21-23.2.

5 The Advanced Locomotive Emissions Control System (ALECS) is still in the
6 demonstration phase and therefore is currently not a feasible mitigation measure.
7 However, should ALECS become feasible and commercially available in the
8 future, **MM AQ-22** provides a process to consider new or alternative emission
9 control technologies in the future and an implementation strategy to ensure
10 compliance. Under **MM AQ-22**, the opportunity to add new measures to the
11 lease would occur not less frequently than once every 7 years.

12 Regarding the noise comments, please see the response to Comment 21-40. The
13 proposed Project would on average introduce approximately two train round trips
14 per day to existing rail lines. These additional trains would have virtually no
15 effective increase in noise energy levels along the rail corridors or at rail yards
16 throughout the region. Expected increases in the number of trains per day due to
17 the proposed Project would not be high enough to cause a real difference in the
18 noise environment around the Port either, as described in the response to
19 Comment 21-40. Noise due to train movements near the project site currently
20 includes braking, car coupling, locomotive noise, and such noises will continue
21 with the proposed project; however, increases in train noise are not expected to
22 be significant because very few Project-related trains would operate in the project
23 area on a daily basis.

24 **25-16** Please refer to the response to Comment 21-40.1. Regarding the existing ICTF
25 facility in Carson, impacts associated with that facility were evaluated as part of
26 the environmental documentation for that project.

27 **25-17** The CARB study mentioned in the comment evaluates cancer risk impacts from
28 both Ports as a whole, whereas the Recirculated Draft EIS/EIR evaluates
29 incremental health risk impacts from a single proposed Project relative to
30 baseline conditions. Therefore, the Port-wide and Project-level studies
31 mentioned in the comment are not directly comparable.

32 The Project-level health risk impacts assessed in the Recirculated Draft EIS/EIR
33 were conducted in accordance with current guidance from the California Air
34 Resources Board and Office of Health Hazard Assessment. There is a substantial
35 amount of uncertainty in human health risk assessments, as discussed in
36 Section 8.0 of Appendix E3 of the EIS/EIR. Therefore, risk assessments are best
37 used as a decision-making tool to compare proposed actions to each other and to
38 regulatory thresholds. Additionally, it is not possible to conduct a public health
39 survey to validate the results of the health risk assessment in the Recirculated
40 Draft EIS/EIR because the health risk assessment predicted hypothetical future
41 exposure scenarios that would result after many years of project operation.

42 From a Port-wide basis, response to Comment 15-4 discusses the ongoing effort
43 of the Ports of Los Angeles and Long Beach to reduce emissions and public
44 health impacts in the neighboring communities.

45 **25-18** Regarding the recommendation to provide a health-care clinic as mitigation,
46 mitigation measures at the project level have been identified to minimize the
47 health risks associated with the Project and alternatives. The recommended

1 mitigation would not substantially reduce or avoid health risk impacts on the
2 physical environment, and is not appropriate mitigation under CEQA. The
3 request is noted. Please see response to Comment 1-17. The Port has previously
4 agreed to establish a Port Community Mitigation Trust Fund geared towards
5 addressing the cumulative off-Port impacts created by Port operations. This fund
6 includes, for example, approximately \$6 million for air filtration in schools and
7 funding for an initial study of off-Port impacts on health and land use in
8 Wilmington and San Pedro, as well as a more detailed subsequent study of off-
9 Port impacts examining aesthetics, light and glare, traffic, public safety and
10 effects of vibration, recreation, and cultural resources related to port impacts on
11 harbor area communities. As part of the MOU, the Port would contribute
12 \$3.50 per container received at the terminal up to an amount of approximately
13 \$4 million. The off-Port community benefits of the MOU are designed to offset
14 cumulative effects of Port operations.

15 **25-19** Mitigation has been proposed in Section 3.3 of the Recirculated Draft EIS/EIR to
16 mitigate the impacts of loss of water. Wetlands would not compensate for such
17 impacts. Also mitigation for Port impacts outside the CEQA/NEPA process will
18 be considered in accordance with the Port's Biological Memorandum of
19 Understanding with multiple agencies. The request is noted. The use of
20 mitigation credits regardless of origination is acceptable.

21 **25-20** It is unclear that the proposed mitigation would address any impact associated
22 with the proposed Project. Therefore, the proposed mitigation does not appear
23 appropriate for inclusion in the Recirculated EIS/EIR. Mitigation for Port
24 impacts outside the CEQA/NEPA process will be considered in accordance with
25 the Port's Memorandum of Understanding with multiple agencies. In addition, it
26 is unclear what Project impact this recommended measure would mitigate for.

27 **25-21** Commenter suggested decontaminating and sanitizing containers before they are
28 placed in container storage yards in Wilmington or other communities, the Port
29 of Los Angeles does not have control over land uses or the operation of facilities
30 that exist outside its jurisdiction. The terminal operator is responsible for
31 transporting the containers from overseas to the Berth 97-109 Container Terminal,
32 where either trucking firms pick up the containers or where containers are then
33 transported to the on-dock rail yard. In either case, the destination of the
34 container becomes the responsibility of the original firm or person that ordered
35 the container or the trucking firm. The comment implies that empty containers
36 are in some way hazardous; however, any shipment of hazardous materials must
37 comply with strict packaging and transportation requirements, as described in
38 Section 3.8.3 of the Recirculated Draft EIS/EIR. Due to the strict regulatory
39 framework regarding the packaging and transportation of hazardous materials,
40 the potential for such materials to contaminate the containers is considered
41 minimal. It should also be noted that no offsite container storage facilities would
42 be constructed as part of the proposed Project.

43 **25-22** The commenter's opinions are noted. The Project as proposed would include a
44 40-year lease, with lease reopeners to address the development of new
45 technology (**MM AQ-22**), because this lease length allows the terminal operator
46 to amortize the capital costs of the terminal and specialized equipment or vessel
47 modifications that result from implementation of the required mitigation
48 measures. The decision-makers will consider the commenter's request for a

1 shorter lease period. Regarding the request to require various alternative
2 transportation systems, please see the response to Comment 15-12.

3 **25-23** It is unclear what specific assumptions the commenter is referring to.

4 **25-24** The commenter's opinions are noted, and the commenter is referred to
5 Section 3-13 of the Recirculated Draft EIS/EIR for a discussion of the anticipated
6 impacts to police services. It should be noted that police services in the
7 communities of Wilmington and San Pedro fall under the purview of the Los
8 Angeles Police Department, not the Port Police.

9 The Port has an approved Risk Management Plan (RMP) that also includes
10 emergency response and evacuation plans. The Port RMP was written to
11 incorporate issues associated with container terminals in the West Basin. The
12 proposed Project is consistent with the Port's RMP as noted in Draft EIS/EIR
13 Impact RISK-4. Also, note that Los Angeles Municipal Code (Fire Protection –
14 Chapter 5, Section 57, Divisions 4 and 5) will require the preparation of Project-
15 specific emergency response and evacuation plans.

16 Evacuation planning for all hazards, man-caused or naturally occurring (such as
17 earthquakes), is a continuing planning effort. Federal, state and local agencies
18 meet and develop planning contingencies, develop communication and logistic
19 protocols, and exercise them. Because the events could change and conditions
20 could become dynamic, the planning teams stage resources, plan exercises, and
21 optimize response strategies. Evacuation planning continues between the Port
22 Police, the Los Angeles Fire and Police Departments (LAPD and LAFD), and the
23 California Highway Patrol. LAPD and LAFD have the primary responsibility for
24 evacuation of community areas that are outside the borders of the Port complex.
25 Even in these instances, the Port Police might fulfill a support role to ensure
26 coordination and assist with planning, evacuations, and perimeter control.

27 Because of the Port's proximity to the community, the Port police could be called
28 upon to function as first responders to any incident in or near the complex until a
29 unified command is established to control the scenario. In all occurrences a
30 primary goal of the managing entities is the incident command and control under
31 a "Unified Command"¹ approach. Whereas, it is appropriate to communicate
32 general emergency preparedness and evacuation planning information to the
33 community in advance, it is not prudent to share detailed tactical plans that are
34 scenario- and/or location-based, or that contain sensitive security information.
35 However, the City of Los Angeles is committed to protecting its citizens first and
36 foremost in the event of an emergency.

37 **25-25** Section 3.2 of the Recirculated Draft EIS/EIR evaluates the aesthetic impacts of
38 the proposed Project and its applicable elements. The land uses that are the
39 subject of this comment are not a part of the proposed Project or project
40 alternatives. Contrary to the comment, Section 3.2 of the Recirculated Draft
41 EIS/EIR does evaluate the impacts of the Project at off-Port locations, and where
42 significant impacts were identified, mitigation measures are applied. As an
43 example, the Recirculated Draft EIS/EIR identifies a view blockage impact from
44 residents located to the west of the project site in San Pedro, and mitigation

¹A Unified Command structure involves establishing a management and command hierarchy that acts upon incident information to develop actionable plans and carries authority need to delegate responders.

- 1 measures **MM AES-2**, **MM AES-3**, and **MM AES-4**. As part of the ASJ and
2 federal settlement agreement described in Section 1.4.3 of the Recirculated Draft
3 EIS/EIR, moneys have been set aside for improvements to off-Port locations. In
4 addition, regarding the comment that the Port has not conducted a comprehensive
5 assessment of off-Port impacts, the affected areas for each resource area is
6 described in the sections in Chapter 3 of the Recirculated Draft EIS/EIR. The
7 majority of project-related impacts would occur in the vicinity of the project site,
8 and the farther a particular location is to the project site, lower levels of impacts
9 are anticipated. In addition, please see the responses to Comment 25-15.
- 10 **25-26** Please refer to response to Comment 20-1.
- 11 **25-27** The effects of atmospheric deposition of port-related emissions on land and water
12 surfaces are discussed in Section 3.2.2.2 of the Recirculated Draft EIS/EIR. At
13 the project level, all feasible mitigation has been applied in the Recirculated
14 Draft EIS/EIR and significant residual impacts would remain. At the Port-wide
15 level, implementation of the CAAP will reduce air pollutants from future Port
16 operations, which will work towards the goal of reducing atmospheric deposition
17 for purposes of water quality protection. The CAAP will reduce air pollutants
18 that generate both acidic and toxic compounds, including emissions of NO_x, SO_x,
19 and DPM. In addition, Impact WQ-1 in Section 3.14 of the Recirculated Draft
20 EIS/EIR addresses atmospheric deposition on water quality.
- 21 **25-28** Please refer to response to Comment 25-27.
- 22 **25-29** In accordance with NEPA/CEQA, GHG impacts were determined by calculating
23 the incremental change in GHG emissions associated with the proposed Project
24 relative to baseline conditions. As shown in Tables 3.2-41 and 3.2-43 of the
25 Recirculated Draft EIS/EIR, the proposed Project's GHG emissions include
26 refrigerant losses from reefers which, although not negligible, represent a
27 relatively small portion of the total emissions. All feasible project-level GHG
28 mitigation has been applied in the Recirculated Draft EIS/EIR as part of Impact
29 AQ-9. Compliance with AB 32 will be accomplished on a Port-wide basis,
30 separate from this EIS/EIR, where the Port will be subject to future rules and
31 market mechanisms adopted by CARB in 2012. The Port is an active member of
32 the California Climate Action Registry (CCAR) and is currently embarking on a
33 Port-wide inventory of GHG emissions.
- 34 **25-30** The commenter is referred to Section 4.2.3.2 of the Recirculated Draft EIS/EIR
35 for a discussion of the cumulative impacts to whales and mammals. The
36 recommended mitigation measure is not considered enforceable, reasonable, or
37 feasible due to its drastic effect on shipping lanes. In addition, please see the
38 responses to Comments 1-6 and 1-17.
- 39 **25-31** The cumulative impacts analyses for air quality, and in particular health risks,
40 considers the cumulative effects of a larger region than the immediate Port area,
41 and also references risks as determined by the MATES II study. Because the
42 cumulative risks are described in Section 4.2.2.8 of the Recirculated Draft
43 EIS/EIR are based on the larger area and consider numerous sources such as
44 those that were factored into the MATES III study, the cumulative health risk
45 impact determination is considered reasonable.
- 46 **25-32** Regarding the issue of offsite container storage facilities, please see the responses
47 to Comments 21-27, 21-34, 21-59, and 25-21.

- 1 **25-33** The comment refers to a facility that is not related or not a part of the proposed
2 project or alternatives. In addition, please see the responses to Comments 21-27,
3 21-34, 21-59, and 25-21.
- 4 **25-34** Please see the responses to Comments 21-27, 21-34, 21-59, and 25-21.
- 5 **25-35** The comment raises concerns related to existing operations or illegal traffic
6 violations of the truckers. The Recirculated Draft EIS/EIR discusses the
7 anticipated traffic impacts from the proposed Project and alternatives on the
8 street and freeway systems. It should be noted that Harry Bridges Boulevard and
9 Pacific Coast Highway are designated as major highways and their use by trucks
10 is considered appropriate.
- 11 **25-36** The measured and evaluated noise exposure values in the Recirculated Draft
12 EIS/EIR inherently include all Port-related sources of noise. For the purpose of
13 the evaluation, measured existing noise levels have been combined with expected
14 additional noise generated by the proposed project, including terminal noise and
15 traffic noise. The noise sources mentioned in the comment primarily are sources
16 not associated with the proposed Project and would not be the subject of a
17 detailed noise analysis. In addition, Chapter 4 of the Recirculated Draft EIS/EIR
18 acknowledges a potential for cumulative noise impacts.
- 19 **25-37** The commenter's opinion about the state of emergency service provider
20 infrastructure is noted.
- 21 **25-38** The health risk isopleth figures in Appendix E3 show contour lines of equal
22 health impact in the vicinity of the proposed Project. A contour line should not
23 be misinterpreted as a limit of how far the emissions travel. Impacts would
24 continue beyond the farthest contour line shown in each figure; however, the
25 impacts would be lower than the farthest contour line's value and would continue
26 to decline with increasing distance from the emission source. The purpose of the
27 isopleth figures in Appendix E3 is to show the geographical pattern of impacts in
28 the area with the greatest project-related health impacts.
- 29 **25-39** Please see the response to Comment 24-14. The 45-acre dirt pile mentioned in
30 the comment is associated with the Channel Deepening Project; therefore, its
31 creation was not analyzed as part of the proposed Project. The pile is actively
32 managed through daily watering and fencing to minimize fugitive dust, although
33 the Port acknowledges there have been periods of dust events from the site. The
34 pile will be removed prior to Phase II, which is anticipated to begin in mid-2009.
- 35 Regarding the comment about boat owners in the Consolidated Slip being
36 exposed to dust from Pier A, such dust is not attributable to the proposed Project.
37 It should be noted that tests of the marine sediments in the vicinity of the
38 Consolidated Slip have tested positive of contaminants, many of which have been
39 deposited in the channels from historical industrial uses located in upland. To the
40 extent that the Channel Deepening Project removed contaminated sediments
41 from the area around the Consolidated Slip, improvements in sediment quality
42 have been provided.
- 43 **25-40** As discussed in response to Comment 15-1, the cumulative air quality impact
44 analysis was conducted qualitatively in the EIS/EIR. Several of the cumulative
45 projects identified in Table 4-1 of the EIS/EIR would involve liquid petroleum
46 products and would have VOC emissions from storage tanks, pipelines, valves,
47 and/or bulk loading terminals. They include Plains All American Oil Marine

1 Terminal, Pier 400, POLA; Ultramar Lease Renewal Project, POLA; Southern
2 California International Gateway Project (SCIG); Union Pacific Railroad ICTF
3 Modernization Project; Pier T, TTI (formerly Hanjin) Terminal, Phase III, Port of
4 Long Beach; and Chemoil Marine Terminal, Tank Installation, Port of Long
5 Beach.

6 **25-41** Port staff will monitor and track implementation of the required mitigation
7 measures pursuant to the Mitigation Monitoring and Reporting Program that will
8 be part of any certified EIR for this project. The results of their efforts will be
9 documented and be available as a public record.

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EDWARD & JOANN HUMMEL,
6903 HARTCREST DRIVE,
RANCHO PALOS VERDES, CA., 90275
310) 541-6986 FAX: 310) 541-3786
E-MAIL: EDJOHUMMEL@COX.NET

RECEIVED

JUN 20 2008

REGULATORY BRANCH
LOS ANGELES OFFICE

COLONEL THOMAS MAGNESS,
U.S. ARMY CORPS OF ENGINEERS,
PORT OF LOS ANGELES,
P.O. Box 532711,
Los Angeles, CA., 90033-2325

DEAR COLONEL MAGNESS:

THIS LETTER IS A FOLLOW UP TO THE PUBLIC HEARING REGARDING THE PORT OF LOS ANGELES' EIR/DEIS CHINA SHIPPING CONTAINER TERMINAL PROJECT ON THURSDAY, JUNE 5TH, 2008 AT BANNING'S LANDING COMMUNITY CENTER IN WILMINGTON. IN MY REMARKS AS A MEMBER OF THE BOARD OF DIRECTORS OF THE ENVIRONMENTAL PRIORITIES NETWORK, ~~IN MY OWN REMARKS~~ I NOTED THAT MY OWN WIFE IS BEING AFFECTED BY THE AIR POLLUTION AND WAS RECENTLY DIAGNOSED WITH REACTIVE AIRWAY DISEASE. I WANT TO SAY I ESPECIALLY APPRECIATED HEARING YOUR COMMENTS ON YOUR PERSONAL CONCERNS ABOUT ALL OF THESE MATTERS GIVEN THE FACT THAT YOU, YOUR WIFE AND TWO DAUGHTERS LIVE VERY NEAR THESE SHIPS, TRUCKS AND ALL OF THIS PORT ACTIVITY AND THAT YOU WILL CAREFULLY WEIGH THE MERITS OF THIS EIR IN LIGHT OF THAT.

26-1

FIRST, I COMMENTED ON THE DEEP CONCERN THAT ALL OF US HAVE FOR THE PUBLIC HEALTH THREAT THAT ULTRAFINE PARTICULATES PRESENT TO THE HEALTH OF CITIZENS THROUGHOUT LOS ANGELES COUNTY. IT IS WORTH EMPHASIZING THAT RELATIVELY RECENTLY THE L.A. COUNTY LUNG ASSOCIATION, IN EVALUATING L.A. COUNTY'S AIR QUALITY, GAVE IT ALL F's AND THERE IS NO NEED TO EMPHASIZE THAT NUMEROUS STUDIES BY U.S.C. SCHOOL OF MEDICINE AND UCLA SCHOOL OF MEDICINE HAVE DOCUMENTED THE SPECIAL THREATS TO THE HEALTH OF BOTH CHILDREN AND SENIOR CITIZENS FROM ULTRAFINE PARTICULATES.

26-2

(2) WHILE THE COMMITMENT TO BEGIN PROVIDING CHINA SHIPPING WITH THE CAPACITY TO TURN OFF THEIR SHIPS ENGINES WHILE IN PORT AND HAVE THE CAPACITY TO UTILIZE ELECTRICITY WHILE DOCKED IN PORT IS IMPORTANT, WE AGREE WITH THE NEED FOR A "COMPLIANCE AUDIT" TO ASSURE THAT BOTH THE SHIPPING COMPANIES AND THE PORT MOVE FORWARD ON FULLY IMPLEMENTING THESE AND OTHER PROPOSED TECHNOLOGIES..

26-3

(3) WE VERY MUCH AGREE WITH THE SUGGESTION THAT THIS EIR DESERVES MORE TIME TO RESPOND TO THIS EIR. ANY MATTERS OF THIS GRAVITY TO THE HEALTH OF THOUSANDS OF CHILDREN AND SENIORS SHOULD ALLOW FOR MORE TIME FOR INPUT AND REVIEW.

26-4

FINALLY, WE CONCUR WITH THE SUGGESTION OF A SHORTER LEASE FOR THESE SHIPPING COMPANIES. 20 YEARS RATHER THAN 40 YEARS WILL ALLOW FOR REVIEW ESPECIALLY GIVEN THE FACT THAT EVERY YEAR BRINGS MORE SCIENTIFIC INFORMATION THAT CONTINUES TO EMERGE.

THANK YOU FOR YOUR ATTENTION TO THESE URGENTLY IMPORTANT MATTERS, ,

Ed Hummel
EDWARD HUMMEL,
VICE PRESIDENT,
ENVIRONMENTAL PRIORITIES NETWORK
RETIRED DIVISION CHIEF, FAMILY COURT
SERVICES, LA COUNTY SUPERIOR COURT

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1 **2.3.26 Edward and Joann Hummel (Comment**
2 **Letter 26)**

3 **26-1** The comment is acknowledged. Section 3.2.2.2 of the Recirculated Draft
4 EIS/EIR includes a discussion of ultrafine particles as it relates to the Ports.

5 **26-2** Comment noted. The tracking and monitoring of mitigation compliance will be a
6 part of the MMRP, which will be incorporated into the lease provisions for the
7 Berth 97-109 terminal.

8 **26-3** The comment is noted. The public review and comment period for the
9 Recirculated Draft EIS/EIR was extended from 60 days to 75 days. Under NEPA,
10 only 45 days are required.

11 **26-4** Please see the response to Comment 25-22.

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July 8, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy

Subject: Support for Approval of China Shipping EIR

I am writing to add my support to the approval of the China Shipping EIR.

I am Vice President of Breen Engineering, Inc – a South Bay (Torrance) engineering firm and Small Business Enterprise.

I support this project for the following reasons:

- The approval of this project is important for the national and international credibility of the Port of Los Angeles, which has had so many of its projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports, and our Southern California economy. By approving and completing this project, we can demonstrate to our international partners that we wish to continue the highly successful global business partnership with them in which we have invested so heavily, for so many years.
- This is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.



- Approval of this project also requires environmentally responsible "green" port technologies, which are required as project mitigation measures. These will be developed and produced locally, with local labor in progressively greater volumes.
- Our organization wishes to be one of the many of the engineering and construction firms which will design and build this project. The China Shipping project will yield many local jobs, and revenue into the local community, at a time of severe national and regional recession and downturn in the construction industry.

Therefore, I strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR.

Sincerely,

A handwritten signature in black ink, appearing to be "H. List", with a long horizontal line extending to the right.

Hamish List, PE

Vice President

Breen Engineering, Inc
1983 W 190th Street, Suite 200
Torrance, CA 90504
Phone (310) 464 8404

- 1 **2.3.27 Breen Engineering, Inc. (Comment Letter 27)**
- 2 **27-1** The comment is noted.

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July 3, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325



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

Dear Mr. MacNeil and Dr. Appy

Subject: Support for Approval of China Shipping EIR

I am writing on behalf of the Harbor Association of Industry and Commerce to add our support to the approval of the China Shipping EIR.

Our organization includes more than 100 major firms, employing thousands of local employees, in the engineering, energy, shipping, and maritime sectors. I also serve on both the boards of the San Pedro Chamber of Commerce, and the Port Community Advisory Committee.

The Harbor Association supports this project for the following reasons:

- The approval of this project is important for the national and international credibility of the Port of Los Angeles, which has had so many of its projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports, and our Southern California economy. By approving and completing this project, we can demonstrate to our international partners that we wish to continue the highly successful global business partnership with them in which we have invested so heavily, for so many years.
- This is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.
- Approval of this project also requires "green" port technologies, which are required as project mitigation measures. These will be developed and produced locally, with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers, area universities and technology firms to make San Pedro and Wilmington the global center of the port technology industry.
- Our organization includes many of the engineering and construction firms which will design and build this project. The China Shipping project will yield many local jobs, and revenue into the local community, at a time of severe national and regional recession and downturn in the construction industry.

Therefore, we strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Manio", is written over a white background.

Michael Manio
Account Manager
Presentation Media, Inc.

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1 **2.3.28 Presentation Media, Incorporated (Comment**
2 **Letter 28)**

3 **28-1** The comment is noted.

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Kennedy/Jenks Consultants

Engineers & Scientists

2355 Main Street
Suite 140
Irvine, California 92614
949-261-1577
FAX 949-261-2134

10 July 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325



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

Subject: Support for Approval of China Shipping EIR

Dear Mr. MacNeil and Dr. Appy:

I am writing on behalf of Kennedy/Jenks Consultants to add our support to the approval of the China Shipping EIR.

Kennedy/Jenks is a major consulting engineering firm which does business with the Port of Los Angeles. We have followed the evolution of this project, and believe it is very important that this project be approved.

Our firm, and our colleagues in the engineering industry, rely upon the growth of the ports to sustain our business. We are willing to work with the community to ensure that collaborative solutions are found which can allow the growth of projects such as China Shipping in a clean, green way.

We look forward to participating in any future discussions or efforts of the Port of Los Angeles and U.S. Army Corps of Engineers to further the growth of the Port, and our economy.

Sincerely,

A handwritten signature in blue ink is written over the word 'Sincerely,'. The signature appears to read 'William F. Lyte'.

William F. Lyte
Senior Client Manager

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1 **2.3.29 Kennedy/Jenks Associates (Comment**
2 **Letter 29)**

3 **29-1** The comment is noted.

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July 10, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325



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

Dear Mr. MacNeil and Dr. Appy:

Subject: Support for Approval of China Shipping EIR

I am writing as a resident of Rancho Palos Verdes, a member of the San Pedro Chamber of Commerce, and the Wilmington Chamber of Commerce and local business owner to add our support to the approval of the China Shipping EIR.

Our support, as guided by The Harbor Association of Industry and Commerce, for the following reasons:

The approval of this project is important for the national and international credibility of the Port of Los Angeles, which has had so many of its projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports, and our Southern California economy. By approving and completing this project, we can demonstrate to our international partners that we wish to continue the highly successful global business partnership with them in which we have invested so heavily, for so many years.

This is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.

Approval of this project also requires "green" port technologies, which are required as project mitigation measures. These will be developed and produced locally, with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers, area universities and technology firms to make San Pedro and Wilmington the global center of the port technology industry.

The China Shipping project will yield many local jobs, and revenue into the local community, at a time of severe national and regional recession and downturn in the construction industry.

Therefore, we strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR.

Warmest regards,

Bill Wallis

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- 1 **2.3.30 Amplitude Consulting (Comment Letter 30)**
- 2 **30-1** The comment is noted.

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July 2, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy:

Subject: Support for Approval of China Shipping EIR

On behalf of the Economic Alliance of the San Fernando Valley, I am writing to add our support to the approval of the China Shipping EIR. We support this project for the following reasons:

The approval of this project is important for the national and international credibility of the Port of Los Angeles, which has had so many of its projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports, and our Southern California economy. By approving and completing this project, we can demonstrate to our international partners that we wish to continue the highly successful global business partnership with them in which we have invested so heavily.

This is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.

Approval of this project also requires "green" port technologies, which are required as project mitigation measures. These will be developed and produced locally, with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers, area universities and technology firms to make San Pedro and Wilmington the global center of the port technology industry.

We ask you to consider our request for support on this project.

Sincerely,

Bruce D. Ackerman
President and CEO

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- 1 **2.3.31 Bruce D. Ackerman (Comment Letter 31)**
- 2 **31-1** The comment is noted.

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U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy

I am writing as an informed resident and small business owner within the South Bay- Harbor Area that is in total **support** of the China Shipping EIR.

I support this project for the following reasons:

- The approval of this project is important for the national and international credibility of the Port of Los Angeles, which has had so many of its projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports, *and* our Southern California economy. By approving and completing this project, we can demonstrate to our international partners that we wish to continue the highly successful global business partnership with them in which we have invested so heavily, for so many years.
- This is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.
- Approval of this project also requires “green” port technologies, which are required as project mitigation measures.

It is because of these well known reasons that I have attached my support to the China Shipping EIR. I understand that there have been, and continue to be examinations of the environmental impacts of this project upon the Harbor and the community that surrounding it.

I believe that this program will introduce upgrades to the port and to the community, and introduce a green responsibility and sensibility for doing business in our harbor. It is about time that we provide an era that will promote not only economic progress, but also a progressive stance for our environment that will in turn nurture our future endeavors as we strive to become the most advanced and environmentally sound port in the world.

Also, what must be noted that during these harsh economic times, is that the China Shipping EIR bolster local, state, and federal economies. It is necessary to take these steps to ensure our place as one of the top international harbors of commerce and trade.

Sincerely,

Mohamed F. Kureshi
Vice President
Eagle Protection of California
(310) 320-9100
www.eagleprotectionofcalifornia.com
eagleprotect@gmail.com

1 **2.3.32 Eagle Protection of California (Comment**
2 **Letter 32)**

3 32-1 The comment is noted.

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Yang Management

July 11, 2008

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



Dear Dr. Appy:

Subject: Support for Approval of China Shipping EIR

I am writing on behalf of the Asian American Architects and Engineers of Los Angeles, CA to add our support to the approval of the China Shipping EIR.

Our organization includes more than 100 major firms, employing thousands of local employees, in the architectural, engineering, energy, shipping, and maritime sectors. I have also served on both the boards of the Asian Business Association and the Chinese American Construction Professionals.

The Asian American Architects and Engineers Association supports this project for the following reasons:

- The approval of this project is important for the national and international credibility of the Port of Los Angeles, which has had so many of its projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports, and our Southern California economy. By approving and completing this project, we can demonstrate to our international partners that we wish to continue the highly successful global business partnership with them in which we have invested so heavily, for so many years.
- This is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.
- Approval of this project also requires "green" port technologies, which are required as project mitigation measures. These will be developed and produced locally, with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers, area universities and technology firms to make San Pedro and Wilmington the global center of the port technology industry.
- Our organization includes many of the architectural, engineering and construction firms which will design and build this project. The China Shipping project will yield many local jobs, and revenue into the local community, at a time of severe national and regional recession and downturn in the construction industry.

Therefore, we strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR.

Sincerely,

William J. Yang, P.E., F.T.A.E.
Founding Director and Past President of
Asian American Architects and Engineers

2501 Burbank Blvd., Suite 207 • Burbank, California 91505

Phone: (818) 841-8888 • Fax: (818) 841-7900 • www.ym-wjya.net

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- 1 **2.3.33 Yang Management (Comment Letter 33)**
- 2 **33-1** The comment is noted.

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July 14, 2008

Karen Drew
10341 Babbitt Ave.
Granada Hills CA 91344

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Mr. MacNeil:

Subject: Support for Approval of China Shipping EIR

I am writing on behalf of the Harbor Association of Industry and Commerce to add our support to the approval of the China Shipping EIR.

There are more than 100 major firms, employing thousands of local employees, in the engineering, energy, shipping, and maritime sectors. I am a banker and in terms of jobs and growth to Southern California this is a crucial time in our economy to support our Harbor.

The Harbor Association supports this project for the following reasons:

- The approval of this project is important for the national and international credibility of the Port of Los Angeles, which has had so many of its projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports, and our Southern California economy. By approving and completing this project, we can demonstrate to our international partners that we wish to continue the highly successful global business partnership with them in which we have invested so heavily, for so many years.
- This is an extremely well thought out project, which has been the subject of an extensive and comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.
- Approval of this project also requires "green" port technologies, which are required as project mitigation measures. These will be developed and produced locally, with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers, area universities and technology firms to make San Pedro and Wilmington the global center of the port technology industry.
- The Harbor Association organization includes many of the engineering and construction firms which will design and build this project. The China Shipping project will yield many local jobs, and revenue into the local community, at a time

of severe national and regional recession and downturn in the construction industry.

Therefore, I strongly support the Board of Harbor Commissioners in their request for approval of the China Shipping EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Drew", written in a cursive style.

Karen Drew
First Vice President
Far East National Bank

July 14, 2008

Karen Drew
10341 Babbitt Ave.
Granada Hills, CA 91344

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

Dear Dr. Appy:

Subject: Support for Approval of China Shipping EIR

I am writing on behalf of the Harbor Association of Industry and Commerce to add our support to the approval of the China Shipping EIR.

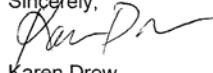
There are more than 100 major firms, employing thousands of local employees, in the engineering, energy, shipping, and maritime sectors. I am a banker and in terms of jobs and growth to Southern California this is a crucial time in our economy to support our Harbor.

The Harbor Association supports this project for the following reasons:

- The approval of this project is important for the national and international credibility of the Port of Los Angeles, which has had so many of its projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports, and our Southern California economy. By approving and completing this project, we can demonstrate to our international partners that we wish to continue the highly successful global business partnership with them in which we have invested so heavily, for so many years.
- This is an extremely well thought out project, which has been the subject of an extensive and comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.
- Approval of this project also requires "green" port technologies, which are required as project mitigation measures. These will be developed and produced locally, with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers, area universities and technology firms to make San Pedro and Wilmington the global center of the port technology industry.
- The Harbor Association organization includes many of the engineering and construction firms which will design and build this project. The China Shipping project will yield many local jobs, and revenue into the local community, at a time of severe national and regional recession and downturn in the construction industry.

Therefore, I strongly support the Board of Harbor Commissioners in their request for approval of the China Shipping EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Drew", written in a cursive style.

Karen Drew
First Vice President
Far East National Bank

- 1 **2.3.34 Far East National Bank (Comment Letter 34)**
- 2 **34-1** The comment is noted.

1

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July 9, 2008

Anil Verma
2029 Minoru Drive
Altadena, CA 91001

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy:

Subject: Support for Approval of China Shipping Environmental Impact Report (EIR)

I am writing in support of the Harbor Association of Industry and Commerce and the approval of the China Shipping EIR.


This organization represents more than 100 major firms, employing many in the engineering, energy and maritime sectors. The Boards of the San Pedro Chamber of Commerce and the Port Community Advisory Committee also deserve our support in this matter.

The Harbor Association supports this project for the following reasons:

- It is important for the national and international credibility of the Port of Los Angeles, which has had many other projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports and our Southern California economy. By approving and completing this project, we can show our international partners that we wish to continue a successful global business partnership with them in which we have invested so heavily, for so many years.
- The US needs business and this is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.
- Approval of this project also requires "green" port technologies, which are required as mitigation measures. These will be developed and produced with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers of Commerce, area Universities and Technology Firms to make San Pedro and Wilmington the global center of the port technology industry.
- Many of the engineering and construction firms in the Los Angeles basin will have the opportunity to design and build this project. The China Shipping project will create employment, which will bring revenues into the local community at a time of national and regional recession in the construction industry.

Therefore, I strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR. Your support will mean a strong economy for Southern California. Thank you.

Sincerely,



Anil Verma

1

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1 **2.3.35 Anil Verma (Comment Letter 35)**

2 **35-1** The comment is noted.

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July 15, 2008

Ann B. Kovara, AIA – LEED AP
444 So. Flower St., 1688
Los Angeles, CA 90071

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy:

Subject: Support for Approval of China Shipping Environmental Impact Report (EIR)

I am writing in support of the Harbor Association of Industry and Commerce and the approval of the China Shipping EIR.

This organization represents more than 100 major firms, employing many in the engineering, energy and maritime sectors. The Boards of the San Pedro Chamber of Commerce and the Port Community Advisory Committee also deserve our support in this matter.

The Harbor Association supports this project for the following reasons:

- It is important for the national and international credibility of the Port of Los Angeles, which has had many other projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports and our Southern California economy. By approving and completing this project, we can show our international partners that we wish to continue a successful global business partnership with them in which we have invested so heavily, for so many years.
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- Many of the engineering and construction firms in the Los Angeles basin will have the opportunity to design and build this project. The China Shipping project will create employment, which will bring revenues into the local community at a time of national and regional recession in the construction industry.

Therefore, I strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR. Your support will mean a strong economy for Southern California. Thank you.

Sincerely,



Ann B. Kovara, AIA – LEED AP

1

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1 **2.3.36 Ann B. Kovara (Comment Letter 36)**

2 **36-1** The comment is noted.

1

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July 9, 2008

Somesh Debnath
1021 Old Phillips Road
Glendale, CA 91207

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy:

Subject: Support for Approval of China Shipping Environmental Impact Report (EIR)

I am writing in support of the Harbor Association of Industry and Commerce and the approval of the China Shipping EIR.

This organization represents more than 100 major firms, employing many in the engineering, energy and maritime sectors. The Boards of the San Pedro Chamber of Commerce and the Port Community Advisory Committee also deserve our support in this matter.

The Harbor Association supports this project for the following reasons:

- It is important for the national and international credibility of the Port of Los Angeles, which has had many other projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports and our Southern California economy. By approving and completing this project, we can show our international partners that we wish to continue a successful global business partnership with them in which we have invested so heavily, for so many years.
- The US needs business and this is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.
- Approval of this project also requires "green" port technologies, which are required as mitigation measures. These will be developed and produced with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers of Commerce, area Universities and Technology Firms to make San Pedro and Wilmington the global center of the port technology industry.
- Many of the engineering and construction firms in the Los Angeles basin will have the opportunity to design and build this project. The China Shipping project will create employment, which will bring revenues into the local community at a time of national and regional recession in the construction industry.

Therefore, I strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR. Your support will mean a strong economy for Southern California. Thank you.

Sincerely,


Somesh Debnath

1

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- 1 **2.3.37 Somesh Debnath (Comment Letter 37)**
- 2 37-1 The comment is noted.

1

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July 9, 2008

Viktoriya Kucherenko
939 North Ogden Drive #17
Los Angeles, CA 90046

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy:

Subject: Support for Approval of China Shipping Environmental Impact Report (EIR)

I am writing in support of the Harbor Association of Industry and Commerce and the approval of the China Shipping EIR.

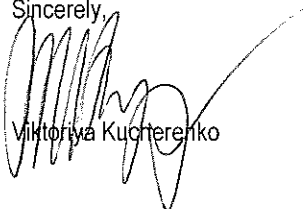
This organization represents more than 100 major firms, employing many in the engineering, energy and maritime sectors. The Boards of the San Pedro Chamber of Commerce and the Port Community Advisory Committee also deserve our support in this matter.

The Harbor Association supports this project for the following reasons:

- It is important for the national and international credibility of the Port of Los Angeles, which has had many other projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports and our Southern California economy. By approving and completing this project, we can show our international partners that we wish to continue a successful global business partnership with them in which we have invested so heavily, for so many years.
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- Many of the engineering and construction firms in the Los Angeles basin will have the opportunity to design and build this project. The China Shipping project will create employment, which will bring revenues into the local community at a time of national and regional recession in the construction industry.

Therefore, I strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR. Your support will mean a strong economy for Southern California. Thank you.

Sincerely,



Viktoriya Kucherenko

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- 1 **2.3.38 Viktoriya Kucherenko (Comment Letter 38)**
- 2 **38-1** The comment is noted.

1

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July 9, 2008

Girdhari Lalwani
866 ½ Silver Fir Road
Walnut, CA 91789

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy:

Subject: Support for Approval of China Shipping Environmental Impact Report (EIR)

I am writing in support of the Harbor Association of Industry and Commerce and the approval of the China Shipping EIR.

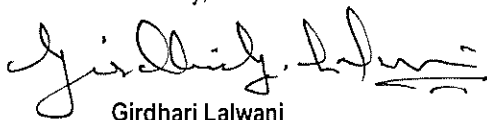
This organization represents more than 100 major firms, employing many in the engineering, energy and maritime sectors. The Boards of the San Pedro Chamber of Commerce and the Port Community Advisory Committee also deserve our support in this matter.

The Harbor Association supports this project for the following reasons:

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Therefore, I strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR. Your support will mean a strong economy for Southern California. Thank you.

Sincerely,



Girdhari Lalwani

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- 1 **2.3.39 Girdhari Lalwani (Comment Letter 39)**
- 2 **39-1** The comment is noted.

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July 9, 2008

Ray Yumul
1832 Maywood Court
Upland California 91784

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy:

Subject: Support for Approval of China Shipping Environmental Impact Report (EIR)

I am writing in support of the Harbor Association of Industry and Commerce and the approval of the China Shipping EIR.

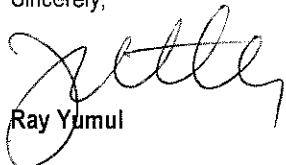
This organization represents more than 100 major firms, employing many in the engineering, energy and maritime sectors. The Boards of the San Pedro Chamber of Commerce and the Port Community Advisory Committee also deserve our support in this matter.

The Harbor Association supports this project for the following reasons:

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- The US needs business and this is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.
- Approval of this project also requires "green" port technologies, which are required as mitigation measures. These will be developed and produced with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers of Commerce, area Universities and Technology Firms to make San Pedro and Wilmington the global center of the port technology industry.
- Many of the engineering and construction firms in the Los Angeles basin will have the opportunity to design and build this project. The China Shipping project will create employment, which will bring revenues into the local community at a time of national and regional recession in the construction industry.

Therefore, I strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR. Your support will mean a strong economy for Southern California. Thank you.

Sincerely,



Ray Yumul

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- 1 **2.3.40 Ray Yumul (Comment Letter 40)**
- 2 **40-1** The comment is noted.

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July 9, 2008

Jean Sandoval
8817 Lillienthal Avenue
Los Angeles, CA 90045

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy:

Subject: Support for Approval of China Shipping Environmental Impact Report (EIR)

I am writing in support of the Harbor Association of Industry and Commerce and the approval of the China Shipping EIR.

This organization represents more than 100 major firms, employing many in the engineering, energy and maritime sectors. The Boards of the San Pedro Chamber of Commerce and the Port Community Advisory Committee also deserve our support in this matter.

The Harbor Association supports this project for the following reasons:

- It is important for the national and international credibility of the Port of Los Angeles, which has had many other projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports and our Southern California economy. By approving and completing this project, we can show our international partners that we wish to continue a successful global business partnership with them in which we have invested so heavily, for so many years.
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- Approval of this project also requires "green" port technologies, which are required as mitigation measures. These will be developed and produced with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers of Commerce, area Universities and Technology Firms to make San Pedro and Wilmington the global center of the port technology industry.
- Many of the engineering and construction firms in the Los Angeles basin will have the opportunity to design and build this project. The China Shipping project will create employment, which will bring revenues into the local community at a time of national and regional recession in the construction industry.

Therefore, I strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR. Your support will mean a strong economy for Southern California. Thank you.

Sincerely,


Your Name

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1 **2.3.41 Jean Sandoval (Comment Letter 41)**

2 **41-1** The comment is noted.

1

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July 9, 2008

Andrew Allison
3311 W. 3rd St., Apt. 1-243
Los Angeles, CA 90020

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. MacNeil and Dr. Appy:

Subject: Support for Approval of China Shipping Environmental Impact Report (EIR)

I am writing in support of the Harbor Association of Industry and Commerce and the approval of the China Shipping EIR.

This organization represents more than 100 major firms, employing many in the engineering, energy and maritime sectors. The Boards of the San Pedro Chamber of Commerce and the Port Community Advisory Committee also deserve our support in this matter.

The Harbor Association supports this project for the following reasons:

- It is important for the national and international credibility of the Port of Los Angeles, which has had many other projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports and our Southern California economy. By approving and completing this project, we can show our international partners that we wish to continue a successful global business partnership with them in which we have invested so heavily, for so many years.
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- Approval of this project also requires "green" port technologies, which are required as mitigation measures. These will be developed and produced with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers of Commerce, area Universities and Technology Firms to make San Pedro and Wilmington the global center of the port technology industry.
- Many of the engineering and construction firms in the Los Angeles basin will have the opportunity to design and build this project. The China Shipping project will create employment, which will bring revenues into the local community at a time of national and regional recession in the construction industry.

Therefore, I strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR. Your support will mean a strong economy for Southern California. Thank you.

Sincerely,



Andrew Allison

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1 **2.3.42 Andrew Allison (Comment Letter 42)**

2 **42-1** The comment is noted.

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G K C Engineering Corp.

16025 Arrow Highway, Suite A
Irwindale, CA 91706
(626) 813-3708
Fax (626) 813-3687

Civil Engineers ■ Land Surveyors ■ GIS

July 15, 2008

US Army Corps. Of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil, D. Env.
Attn: CESPL-RG-2003-01029-SDM
P. O. Box 532711,
Los Angeles, CA 90053-2325

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

RE: *Support for Approval of China Shipping EIR*

As President of G K C Engineering Corp., I am writing this letter in support of the approval of the subject China Shipping EIR.

We are a consulting civil engineering firm specializing in the application of low impact development strategies to augment the preparation of traditional site related construction documents such as grading, drainage and road infrastructure. As stated in the China Shipping Public Meeting Presentation, the project plans to achieve Gold Leed Certification in addition to the development of Plaza Park and Landscaping and Beautification of Northwest Harbor. I can instantly recognize that these two important goals not only will achieve the visual aesthetics that are so much needed in this region, but also provide the significant pathway to design the project utilizing low impact development principles. These “green” infrastructures will definitely mitigate the negative stormwater impacts associated with a large development such as the subject project.

We are of the opinion that approval of the EIR will be a valuable milestone towards the creation of a low impact development project of considerable magnitude.

Sincerely,



President

G K C Engineering Corp.

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- 1 **2.3.43 GKC Engineering Corp (Comment Letter 43)**
- 2 **43-1** The comment is noted.

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ABRATIQUE & ASSOCIATES, INC.



July 14, 2008

US Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. McNeil, D. Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Dear Mr. McNeil and Dr. Appy:

Subject: Support for Approval of China Shipping EIR

We are writing to add my support to the approval of the China Shipping EIR. We are two local firms employing local employees in the engineering industry.

We support this project for the following reasons

- The approval of this project is important for the national and international credibility of the Port of Los Angeles, which has had so many of its projects delayed for more than half a decade. These delays have hurt the competitive of our Ports, and our Southern California economy. By approving and completing this project, we can demonstrate to our international partners that we wish to continue the highly successful global business partnership with them in which we have invested so heavily, for so many years.
- This is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.
- Approval of this project also requires "green" port technologies, which are required as project mitigation measures. These will be developed and produced locally, with local labor in progressively greater volumes. We are working with the San Pedro and Wilmington Chambers, area universities and technology firms

to make San Pedro and Wilmington the global center of the port technology industry.

- Our organization includes many of the engineering and construction firms which will design and build this project. The China Shipping project will yield many local jobs, and revenue into the local community, at a time of severe national and regional recession and downturn in the construction industry.

Therefore, we strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR.

Sincerely,



Eiren R. Abratique, P.E.
President
Abratique & Associates, Inc.
SafeProbe, Inc.

1 **2.3.44 Abratique & Associates Inc. (Comment**
2 **Letter 44)**

3 **44-1** The comment is noted.

1

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BUDLONG & ASSOCIATES, INC.

5151 VERDUGO WAY, SUITE 201
CAMARILLO, CALIFORNIA 93012
(805) 987-4001 FAX: (805) 987-4044

315 ARDEN AVENUE, SUITE 23
GLENDALE, CALIFORNIA 91203
(818) 638-8780 FAX: (818) 638-8781

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

July 8, 2008

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



Re: Support for Approval of China Shipping EIR

Dear Mr. MacNeil and Dr. Appy

I am writing to support approval of the China Shipping EIR.

Budlong & Associates, Inc. (B&A) is a small business enterprise (SBE), which can provide engineering consulting services to the Port of Los Angeles. B&A has been in business for more than fifty years supplying excellent mechanical, plumbing and electrical design/engineering to industrial clients throughout Southern California.

Basis for support of this project includes the following:

- As a member firm of the USGBC (US Green Building Council), B&A supports projects which have LEED (Leadership in Energy and Environmental Design) certification components. As a LEED AP, I personally appreciate when projects are done with the requisite consideration that LEED certification entails.
- Approval of this project will assist consulting engineering firms in the Los Angeles area at a time when more projects are needed to sustain the engineering community here.
- Approval of this project is important for the national and international credibility of the Port of Los Angeles, which has had many of its projects delayed for more than half a decade. These delays have hurt the competitiveness of our Ports, and our Southern California economy. By approving and completing this project, we can demonstrate to our international partners that we wish to continue the highly successful global business partnership with them in which we have invested so heavily, for so many years.
- This is an extremely well thought out project, which has been the subject of the most comprehensive planning and review, with an unparalleled level of impact mitigation. While any large industrial project will have impacts, the Port of Los Angeles and China Shipping have done an extraordinary job to mitigate impacts resulting from this project.

BUDLONG & ASSOCIATES, INC.

- Approval of this project also requires “green” port technologies, which are required as project mitigation measures. These will be developed and produced locally, with local labor in progressively greater volumes. San Pedro and Wilmington Chambers, area universities and technology firms are working to make San Pedro and Wilmington the global center of the port technology industry.
- The China Shipping project will yield many local jobs in the engineering and construction firms serving the port, and revenue into the local community.

We strongly encourage approval of the China Shipping EIR.

Very truly yours,

Budlong & Associates, Inc.



Shield Anderson, LEED AP
Glendale Office Director

cc: James A. Jordan, PE, President of B&A
Bill Lyte, President of Harbor Association of Industry and Commerce

- 1 **2.3.45 Budlong & Associates (Comment Letter 45)**
- 2 **45-1** The comment is noted.

1

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Carrie Scoville 415 W. Elberon Avenue San Pedro California 90731

July 15, 2008

Commander, U. S. Army Corps of Engineers
Los Angeles District c/o Dr. Spencer D. MacNeil
Post Office Box 532711
Los Angeles, CA 90053-2325

Dr. Ralph Appy, Director Environmental Management Division
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731



Re: **Public Comment**
Recirculated Draft EIR – Berth 97-109 Container Terminal Project, April 2008

Dear Drs. MacNeil and Appy,

Since this project is directly adjacent to several residential neighborhoods special considerations need to be taken to make construction and operations impact compatible with residential needs. There is a big difference between terminal expansion on Terminal Island and outlying locations compared expansion activities which should be allowed in the West Basin.

Having lived in the project vicinity prior to and throughout the duration of this project I have the following comments on this Draft EIR:

I am not in favor of this project or any of its proposed alternatives.

46-1

Container shipping in this area would be one of the worst uses of this parcel. Container shipping creates the most traffic, the most congestion, and the most impacts upon neighboring communities. Container terminals require sprawling masses of land, the majority of which is used for container/chassis storage which has little use value at a prime waterfront location. Container terminals require on-dock rail which is infeasible for the West Basin. Rail blocks truck gates, streets, and creates noise in the neighboring community which cannot be mitigated. Rail also requires significantly more land in order to assemble trains. This is a slow process, not essential to moving freight from the dock and would be better performed off site. Container terminals are ugly. There is no way to create an aesthetically pleasing parking lot of containers and chassis. Container terminals create an inordinate amount of truck traffic that congests our streets, highways and bridges which were not built for this purpose. Finally, the toxic emissions from the diesel powered vehicles and equipment required for this type of terminal – ships, trucks, trains, etc. should not be allowed anywhere near residential communities.

In short – container terminals need to be located in close proximity to the Alameda Corridor or on Terminal Island. These are the areas best designed to efficiently handle the throughput from this type of operation.

46-1 | This industrial sprawl needs to be isolated and contained away from communities. The West Basin would be far better served if it were exclusively dedicated to commercial, environmental, marinas, and other recreational uses.

46-2 | The closest alternative I can see to what I have in mind would be Alternative 7 – non-shipping use retail/office/industrial. Although I do not support this because, again, I do not believe that would be a good use of prime waterfront property.

My first choice for this parcel would be to relocate China Shipping to be adjacent to the Alameda Corridor or on Terminal Island, and REMOVE THE EXISTING LANDFILL AND RESTORE SOUTHWEST SLIP TO ITS PRE-2001 CONDITION.

46-3 | Second choice would be to relocate China Shipping to be adjacent to the Alameda Corridor or on Terminal Island, remove the cranes and dirt pile, and convert this site to a cruise terminal. The shore-power system would remain for use by the cruise ships. The site could be shared with the Marine Institute currently proposed for the Main Channel.

Comments on the China Shipping EIR distribution process:

46-4 | 1. The Port would have been much better served to “vet” this EIR prior to release to obtain insight on the main project and alternatives that would be more likely to garner support. This would save everyone’s time and a lot of money.

46-5 | 2. This EIR was originally distributed by CD or on the Port’s website only. This was pointed out to be inadequate and was eventually addressed. All EIRs need to be available in hard copy as well since not everyone has a computer, and many of us who do cannot read a document of this length solely on a screen. While the concern for the environment is applauded, not many readers are able to wade through the 6,000 pages on a computer screen. It is also difficult to navigate when each chapter is in a separate file. The Port must make a limited number of hard copies available upon request.

46-6 | 3. The Port needs to consider the length of these EIRs. The primer on port operations, though well written and useful, is not necessary to include in an EIR. Releasing a document of this length, coupled with the reluctance to provide hard copies, can be seen as being calculated to intimidate and deter public comment.

46-7 | 4. The Port has several months and paid staff to develop, write and discuss EIR documents, the public only has 60 days to read and respond to the EIR on a volunteer basis and with no paid staff assistance. The Port should consider a 90 day standard public comment review period to facilitate learned responses to EIR documents.

The sections that follow are a review of the EIR document and a list of project recommendations.

EIR Document Review

Proposal Description:

1. The new wharfs are designed to fit “the largest ships in the transpacific fleet that would each carry up to 10,000 TEUs” (page 2-20, sec 2.4.2.1).

46-8

Containership designs, like cruise ship designs, are getting larger. Many ships already in service are now well over 10,000 TEUs. What will the Port’s response be when a shipping line wants to bring their newest, largest ship to their shiny new terminal in the inner harbor? How will it fit under the bridge? Where will it be able to dock? How will it be able to navigate the turning basin?

2. Phase II of this facility is for two ships, but “A total of three vessels could be berthed at the terminal at any one time . . .” (page 2-24, sec 2.4.2.7). How can this possibly handle three ships? What would the impact of that be on the turning basin?

46-9

It is strongly recommended to have the third ship anchor at sea or in the outer harbor until a dock is available.

Aesthetics and Visual Resources:

1. The EIR is deficient in identifying the aesthetic impacts of this project in that it only describes the visual impact of additional cranes at the terminal. However, the entire project is dependent upon the 45 acre fill in Southwest Slip constructed in 2001-2003 (concurrent with this project) as part of the Channel Deepening Project. The aesthetic impacts of that fill are excluded from this EIR. Since this China Shipping project includes developing this same fill site for terminal backlands establishing a “footprint”, and it commenced within the same timeframe (2002), I am including its associated environmental impacts in this comment document. To consider the Southwest Slip fill as a separate project would constitute “piece-mealing” or project linkage.

46-10

This aesthetic impact is also referenced under Cumulative Impacts.

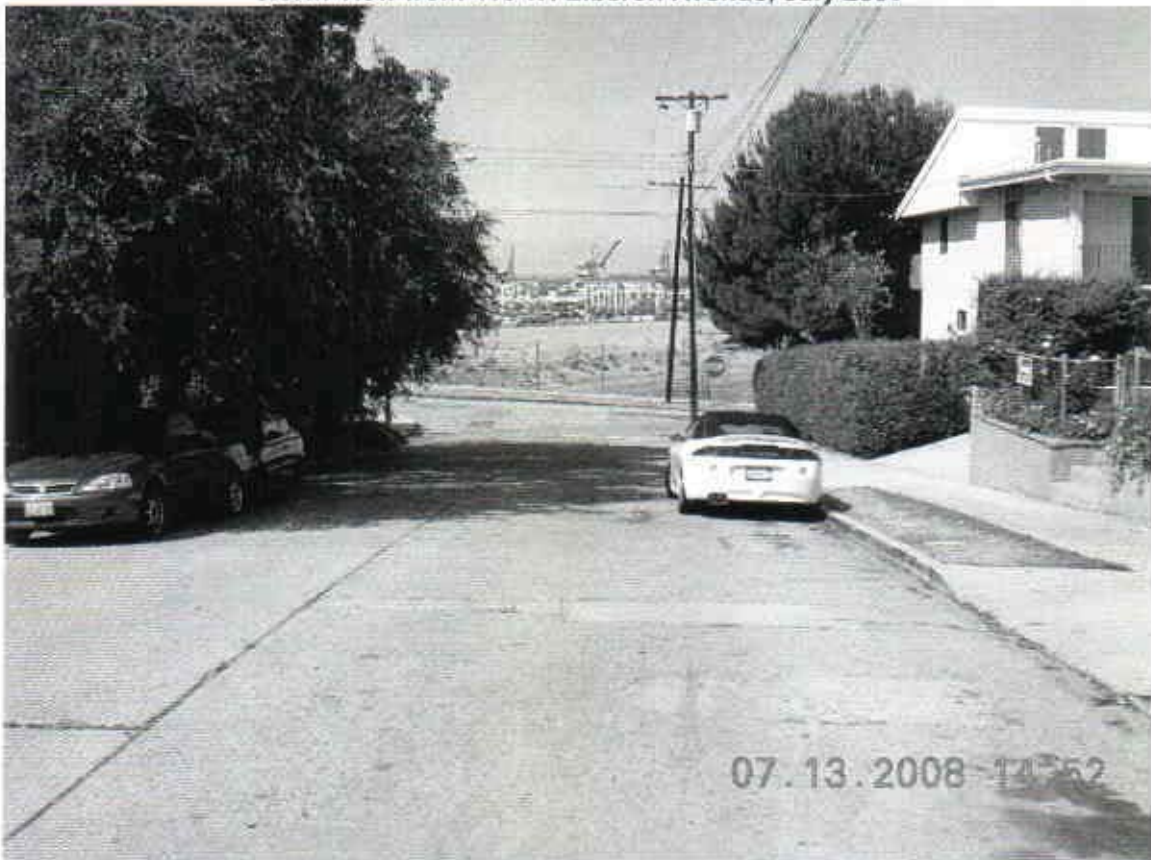
The 45 acre fill was created with channel dredgings and fill dirt placed on top to compact and settle the earth. Residents of Knoll Hill and Black Hill formerly had a panoramic waterfront view of the full Southwest Slip and channel. Now it is of this dirt pile, later it will be an overlook of asphalt, cranes, ships, cargo equipment, and stacks of containers and chassis. The project fill was completed in 2003 with the intent of removal of the top portion of earth after two years. It has now been five years and there is still no movement to remove the ugly, weed growing dirt pile. It cannot be understated the aesthetic impact of filling a waterfront view with this horrendous source of visual blight within full view of surrounding residential communities. “Before” and “after” photos of views from the residential neighborhoods in the immediate vicinity are provided below.

46-11

North View from 415 W. Elberon Ave., early 2002



North View from 415 W. Elberon Avenue, July 2008



East View from Intersection of Summerland, MacArthur and Elberon Avenues, early 2002



East View from Intersection of Summerland, MacArthur and Elberon Avenues, July 2008



Panoramic View from Intersection of Summerland, MacArthur and Elberon Avenues, early 2002



East View from Shields Drive, July 2008



46-12

2. It should be noted that the July, 2008 photos included here were taken on a Sunday when no ships were at call. Normally there are containers stacked 5-high on the asphalt portion above, within direct view of the residences on Black Hill (MacArthur Ave./Shields Drive). They are visible in other photos in this letter. This container storage is also not depicted in the baseline photos from the Shields Drive/ MacArthur locations in the EIR (photo 4/figure 3.1-3b, and photo 16/figure 3,1-3i). This wall of (China Shipping) containers, and the projected

46-12 ↑

aesthetic impact of the additional 45 acre parking lot of containers to be developed under Phase II and III of this project, needs to be included in the EIR.

46-13

- 3. The entire section of Harbor Boulevard, Front Street, Pacific Avenue and John S. Gibson St. around the project perimeter should be treated as though it is a scenic highway whether or not it is so designated. That would entail abiding by the Scenic Highway Guidelines identified in Table 3.1-1 (page 3.1-69).

Outdoor advertising limitations should apply to both sides of Pacific Avenue, John S. Gibson Boulevard and Front Street along the perimeter of the project area and all billboards should be removed.

All public utilities should be placed underground along this corridor.

46-14

- 4. Furthermore, the hilltop roads of W. Summerland Ave. (400 block), W. MacArthur Ave. (500 block), Shields Drive (500-600 block), and all roads on Knoll Hill should also be designated scenic highways and vistas as they provide close and unobstructed views of the Port and project site. Any development plans for the bluff sides of these streets should not be permitted due to blocking the view and hillside instability.

Public utilities would need to be placed underground at these sites.

Erosion control plantings need to be established as there are numerous sites along Black Hill and Knoll Hill where slide activity has recently occurred. See further discussion under Geology.

46-15

- 5. See additional discussion and photos of truck lines under Air Quality and Meteorology. These truck lines have occurred on the terminal since the project began and are clearly visible from adjoining residential neighborhoods.

46-16

- 6. For reasons described above, this project has a much more significant negative aesthetic effect than simply the presence of cranes and should be added to the AES-1 category (page 3.1-88) and AES-5 category (page 3.1-98). The “temporary” placement of a 45 acre dirt pile and extensive expansion of container storage facilities within direct sight of residences and the public require remediation.

46-17

- 7. Knoll Hill is the last remaining original hill of San Pedro and historic landmark that itself deserves attention as an attraction, not just as a viewing point. To surround it with stacks of containers, chassis, ships, trucks, rail and cranes creates negative aesthetic impacts of the view of the hill and should be added to the AES-2 category (page 3.1-69) and AES-5 category (page 3.1-98).

46-18

- 8. MM AES-4 (page 3.1-91) discusses Plaza Park as an aesthetic mitigation measure. Plaza Park is nowhere near the project area and not within the viewshed of this project. Aesthetic mitigation is sorely needed in and around the project site itself and should receive priority opportunity.

Air Quality and Meteorology:

- 46-19
1. The Regional Climate and Meteorology describes the specific climate conditions of the project area (page 3.2-2). What is not mentioned here is the influence of the Southwest Slip on the climate. As discussed under Aesthetics and Visual Resources, the Southwest Slip was filled under the auspices of a prior project, the Channel Deepening Project in 2003. Since this China Shipping project is dependent upon the Channel Deepening landfill project, is in the same location, and is being performed concurrently, I am including its associated environmental impacts in this comment document.

The hills surrounding the project area keep fresh air from circulating, trap the heat and lower humidity levels forming a “microclimate” atmosphere and wind pattern. The basin used to have a water channel that kept the air cool and fresh. Not only does this contributed to warming the area, but the addition of 150 acres of blacktop container storage lots would highly accelerate this situation.

- 46-20
2. AB 2650 limits truck waiting times to no more than 30 minutes (page 3.2-16). As you can see from the photo below, that is not the practice. This photo of the China Shipping backlands was taken in March, 2008 from the Black Hill (Shields Drive) residential area. Trucks routinely sit idling in long lines waiting to get out of the truck gate at the China Shipping terminal. They also wait in long lines on public property to get in. An appointment system must be instituted to prevent the excess emissions, congestion, noise and aesthetic impacts caused by these truck cues.

Truck Cue at China Shipping Terminal. Black Hill/Shields Drive, March, 2008.



Photo: Tom Politeo. Southern Sierran. Sierra Club Angeles Chapter, Vol 64 No. 4, April 2008.

- 46-21
3. The fugitive dust associated with the uncovered 45 acre dirtpile and adjoining construction sites is not being adequately controlled by simply watering. A mass of earth of this size, with temperatures of the area, would just evaporate normal watering systems. The photos below were taken October 5, 2007 from Knoll Hill and show the fugitive dust being blown off the project area, into the channel, and across the China Shipping terminal towards adjacent passenger terminals and the Vincent Thomas Bridge. At other times fugitive dust was witnessed blowing in the opposite direction carrying dust as far as across the Harbor Freeway. It should be noted that there is an uncovered drainage canal along the north edge of the 45 acre dirtpile which is the watershed for the Palos Verdes, Torrance and Lomita area.

Fugitive Dust – October 5, 2007



Fugitive Dust – October 5, 2007



Fugitive Dust – October 5, 2007



Fugitive Dust Headed toward West Basin – October 5, 2007



Fugitive Dust at West Basin – October 5, 2007



Fugitive Dust from Fill Site Headed toward Passenger Terminals and Vincent Thomas Bridge -- October 5, 2007



46-21 | Clearly the Mitigation Measure AQ-6 Additional Fugitive Dust Controls (page 3.2-53) is not meeting the standards being set for this project.

These Air Quality and Meteorology impacts are also referenced under Cumulative Impacts.

Biological Resources:

46-22 | 1. Impact BIO-4a discusses dredge and fill operations and disruption of local biological communities. Impact BIO-5 discusses permanent loss of marine habitat due to fill in West Basin. The mitigation for both, BIO-1 (page 3.3-30), will provide credits to mitigation banks for this effort with Bolsa Chica as a potential recipient of these credits.

It is strongly recommended that a) environmental credits not be considered as a mitigation option, and b) environmental credits for POLA projects never be used towards mitigation projects outside the harbor area. The immediate area must be considered first as this will have the highest negative impact of Port projects.

46-23 | 2. Impact BIO-4 and Impact BIO-5 only account for 2.54 acres of landfill for this project. As stated earlier, there is an additional 45 acres of landfill associated with this project that needs remediation.

Geology:

46-24 | 1. Impact GEO-5a (page 3.5-25) discusses landslides and mudslides, and reports that since the project area is flat that will not be an issue. In fact, mudslides occur directly across the street from the project area along Black Hill (MacArthur Ave./Shields Drive). These are mainly due to water erosion but they could be exacerbated by vibrations from construction activity or project operations. One such mudslide recently occurred at 957 N. Pacific Avenue causing Paul's Bait and Tackle to close and move to the 900 block of S. Pacific Avenue.

Unlike Knoll Hill, Black Hill was made from channel dredgings and is highly unstable.

Transportation/Circulation:

46-25 | 1. See discussion under Air Quality and Meteorology regarding AB 2650 compliance and truck cues at the China Shipping terminal.

46-26 | 2. Section 3.6.13.1.5 discusses anticipated transportation improvements (page 3.6-17), the majority of which pertain to the Harbor Freeway. This freeway was not designed or built with the intention of carrying this level and type of traffic. The city of San Pedro is at the end of this freeway and it is our primary access in and out of the peninsula. It would also impede public access to other port facilities such as Ports 'O Call and the cruise terminals. The impact of this project would cause it to have gridlock similar to the I-710 freeway in Long Beach. It is recommended instead to direct truck traffic by other means to the Alameda Corridor.

46-27 | 3. Black Hill and Barton Hill residents are complaining of vibrations from truck traffic on the Harbor Freeway and SR-47 as causing damage to their homes. Cracks are appearing on patios and walls, residents are being shaken at night in their beds.

46-28 | 4. Impact TRANS-5 identified only the grade crossings at Avalon Boulevard and Henry Ford Avenue as being impacted by this project (page 3.6-46). In fact there are several additional grade crossings which cause vehicle delays and need to be included in the project analysis: Harry Bridges and "C" Street, John Gibson and Channel, and Front Street near the Vincent Thomas Bridge.

Groundwater and Soils:

46-29 | 1. Soil and Groundwater Investigations identifies nine pressurized oil pipelines buried in a pipeline corridor along Pacific Avenue and Front Street and continuing to the former Chevron Terminal (page 3.7-4). These pipelines must be removed.

46-30 | 2. Table 3.7-1 identifies an Abandoned Underground Diesel Tank at Berth 105 that cannot be located (page 3.7-5). This tank must be located and removed.

46-31 | 3. The section on the Southwest Slip Fill describes the new 45 acre landfill as being comprised of clean sediment so there are "no contamination problems associated with this new landfill" (page 3.7-6). This is highly improbable since the fill was done with channel dredgings and one of the stated purposes of this project was to relocate toxic dredged materials to a fill site (page 3.14-23).

46-32 | 4. As discussed under Aesthetics and Visual Resources, the Southwest Slip was filled under the auspices of a prior project, the Channel Deepening Project in 2003. Since this China Shipping project is dependent upon the Channel Deepening landfill project, is in the same location, and is being performed concurrently, I am including its associated environmental impacts in this comment document. Impacts and Mitigation for the Construction Impacts (page 3.7-11) should also include assessment of this 45 acre site. Likewise, they should be listed under Significant Unavoidable Impacts (page 3.7-90).

Land Use:

46-33 | 1. Other Land Uses in the Project Area (page 3.9-3) describes an area as "West Knoll" or MacArthur Avenue Knoll. This is actually Black Hill, which spans from Pacific Avenue to Gaffey Street. The hill was bisected by construction of the Harbor Freeway in the early 1960's but the community still considers itself one neighborhood. Black Hill has no connection whatsoever with Knoll Hill.

46-34 | 2. The Redevelopment Area section discusses "blight" and adverse economic conditions (page 3.9-4). It cannot be understated the how Port development and operations contributes to the blight of this community. What was once waterfront property now has a view of an ugly "temporary" dirtpile which has been there for five years already. The climate has changed,

46-34

fugitive dust is in the air, particulate matter blankets everything, the noise has increased, lost tractor-trailers enter the neighborhood, and now this is on a 24 hour basis. This affects property values, health issues, and quality of life issues in the community. The neighboring vicinity from Knoll Hill to Bandini Street, and the SR-47/Summerland to Miraflores/Shields Drive also have no community serving facilities as described in this paragraph. There are no cafés, grocery stores, churches, mailboxes, etc. There is no public transportation service on Black Hill. All of these services existed on Black Hill prior to construction of the Harbor Freeway/SR-47. The streets are paved with cracked and buckled concrete stamped “Griffith Company 1926”.



South View - 400 Block of Elberon Avenue, Black Hill

46-35

3. Figure 3.9-2 Zoning Designations depicts the Black Hill/West Knoll area as “low density residential” or R-1. In fact there are over 10 multi-unit apartment/condominium/cottage complexes on the Hill east of the Harbor Freeway. There are over 275 families on Black Hill, with many residences converted to multi-story units with much higher occupancy capacity.

46-36

4. Impact LU-4 (page 3.9-24) asserts that the project would disrupt, divide, or isolate neighborhoods, communities or land uses. This is false. This project and the related increases in traffic on the Harbor Freeway and SR-47 do just that to the Black Hill and nearby neighborhoods. The noise, lights, aesthetics, air quality, and traffic will push residences further and further away from the project area and these traffic corridors, and further the divide in our neighborhoods.

46-37

5. Impact LU-5 (page 3.9-25) is also incorrect for this issues cited above. The aesthetic and environmental impacts of this project have an extremely detrimental effect on the

46-37↑ neighboring residential community causing increased dumping, decrease in property values and an assortment of other blight related issues.

46-38 | 6. Mitigation monitoring is reportedly not needed and no significant unavoidable impacts asserted in this EIR (page 3.9-61). This also is incorrect for the reasons stated in this section and need to be addressed.

46-39 | 7. As stated in the opening paragraphs of this document, container shipping in this area would be one of the worst uses of this parcel. Container terminals need to be located in close proximity to the Alameda Corridor or on Terminal Island. These are the areas best designed to efficiently handle the throughput from this type of operation.

Marine Transportation:

46-40 | 1. Vessel operations does not discuss the height of the Vincent Thomas Bridge. Considering there was a recent collision with a ship passing at high tide this need to be addressed.

46-41 | 2. As discussed in the Proposal Description section of this document what will happen when a shipping line wants to bring their newest, largest ship to their newest terminal in the inner harbor? What is the plan for the Vincent Thomas Bridge? When will it be removed?

Noise:

46-42 | The baseline noise studies conducted in this EIR were done in 2001 and provided the basis for projection. Since that time PierPass was implemented starting 24 hour gate operations and could not have been anticipated or considered in the model.

46-43 | Noise relating to the recent realignment of the Pacific Harbor line track and installation of the Yang Ming rail spur which both run across the project area is not included in the noise study or considered a factor in this project study. Consequently, the only rail noise reported in this EIR pertains to the grade crossing at Henry Ford Avenue in Wilmington. This is incorrect.

46-44 | In addition, container operations were being conducted on the project site at the time in support of the Yang Ming terminal overflow. Noise estimates from this operation were also eliminated from the project estimates.

46-44 | These were not included in the baseline studies or projections, yet the calculations of current and future project throughput is dependent upon these operations being conducted on this project site.

46-45↓ To conduct noise studies in the neighboring community and filter out the noise associated with the 24 hour rail/truck/cargo handling equipment operations in the immediate vicinity is misleading. More recent PCAC noise studies conducted in 2005 at the same locations show these impacts.

46-45 For example, when angry, truckers commonly lean on their horns in unison in what is called a “trucker protest” which can last for several minutes. Now that there are 24 hour gate operations this occurs at 11:00 p.m. or later, and is unacceptable. This needs to be corrected.

46-46 The Pacific Harbor line realignment and rail spur created for the Yang Ming intermodal facility follow Harbor Boulevard along the perimeter of the project site. These two right of ways were installed in such a way that they follow several turns that are too tight for normal rail operation and create “wheel squeal” at these turns – which you feel in your bones. Each car, and the trains often have 75 or more cars, creates a metal-on-metal scraping as it hits these turns. This goes on all night long and is unacceptable. It is also due to pitch, so no sound barrier will prevent it. This is also a new phenomenon, it has occurred since this project started. This must be corrected.

The impact of the car coupling on the rail spur also occurs all night long. Each time a train starts or stops every car in line makes a loud noise all the way up the chain.

46-47 The studies also do not account for the noise of loading and unloading containers in the ships at the China Shipping terminal. These are 24 hour operations and the boom from dropping containers in the cargo holds creates an unacceptable disturbance throughout the night. This must be corrected.

46-48 Some of the loudest, most persistent noise comes from the container handling operations in the backlands. Cargo handling equipment alarms beep continuously, horns are used to signal when a chassis is in position to pick up or load a container, and trucks honk all the time. This is adjacent to a residential neighborhood and needs to be ceased at night.

Since this terminal is adjacent to a residential neighborhood the Port needs to reconsider conducting night time operations if it cannot do so in a quiet manner.

Recreation:

46-49 Impact REC-2 (page 3.12-6) discusses loss of recreational facilities. It says there will be no significant impact or loss in recreational areas. Every landfill project takes away public access waterways. 43 + 2.5 acres of landfill displaces public access waterways which are recreational areas. People could sail or boat up the Southwest Slip, now it is filled and leased to a private company.

Public access recreation areas in the Main Channel will also be impacted by the new ships at the terminals and the extra barriers required around them for Port Security purposes.

Utilities and Public Services:

46-50 Impact PS-1 reports that the project would not increase the demand for additional law enforcement officers. See discussion in the Noise section about the trucker protests. I have had to continually call the Port Police after 10:00 p.m. when truckers lean on their horns in unison while on this project site. This is annoying to the Port Police but is the only avenue available for action.

Water Quality, Sediments and Oceanography:

- 46-51 | 1. The Clean Water Act identifies “compensation for loss of waters of the U.S.” (page 3.14-26). How does this apply to the 45 + 2.45 acres of landfill associated with this project?
- 46-52 | 2. Impacts and Mitigation refers to placing dredged contaminated sediments at the Anchorage Road soil storage site (page 3.14-32). This site is also adjacent a residential community, the Wilmington Marina, and needs to be removed. It should not be considered for this project.
3. Impacts WQ-1b, WQ-1cWQ-3a and WQ-4a are all incorrect as it pertains to the 45+2.45 acres of landfill associated with this project. The fissures in the photo of the uncovered landfill site show the effects of uncontained water erosion. The watershed canal for the Palos Verdes, Torrance and Lomita area runs along the north edge of this dirt pile:

Water Erosion Impacts – China Shipping Landfill Site – July 13, 2008



46-53

Clearly there is no Storm Water Protection Plan that would have the capability to adequately address fugitive dust and storm water runoff associated with a project of this magnitude. It is recommended that this site be covered and removed immediately, and this method of landfill compression not be used again.

Cumulative Analysis:

There are several adjacent and/or overlapping projects happening at or near the China Shipping project timeline which must be considered in this EIR. The success of the China Shipping project is dependent on these additional projects and cannot be separated:

46-54

- Pierpass – 24 hour gate operations started in 2005. On site at China Shipping and impact container throughput estimates.
- Channel Deepening Project – 43 acre Southwest Slip landfill created in 2003. Creates “footprint” for China Shipping project and provides essential backlands development opportunity.
- West Basin Intermodal Terminal Expansion (Yang Ming, Berths 121-131) – improved intermodal capabilities of the adjacent railyard, built rail spur around perimeter of China Shipping project area, provided space at China Shipping terminal backlands for Yang Ming container overflow operations, realigned Pacific Harbor Line rail around perimeter of China Shipping project area. (2001?).

The environmental impacts of these projects have a direct relation to the proposed China Shipping project and need to be included in this review.

46-55

Current and future projects would include the SR-46 I-110 projects discussed under Traffic, TraPac container terminal project, and any project planned for the West Basin vicinity as they pertain to traffic, noise, land use, and environmental justice issues.

46-56

All projects past and current need to be considered as they pertain to air quality, water quality, land use and environmental justice issues.

46-57

All aesthetic, air quality/metrology, biological, geological, transportation/circulation, groundwater/soils, land use, marine transportation, noise, recreation, public utilities and water quality mitigation issues raised in this document need to be considered on a cumulative basis as well as no project is on a planet of its own.

Mitigation Recommendations

- 46-58** | Allow night construction lighting only during winter months when sun sets early – and only until assigned construction stops for the day. Lights are to be directed towards North and East (waterline), not the hillsides.
- 46-59** | Finish sidewalk installation at Pacific Ave and Front Street intersection (photo below):



- 46-60** | Work with the CRA to establish at Pacific Avenue Corridor Mural Program along the corrugated fences and walls of N. Pacific Avenue between Channel St. and Barton Hill (site potential below):



Remove all Billboards on both sides of the 700-900 blocks of N. Pacific Avenue.

Restore the old Sampaguita Restaurant on Front Street to a community serving café. Remove billboard on site.

Purchase properties on the south side of N. Pacific Avenue between Front Street and Channel (700-900 Blocks) for the purposes of creating a hillside “green belt”. This is commercially zoned land at the base of a geographically unstable hillside. The hillside could be stabilized and cliff gardens could be planted, along with pedestrian paths or trails, benches and much needed stairways to the residential area above. This would also deter further development on this unstable hillside, and reduce noise, blight and air pollution, and separate the project area with the Black Hill neighborhood.

Create pedestrian access harbor viewing areas along the hillsides of Black Hill and Knoll Hill. Connect them with the California Coastal Trail.

Continue California Coastal Trail through Harbor Boulevard, Pacific and Knoll Hill/Black Hill.

Retain historical building status for Paul’s Bait and Tackle, Neptune electronics, and Sylvia’s Bail Bonds along N. Pacific Avenue.

46-61

Purchase parcels for sale along the I-110 Harbor Freeway north of Channel Street for use as cruise terminal/San Pedro waterfront parking, green belt, community gardens, or nursery space.

Local youth have no summer job opportunities anymore – traditional jobs now are taken by adults. Create an intensive summer jobs internship program for students of San Pedro High School. That will show them local job opportunities, give them practical skills, lower crime rates, and keep them interested in staying in school.

Underground all utilities along both sides of Front Street, Harbor Blvd., N. Pacific Avenue, N. Gaffey, and John S. Gibson.

Underground utilities on Knoll Hill and at the Black Hill (MacArthur Ave/Shields Dr) viewshed.

Create Federal Quiet Zones throughout San Pedro and Wilmington.

Work with LADOT to bring light rail to San Pedro for public transit.

Perform a seismic analysis of the project site and supporting highways.

Provide hillside stabilization for surrounding communities along project site and supporting highways.

46-61

Install air monitoring equipment on the project site and in the community.

Conduct Public Health Campaigns: Door-to-door canvassing for air quality, respiratory illness, noise levels, etc.

Construct a water fountain in the Downtown San Pedro community where the air is trapped and get very hot and dry – for example S. Pacific Avenue between 1st and 4th Streets.

Test soil at Harbor Occupational Center and remediate toxins along the Railroad Right of Way, automotive shop, etc. Harbor Occ is on a former Gas Company facility. Test soil, cap, secure and remove any remaining gas pipelines.

Work with LA Planning department to rezone Knoll Hill, Pacific Avenue corridor parks and open space in perpetuity.

Work with LA Planning Department to rezone Black Hill residential/light commercial in perpetuity and retain the public viewshed along MacArthur Ave/Shields Drive. Improving and retaining open space along MacArthur Ave./Shields Drive improves habitat for shore birds as well as raptors.

Goats could be introduced annually to trim grass on Knoll Hill and Black Hill.

Support, legalize and expand the Skate Park at the Channel Street underpass.

Remove the ugly warehouse/distribution facility on Westmont at the Harbor Freeway. Don't allow further warehouse/distribution facilities in San Pedro or Wilmington to replace a "buffer" between Port and residences. A warehouse does not constitute a green buffer and increases truck traffic into the community.

Restore natural watershed/creek from Green Hills Mortuary/former Navy property to the drainage channel along N. Gaffey.

Support construction of tertiary water treatment plant from County facility in Carson rather than an additional outfall through San Pedro or the Port:

- Direct the clean water flow from the new facility through Canada de Palos Verdes creek from Carson to Machado Lake to upgrade circulation.
- Restore the drainage channel from Machado Lake through to the China Shipping project site at the Southwest Slip. Remove concrete walls and fence along N. Gaffey and replace with more natural terrain. Restoration of canal facilitates biological resources and creates wildlife habitat.

Strengthen the PCAC:

- Conduct a Public Awareness Campaign for PCAC. Assist with branding, brochures, presentations, posters and other outreach materials.
- Provide better website support for ease of access and publicity.
- Post announcements of PCAC meetings and significant events on main POLA website.
- Prominently announce PCAC funded projects. Hold public events for aesthetic and R&D efforts. Include PCAC credits in requests for proposals, require PCAC credit on all project results, when applicable include PCAC credits on all Port publicity documents and events.

46-61

Remove Foreign Trade Zone warehouse and distribution facility at 1020 N. MacFarland Ave. in residential Wilmington district.

Support the East Wilmington Open Space Park proposal being considered by the PCAC.

On-site noise deterrent signage is needed. Citations need to be issued to the vehicle/equipment operator as well as the terminal operator for allowing noise violations.

Cover and remove the Anchorage Road soil storage site. It is causing illness to the Wilmington Marina residential community.

Remove the 45 acres of fill in Southwest Slip and restore it to its pre-2001 condition.

Install on site noise, air and vibration monitoring stations. Install same in neighboring communities and along the SR-47/I-110 Freeways.

Turn lighting away from residential areas, streets and highways during construction. Turn all construction lights off when construction activity ceases at prescribed hour.

Have trucks and cargo handling equipment flash their lights at night to signal each other, not use their horns.

Use electric trucks, cranes and cargo handling equipment.

Cite terminal operators for long truck lines and not abiding by an appointment system.

Create an arboreal or light colored canopy over the backlands areas to reduce effects of climate change in region. A minimum of 10% of the property, including the container storage area, should be devoted to landscaping.

Use light pigment asphalt on the terminal backlands to reflect light and heat.

Permanent air quality monitoring stations are needed immediately in the surrounding communities and should be calibrated and monitored by an outside agency. Public health surveys need to be regularly taken of adjacent neighborhoods, schools and community centers.

Install an historic plaque commemorating the former Todd Shipyards along N. Pacific Avenue at berths 103-109.

46-61 Implement the employee version of the Clean Truck program to prevent truck cues on Port property and into neighborhoods.

Harbor Freeway/SR-47 interchange:

- Ground stabilization and seismic/noise vibration monitoring stations.
- Permanent noise monitoring stations.
- Soundwall installation.
- Permanent Air Quality monitoring stations at Harbor Freeway at SR 47 interchange.
- Regular reporting of monitoring station results to community at public meetings and through US mail.
- Host regular public meetings for community input.
- Complete brush clearance and planting of all Caltrans property from the Vincent Thomas Bridge through Channel Street. Include underpasses, park-and-ride lot, etc.
- Extensive public outreach campaign within immediate vicinity, with the Central San Pedro Neighborhood Council, and the PCAC regarding any and all improvements.

Purchase vacant properties adjacent to the Harbor Freeway north of Channel St. in Wilmington for use as remote parking or green buffer zones.

Ban the location of any trucking facilities, including repair, sales/leasing, towing or dispatching within 1.5 miles of the project vicinity. Have them located in designated industrial zones only.

Post "No Trucks" signs at access roads to nearby residential neighborhoods (Summerland, Gaffey Place, Miraflores, etc.).

Posted bilingual English/Spanish directional signs to designate truck routes.

Relocate the Kinder Morgan tank farm at Berths 118-120 to Pier 400. Get it away from the West Basin.

Widen the MacArthur overpass on the Harbor Freeway to create a land bridge/park space and reunite Black Hill. A similar park project is under consideration for the Hollywood Freeway.

Use Port Lobbyists to lobby for stronger environmental laws and Federal compliance with MARPOL international treaties. Pressure DOT, MARAD, and the Department of Commerce in favor of environmental compliance.

Improve Bus Shelters around project perimeter and in immediate vicinity.

Work with LA DOT to bring light rail passenger transit to San Pedro.


Remove and relocate West Basin Intermodal Rail facility. It is incompatible with the West Basin.

Complaint Reporting:

- Post a 24 hour phone number to call for lights, noise, dust, etc. issues.
- Provide a 24 hour Port Ombudsman for community complaints and resolution. The Port Police is inadequate and an improper authority for these matters. The Ombudsman should be tasked to resolve and/or report on conflict resolutions to the complainant within 48 hours.

Thank you again for this opportunity to respond to this EIR.

Regards,


Carrie Scoville

2.3.46 Carrie Scoville (Comment Letter 46)

46-1 The comment is noted. As discussed in Section 3.9 (Land Use), the proposed Project area is zoned industrial and falls under Master Plan Areas 3 and 4 in the Port Master Plan. Area 3 is zoned for cargo handling, heavy industrial, and commercial land uses; Area 4 is zoned for container and liquid bulk operations. Use of the area as a container terminal is consistent with the aforementioned designations. The proposed Project is also a water-dependent use that makes efficient use of the water-to-land interface at the Project site. Operations of maritime container terminals require that, in the interests of efficiency and productivity, a portion of incoming and outgoing containers are handled dockside. The backland areas of the container terminals in the West Basin are designed to achieve these efficiencies. In addition, the proposed Project would use the Yang Ming on-dock rail facility. Because China Shipping and Yang Ming are located adjacent to one another, this arrangement would allow the transfer of containers to rail without movement on public roads.

As discussed in Section 1.1.3 of the Recirculated Draft EIS/EIR, the Ports of Los Angeles and Long Beach (San Pedro Bay Ports), along with USACE, conducted a series of studies and forecasts to evaluate the capacity of the ports in light of the forecasted cargo volume increases. These studies found that even with the anticipated redevelopment and expansion of existing and new terminals, the ports will not have the physical capacity to accommodate the projected growth in the future. Therefore, in response to the comment to move the operation to a different location to accommodate the forecasted growth projected for the Port, the Port will need to maximize all its facilities. There is currently no additional space for the facility on Terminal Island, which is either already developed or has uses already planned. As discussed in Section 2.5, the Recirculated Draft EIS/EIR looked at a number of alternative locations and operations, including use of other sites in the Los Angeles Harbor District, use of offsite backlands, and a nonshipping use.

The alternatives for the use of other sites and the use of offsite backlands were withdrawn from full consideration. As discussed above, the Port does not have any additional large tracts of land available to accommodate the operation in an alternative location. Offsite alternatives are considered infeasible because they would not meet the primary proposed Project objective of optimizing and improving cargo-handling efficiencies of the terminals of the proposed Project. Also, local and regional planning programs encourage upgrading and improving transportation systems within the Port; and offsite alternatives would not result in such improvements within the West Basin. Finally, container terminal operators are consolidating facilities wherever possible to improve operating efficiencies. Consolidation results in reduced traffic within the Port and reduced air emissions.

While the nonshipping use was considered under Alternative 7 in the Recirculated Draft EIS/EIR, as described in Section 2.5.1.7, a nonshipping use alternative normally would not be evaluated in detail in an EIS/EIR for the Port because such use of the site would not be consistent with the Project objectives (that is, maximum utilization of Port lands for Port-related uses) or with the Port Master Plan for the Project site. However, the Nonshipping Use Alternative is included for detailed analysis in this Recirculated Draft EIS/EIR pursuant to the

- 1 terms of the ASJ. Additional information regarding the Project alternatives is
2 contained in the response to Comment 24-8.
- 3 It should also be noted that the environmental impacts, including aesthetics,
4 traffic, air quality, and noise associated with locating a container terminal at the
5 Project site are addressed in the Recirculated Draft EIS/EIR.
- 6 **46-2** In response to the comment about Alternative 7, please see response to
7 Comment 46-1. This alternative was analyzed to comply with the ASJ, but it is
8 not determined to be the best use of Port land. In response to the comment about
9 relocating the terminal to be near the Alameda Corridor or Terminal Island,
10 please see response to Comment 46-1. The Project site is located near the
11 existing on-dock rail yard at Berths 121-131, and a portion of the containers from
12 the proposed Project would be transported to this rail yard where they would be
13 loaded onto trains and transported via the Alameda Corridor. The existing
14 landfill was created as part of the Channel Deepening Project and is consistent
15 with the use of the West Basin for cargo handling.
- 16 **46-3** Regarding the recommendation to use the site as a cruise terminal, the site would
17 not be an ideal location for a cruise terminal due to limitations with the height of
18 the Vincent Thomas Bridge. As discussed in the San Pedro Waterfront Draft
19 EIS/EIR, the existing cruise terminal, located just south of the China Shipping
20 site, is not able to accommodate the newer cruise ships. These ships are too large
21 to pass under the Vincent Thomas Bridge (they require an air draft of more than
22 200 feet, but the Vincent Thomas Bridge is 185 feet) and, therefore, could not
23 access the site or the West Basin turning basin. Smaller ships could berth at the
24 Berth 97-100 wharf; however, as described above, the Port already has a cruise
25 terminal that can accommodate the smaller ships at Berth 91-93.
- 26 **46-4** The Port and USACE circulated a Notice of Intention (NOI)/NOP of an EIS/EIR
27 in 2003. The NOP served as the mechanism to receive formal comments
28 regarding the scope and content of the EIR, including project alternatives, and the
29 Port and USACE held a joint public scoping meeting. Table ES-5 in the
30 Recirculated Draft EIS/EIR contains a summary of the comments received during
31 the scoping process. The Port and USACE originally released the Berth 97-109
32 Draft EIS/EIR in August 2006. Based on comments received on the Draft
33 EIS/EIR, a decision was made to recirculate the document. The April 2008
34 Recirculated Draft EIS/EIR is a full recirculation of the original Draft EIS/EIR
35 and addresses comments received on the August 2006 document. The proposed
36 Project and Alternatives discussed in the original Draft EIS/EIR did not change
37 in the Recirculated Draft EIS/EIR. In addition, the Port was required to satisfy
38 the requirements of the ASJ about including a nonshipping alternative in the EIR.
- 39 **46-5** Comment noted. Please see the response to Comment 21-43. The Port and
40 USACE are committed to making environmental documents accessible to the
41 public and routinely go beyond the public noticing requirements of CEQA and
42 NEPA.
- 43 **46-6** The Port and USACE appreciate the comment. It is not the desire of the Port or
44 the USACE to publish such lengthy environmental documents; however, given
45 the complex and technical nature of environmental concerns on Port projects, the
46 Port and USACE are attempting to provide the public and decision makers with
47 all pertinent information at a level of detail that ensures the full disclosure of
48 environmental impacts.

- 1 **46-7** Comment noted. The Port extended the public review period for the Recirculated
2 Draft EIS/EIR from 60 days to 75 days. The Port and USACE routinely go
3 beyond the public review requirements of both CEQA and NEPA (45-day review
4 period for CEQA when the EIR is sent to the State Clearinghouse, and 45-day
5 review period for NEPA). As discussed above, the Recirculated Draft EIS/EIR
6 provides both the public and decision makers with all the pertinent information at
7 a level of detail that ensures the full disclosure of environmental impacts.
- 8 **46-8** The largest container ship currently visiting the Port as part of normal operations
9 can carry approximately 8,000 TEUs. (One of the largest ships in the world, the
10 Emma Maresk at 11,000 TEUs, has visited the Port; however, it is not currently
11 in the regular ship rotation.) The terminal operator anticipates that oceangoing
12 vessels with capacities up to 10,000 TEUs would dock at the terminal. Existing
13 channel depths, the clearance height of the Vincent Thomas Bridge
14 (approximately 185 feet), and the wharf and cranes of the proposed terminal
15 would adequately accommodate the anticipated container vessels. The container
16 vessels would be maneuvered into position along the wharf with tugboats, and
17 the vessels can be turned in the adjacent West Basin turning basin. Section 1.1.2
18 of the Recirculated Draft EIS/EIR provides an overview of terminal operations,
19 including the vessel berthing process. As discussed in Section 1.1.3 and in
20 Appendix I, the Port used a number of studies, including a vessel forecast study,
21 and direct conversations with the proposed tenant to determine eventual ship size
22 and to design the terminal to accommodate such ships.
- 23 **46-9** The three-ship scenario evaluated in the air quality analysis was used because it
24 represents the worst-case scenario in terms of air quality emissions. As discussed
25 in Section 2.4, the terminal would normally be able to accommodate two ships.
26 However, three small ships (each under 4,000 TEUs) could fit at the berth. This
27 scenario would produce the most emissions and, therefore, was used in the
28 analysis as a conservative assumption.
- 29 **46-10** As noted in the analysis, the filling of the Southwest Slip occurred as a part of
30 another, previously approved project (is not a part of the proposed Project), and
31 for that reason, was not included in this impact assessment. The proposed
32 Project would entail developing this area as backlands and would include
33 extending the area of fill slightly to provide for construction of new wharves and
34 installation of the cranes. The visual impacts associated with development and
35 operation of this fill have been considered in the visual impact assessment
36 presented in Section 3.1 of the Recirculated Draft EIS/EIR. The cumulative
37 impacts of the proposed Project and other Port projects, such as the Channel
38 Deepening Project, are disclosed in Chapter 4 of the Recirculated Draft EIS/EIR.
- 39 **46-11** Comment noted. Please see the responses to Comments 24-12.7 and 46-10. The
40 fill and the pile were analyzed as part of the Supplemental EIS/EIR for the
41 Channel Deepening Project (USACE and LAHD, 2000) and supplemental
42 environmental assessment (USACE, 2002). The pile was placed in the area to
43 compact the new fill and store clean material for future use. The material will be
44 relocated prior to Phase II and III construction. In addition, **MM AQ-6** has been
45 amended to include additional provisions to control fugitive dust during
46 construction:

MM AQ-6: Additional Fugitive Dust Controls

The construction contractor shall reduce fugitive dust emissions by 90 percent from uncontrolled levels. The Project construction contractor shall specify dust-control methods that will achieve this control level in an SCAQMD Rule 403 dust control plan. Their duties shall include holiday and weekend periods when work may not be in progress.

Measures to reduce fugitive dust include, but are not limited to, the following:

- Active grading sites shall be watered one additional time per day beyond that required by Rule 403.
- Contractors shall apply approved non-toxic chemical soil stabilizers according to manufacturer's specifications to all inactive construction areas or replace groundcover in disturbed areas (previously graded areas) inactive for ten days or more.
- Construction contractors shall provide temporary wind fencing around sites being graded or cleared.
- Trucks hauling dirt, sand, or gravel shall be covered ~~or shall maintain at least 2 feet of freeboard~~ in accordance with Section 23114 of the California Vehicle Code.
- Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site
- The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed.
- Pave road and road shoulders.
- Require the use of clean-fueled sweepers pursuant to SCAQMD Rule 1186 and Rule 1186.1 certified street sweepers. Sweep streets at the end of each day if visible soil is carried onto paved roads onsite or roads adjacent to the site to reduce fugitive dust emissions.
- Appoint a construction relations officer to act as a community liaison concerning onsite construction activity including resolution of issues related to PM₁₀ generation.
- Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.

- 1 ■ **Provide temporary traffic controls such as a flag**
- 2 **person, during all phases of construction to maintain**
- 3 **smooth traffic flow.**
- 4 ■ **Schedule construction activities that affect traffic flow**
- 5 **on the arterial system to off-peak hours to the extent**
- 6 **practicable.**

7 **46-12** Please see Section 3.1.4 of the Aesthetics and Visual Resources analysis in the
8 Recirculated Draft EIS/EIR, which includes simulations that depict stacked
9 containers and ships at the Project site. The Project includes backland
10 development on the referenced 45-acre site.

11 **46-13** Designating local streets as *scenic highways* is not within the purview of the Port
12 of Los Angeles. However, as discussed in Section 3.1, the proposed Project
13 includes a mitigation measure to landscape and beautify the areas of Front Street,
14 John S. Gibson Boulevard, and Pacific Avenue adjacent to the terminal and to
15 implement recommendations of the Northwest Harbor Beautification Plan along
16 Channel Street and Harbor Boulevard. Plans include new landscaping and work
17 to remove billboards, as well as prohibit future billboards. Specifically, as part of
18 **MM AES-3**, the Port would remove a large billboard and a deteriorated building
19 on Pacific Avenue. In addition, **MM AES-1** has been amended as shown below
20 to include plants that promote erosion control:

21 **MM AES-1**

- 22 **1. Reconfigure fence line bordering Front Street to create a 5-foot-wide**
- 23 **planting strip alongside the edge of the street that will be planted**
- 24 **with low shrubs and some trees. Plant species used for the**
- 25 **relandscaping must be selected for attractiveness, relationship to**
- 26 **existing planting themes in the surrounding area, and environmental**
- 27 **values. The plants installed must be of an adequate size to create an**
- 28 **attractive planting composition within 5 years**
- 29 **2. Implement the recommendations of the Northwest Harbor**
- 30 **Beautification Plan as applicable. The recommendations include**
- 31 **landscaping two gateways to the Port—the area adjacent to the**
- 32 **Channel Street on- and off-ramps from I-110 and SR-47, and the**
- 33 **Harbor Boulevard on- and off-ramps from SR-47. Planting shall be**
- 34 **designed to promote erosion control along all hillsides.**

35 **46-14** The proposed Project includes a mitigation measure (**MM AES-3**) to look at the
36 feasibility of placing all aboveground utility poles underground. If the
37 undergrounding cost exceeds \$1,000 per linear foot, the Port will propose
38 alternative measures to beautify the area. As discussed in the response to
39 Comment 46-13, the proposed Project includes a number of mitigation measures
40 to include new landscaping adjacent to the terminal. This landscaping would
41 include erosion control planting.

42 **46-15** The truck lines could be visible from the small number of residences at the edge
43 of the bluff in the Shields Drive neighborhood. Because these residences are
44 located at an elevation that is approximately 100 feet higher than the proposed
45 Project site, the truck lines would be visible but would not block views. The
46 lines of trucks are one element in a complex view of a working port, are
47 consistent with the working-port character of the view, and do not necessarily

1 dominate or alter the quality of the view. The Recirculated Draft EIS/EIR
2 aesthetic analysis includes the truck lines and other backland operations. The
3 analysis was performed utilizing established methodologies that underlie the
4 Federal Highway Administration Visual Impact Assessment and the United
5 States Bureau of Land Management Visual Resources Management Systems, as
6 described in Section 3.1.4.1.4 (Evaluation Framework).

7 **46-16** The anticipated impacts from stacked containers and lighting associated with the
8 proposed Project (and alternatives) are addressed in Section 3.1 of the
9 Recirculated Draft EIS/EIR. The referenced dirt pile was created as part of the
10 Channel Deepening Project and is not a part of this Project; thus, the dirt pile is
11 not evaluated in the Recirculated Draft EIS/EIR.

12 **46-17** Contrary to the comment, Knoll Hill is not a historic or scenic landmark. In
13 addition, views from Knoll Hill have been documented and discussed in the
14 Recirculated Draft EIS/EIR (please see Figure 3.1-6.1 and the discussion of
15 Knoll Hill in Section 3.1.4.3.3.1.7 of the Recirculated Draft EIS/EIR).

16 **46-18** Plaza Park is located approximately 0.8 miles from the site and was included as a
17 mitigation to provide high-quality views toward the Port and the surrounding
18 area that would be accessible to large numbers of local residents and tourists to
19 help offset some of the views that are lost in development of the proposed Project.
20 Plaza Park, however, does not fully compensate for the loss of views and the
21 impact remains significant and unavoidable. The proposed Project also includes
22 several mitigation measures, namely **MM AES-1** and **MM AES-3**, that entail
23 landscape improvements in areas near the Project site. Please see response to
24 Comment 46-13.

25 **46-19** The primary factor contributing to the microclimate of the Project area is the
26 effect of the Palos Verdes Hills on the local wind direction. When the prevailing
27 sea breeze is deflected in a counterclockwise direction around the hills, cool and
28 moist air flows toward the Project area from the ocean. When the prevailing sea
29 breeze is deflected in a clockwise direction around the hills, warmer and
30 relatively drier air flows toward the Project area from the east side of the hills.
31 The proposed Project does not contain any substantial features that would
32 significantly alter or block this local wind pattern. While additional asphalt on
33 the terminal could tend to slightly warm the air immediately above the asphalt,
34 the effect on temperatures in the surrounding community would be negligible,
35 given that the amount of new asphalt would be small compared to the relatively
36 large amount of existing asphalt and concrete in the surrounding terminals,
37 commercial and industrial areas, and neighborhoods.

38 **46-20** **MM AQ-21**, as revised, would require the Berth 97-109 terminal operator to
39 ensure that truck idling is reduced to less than 30 minutes in total or 10 minutes
40 at any given time while at the terminal. Hence, compliance with this measure
41 would also result in compliance with AB 2650. As described in **MM AQ-21**,
42 potential methods to reduce idling include, but are not limited to, the following:
43 (1) operator shall maximize the durations when the main gates are left open,
44 including during off-peak hours, (2) operator shall implement a container-
45 tracking and appointment-based truck delivery and pick-up system to minimize
46 truck queuing at the entrance and exit gates, and (3) operator shall design main
47 entrance and exit gates to exceed the average hourly volume of trucks that enter
48 and exit the gates (truck flow capacity) to ensure queuing is minimized. Please

1 refer to response to Comment 21-19.10 for revisions to **MM AQ-21** to enable
2 better monitoring and enforcement of this measure.

3 On a Port-wide basis, the Ports of Los Angeles and Long Beach created
4 PierPASS in 2005 with the goal of reducing the long queues of trucks discussed
5 in the comment. PierPASS is described further in response to Comment 16-38.

6 **46-21** Please see the response to Comment 24-12.7. The 45-acre dirt pile mentioned in
7 the comment is associated with the Channel Deepening Project; therefore, the dirt
8 pile was analyzed in the Channel Deepening Project environmental document,
9 not as part of the proposed Project. The pile is actively managed through daily
10 watering and fencing to minimize fugitive dust, although the Port acknowledges
11 there have been periods of dust events from the site. The pile will be removed
12 prior to Phase II, which is anticipated to begin in mid-2009.

13 **46-22** Please see the response to Comment 25-19. As described in Section 3.3 of the
14 Recirculated Draft EIS/EIR, mitigation for impacts to marine biological
15 resources has been developed by the Port in coordination with the National
16 Marine Fisheries Service (NMFS), United States Fish and Wildlife Service
17 (USFWS), and California Department of Fish and Game (CDFG) through
18 agreed-upon mitigation policy. This policy defines the value of different habitats
19 in the Harbor relative to a system of mitigation credits accrued by creating or
20 enhancing habitat in the Harbor and at offsite locations. The credits used for this
21 Project come from the Bolsa Chica mitigation bank, meaning the Port contributed
22 to the Bolsa Chica restoration project and was given “credit” through the
23 aforementioned mitigation policy. The Port generally uses Inner or Outer Harbor
24 credits as offset mitigation, and will continue to do so. However, if there is a
25 reason for not using Inner or Outer Harbor credits for the selected alternative at
26 the time the credits need to be applied, then the Port would use credits from the
27 Bolsa Chica mitigation bank, which is acceptable per the aforementioned
28 mitigation policy. Furthermore, the Port uses mitigation credits to mitigate
29 biological resource impacts rather than implementing restoration projects in the
30 Harbor because harbor area is required to meet anticipated demand for water-
31 dependent uses.

32 **46-23** The 45-acre fill was created and mitigated as part of the Channel Deepening
33 Project. Mitigation for impacts associated with the Channel Deepening Project
34 are addressed in the Channel Deepening EIS/EIR.

35 **46-24** The referenced mudslides, due mainly to water erosion occurred on private
36 parcels that are not located on or immediately adjacent to the Project site. If due
37 to water erosion, they most likely occurred during or following rain events that
38 caused the surface soils to become saturated to the point where surface slides
39 occurred. Project operations closest to the referenced mudslide area would
40 primarily consist of container storage and movement via yard equipment, and
41 these activities do not generally produce noticeable vibrations. Construction of
42 backlands would involve grading and asphalt or concrete placement, which are
43 also activities that do not generally produce noticeable vibrations. In addition,
44 although vibrations would be produced during pile driving, the wharf is located
45 over 0.5 mile from the mudslide area, and attenuation would cause vibrations to
46 fall below noticeable levels. Furthermore, contractors generally do not construct
47 or curtail construction activity during substantive rain events for worker safety
48 reasons. Minimal construction activity, if any, would occur when there is a

- 1 possibility for saturated soils to occur in the referenced slide area. Therefore, due
2 to either the lack of vibrations or attenuation, neither construction nor operation
3 would result in noticeable vibrations along Shields Drive or MacArthur Avenue.
- 4 **46-25** Comment noted. See the response to Comment 46-20.
- 5 **46-26** Like other freeways, I-110 was designed to be a corridor for regional truck travel.
6 Impacts on the freeway were examined in the Recirculated Draft EIS/EIR based
7 on the County of Los Angeles Congestion Management Program. Even with
8 Port growth, I-110 is not expected to ever carry the same level of truck traffic as
9 I-710. The regional travel demand model developed by the Southern California
10 Association of Governments (SCAG) and the Port travel demand model have
11 forecasted that I-110 will continue to carry fewer port truck trips than I-710 in the
12 future. The year 2035 forecast for Port trucks from the most recent update of the
13 Port travel demand model on I-110 is approximately 19,000 Port trucks per day
14 at Pacific Coast Highway versus approximately 65,000 Port trucks per day on
15 I-710 at Pacific Coast Highway. Thus, I-710 is expected to carry over 2.4 times
16 the Port truck volumes as I-110, and these proportions are consistent with
17 previous Port travel model forecasts that were completed for 2030. There are
18 several reasons that I-110 will continue to carry fewer Port trucks than I-710 in
19 the future, including the fact that most of the major Port truck-related trip origins
20 and destinations are located to the north and east of the ports, thereby making
21 I-710 a more direct route to and from those locations for most port terminals.
22 Furthermore, only a few port terminals have closer and more direct access to
23 I-110, including the West Basin terminals; whereas, for most other terminals,
24 I-710 is the more direct route to or from the Port areas due to their locations in
25 relationship to the freeway system.
- 26 **46-27** Vibration amplitude is expressed in decibels using a decibel reference of
27 1×10^{-6} inches per second, and is abbreviated VdB to avoid confusion with sound
28 decibels, which is abbreviated as dBA. The threshold for human perception of
29 vibrations is approximately 64 VdB. Typical vibrations from buses or trucks are
30 approximately 62 to 63 VdB at a distance of 50 feet from the source. Typically,
31 vibration levels must exceed 100 VdB before building damage occurs (City of
32 Los Angeles, 2005). Measurements taken via Google Earth show that no
33 residences are located closer than 50 feet of either I-110 or SR-47, with most of
34 the residences located between 60 feet to over 200 feet from the main lines.
35 Similar to noise, vibrations attenuate with distance. Given that the typical
36 vibrations levels associated with trucks fall below the human perception level
37 and far below levels at which structural damage occurs, it is unlikely that
38 vibrations from trucks traveling on I-110 or SR-47 are the cause of referenced
39 damage to the homes.
- 40 **46-28** The proposed Project would enable transport of containers to the on-dock rail
41 yard at Berths 121-131, to near-dock rail yards located in Wilmington (the Union
42 Pacific rail yard), and to downtown (the Hobart yard). Container trains do not
43 use the rail line that would block the noted intersections. That line is used
44 primarily by bulk trains, namely Westways, and occasionally Amtrak.
- 45 **46-29** The decision and responsibility to remove oil pipelines within a designated
46 corridor or easement fall within the purview of the pipeline owner(s), not the Port.
- 47 **46-30** Comment noted. The abandoned tank was not able to be located. In some
48 instances, underground storage tank records are not complete, and the tank might

1 have already been removed, but no record of the removal exists in the agency
2 files. As part of the lease, the Port will complete a site-specific baseline land
3 report to ensure there are no hazardous material issues. In addition, if during
4 construction, the tank or any other unexpected hazard is encountered, the
5 proposed Project includes a number of provisions and mitigation measures to
6 prevent or reduce any potential impacts, including **MM GW-1** (Site Remediation)
7 and **MM GW-2** (Contamination Contingency Plan).

8 **46-31** As discussed on page 3.14-23, testing revealed that the underlying sediment in
9 the Southwest Slip was contaminated. This contaminated sediment was
10 encapsulated and covered with the clean fill from the Channel Deepening Project.
11 Any contaminated dredge material from the Channel Deepening Project was
12 disposed of at regulated upland fill disposal sites. Only clean fill was used for
13 the fill at Southwest Slip.

14 **46-32** Please see the response to Comment 46-21. It should be noted that the proposed
15 Project would develop the reference fill as backlands, which is clearly stated in
16 the Recirculated Draft EIS/EIR in Section 2.4.2.3. The impacts associated with
17 the creation of the fill were addressed in the Supplemental EIS/EIR for the
18 Channel Deepening Project (USACE and LAHD, 2000) and supplemental
19 environmental assessment (USACE, 2002). The development of the Channel
20 Deepening Project fill as backlands and the subsequent operation of those
21 backlands addressed in the Recirculated Draft EIS/EIR. Mitigation is applied to
22 both the development and operation. The Cumulative Analysis (Chapter 4)
23 includes the Channel Deepening Project.

24 **46-33** Comment noted.

25 **46-34** Regarding the referenced dirt pile, please see the response to Comment 46-55
26 below. The topics of land use compatibility and blight are addressed in
27 Section 3.9 (Land Use) and Chapter 7 (Socioeconomics) of the Recirculated
28 Draft EIS/EIR. Multiple factors existing over long periods of time contribute to
29 an area being classified as “blighted,” and it is difficult, if not impossible, to
30 attribute the condition to one factor. A number of redevelopment programs that
31 are sponsored by the City of Los Angeles Community Redevelopment Agency
32 are currently in place in San Pedro and Wilmington, as well as in other areas
33 throughout the City, to rectify and alleviate those blight conditions. In addition,
34 please see the response to Comment 21-57.

35 **46-35** Comment noted. Questions regarding the development of the referenced parcels
36 can be directed to the City of Los Angeles Planning Department. It is common,
37 especially in long-established and mixed-use areas, for nonconforming uses to
38 occur. Zoning ordinances are designed to guide future development in an area
39 but do not require that nonconforming uses (existing prior to the zoning
40 designation) be removed. It should be noted that the referenced nonconforming
41 residential uses were identified in the Recirculated Draft EIS/EIR as residential
42 receptors, and the presence of those nonconforming uses does not change the
43 conclusions in the environmental document.

44 **46-36** No established neighborhoods would be directly or indirectly physically isolated
45 or divided by the proposed Project. Truck trips from the proposed Project would
46 use existing roadways. Proposed Project operations would increase rail trips;
47 however, the proposed Project would not result in the construction of new rail
48 lines or yards outside port boundaries. Rail transport of containers would occur

- 1 on existing rail lines from existing on-dock and near-dock facilities. The
2 proposed Project does not include, and would not result in, the construction of
3 new offsite roadways. Therefore, the proposed Project would not result in the
4 construction of new offsite rail lines or roadways that would further divide or
5 isolate existing communities.
- 6 **46-37** As outlined in Section 3.9.4.3.1.2, “blight” has a specific legal definition under
7 redevelopment law and refers mainly to substantial physical deterioration of an
8 area caused by physical or economic forces. Adverse physical conditions include
9 structures with serious code violations, buildings that are dilapidated and
10 deteriorated, inadequate lot sizes or configurations for existing market conditions,
11 or incompatible adjacent land uses that prevent the economic development of
12 those or other parcels. Adverse economic conditions include depreciated or
13 stagnant property values, abnormally high amount of business vacancies or
14 excessive vacant lots, a lack of necessary commercial facilities that are normally
15 found in neighborhoods (for example, grocery stores or banks), residential
16 overcrowding, an excess of businesses that cater to adults, and crime rates that
17 constitute a serious threat to public safety and welfare. As discussed in
18 Section 3.1 of the Recirculated Draft EIS/EIR, the aesthetic impacts of the
19 proposed Project are primarily related to view blockages of the Vincent Thomas
20 Bridge from various viewing locations, including the residential areas to the west
21 of the proposed Project site. However, these aesthetic impacts would not
22 adversely affect the physical or economic conditions in the surrounding area that
23 constitute blight, as described above.
- 24 **46-38** The environmental analysis did not find any significant unavoidable impacts in
25 Section 3.9 (Land Use). Therefore, mitigation was not applied and a monitoring
26 program was not developed. In addition, this Final EIS/EIR does not include any
27 changes to significance findings as a result of comments.
- 28 **46-39** Please see the responses to Comments 46-1 and 46-2.
- 29 **46-40** The Vincent Thomas Bridge has a vertical clearance of approximately 185 feet,
30 which would allow the largest ships predicted for the terminal to access the site.
31 As discussed in Section 3.10.2.1, use of a Port Pilot is required for all vessels of
32 foreign registry and vessels of the United States that do not have a federally
33 licensed pilot on board. The Los Angeles and Long Beach pilot services and the
34 Marine Exchange operate radar systems to monitor vessel traffic in the Harbor,
35 and information is available to all vessels upon request. The pilots are trained
36 and familiar with the landmarks and water system of both ports and with the
37 ships that they pilot.
- 38 **46-41** Please see the response to Comment 46-8.
- 39 **46-42** All day (24-hour) operations were assumed for the noise analysis of the proposed
40 Project. While the assumed baseline for the study dates to 2001, the noise
41 evaluation conducted for this EIS/EIR was performed in 2007 and adjusted to
42 accurately represent baseline conditions.
- 43 **46-43** The referenced track realignment and rail spur are not a part of the proposed
44 Project or its alternatives. Grade crossing noise has been included in the context
45 of expected increases in frequency of use of horns at such locations.
46 Additionally, rail noise analysis is included Section 3.11.4.3.1.2 of the
47 Recirculated Draft EIS/EIR to address train noise contribution to values of the

1 community noise equivalent level (CNEL). The greatest incremental increase in
2 noise levels along rail corridors serving the Port of Los Angeles is calculated to
3 be 0.8 dBA CNEL, which falls below the significance threshold.

4 **46-44** Correct impact evaluation methodology takes into account existing operations on
5 the proposed Project site because the Project operations would replace those
6 previous operations, which comprised the baseline conditions under CEQA. The
7 noise analysis factors in future terminal operations based on forecasted total
8 throughput.

9 **46-45** Contrary to the comment, the noise evaluation in the Recirculated Draft EIS/EIR
10 accounts for 24-hour Port operations. The analysis includes three major
11 components: traffic, rail, and onsite operations noise. CNEL contributions
12 attributable to each component are accounted for in the analysis. Noise from
13 trucker protests would be relatively rare and random, and its timing would not be
14 regular or predictable.

15 **46-46** The comment that the Pacific Harbor Line realignment has resulted in wheel
16 squeal from trains built is noted. The realignment was made as part of the on-
17 dock rail yard at Berths 121-131, and it represents an existing condition that is
18 associated with the rail yard rather than the proposed Project. The existing rail
19 yard has a capacity of approximately 462,500 TEUs, and this capacity would be
20 used by the existing Berths 121-131 terminal whether the proposed Project is
21 approved or not. Because of this, the proposed Project would not result in
22 additional wheel-squeal noise than would otherwise occur. In addition, wheel
23 squeal at the on-dock rail yard is intermittent and does not contain high energy
24 levels. Therefore, with the limited number of trains built at the on-dock rail yard,
25 the additional wheel squeal would not result in measurable increases in ambient
26 noise levels in terms of the applicable CNEL criterion. Because of this, wheel
27 squeal that might occur at the rail yard is not expected to result in increases in
28 ambient noise levels that would exceed the level of significance. Nonetheless,
29 the Port recognizes that wheel squeal can be annoying and is working with the
30 rail yard operator to implement measures that could minimize wheel squeal.
31 Specifically, the Port is in the process of installing a rail lubricator between the
32 Yang Ming loading and storage yards where the track curvature is most severe.
33 This lubricator should substantially reduce the existing wheel squeal noise and be
34 in place by the end of the year. This action would also address future wheel
35 squeal noise, and annoyances from wheel squeal should be substantially reduced.

36 **46-47** The noise levels of the proposed Project evaluated in the Recirculated Draft
37 EIS/EIR encompass the port operations noise, which includes loading and
38 unloading, and is based on measurements of overall activities. Future Project
39 operational noise levels are forecast based on measured noise levels of port
40 operations, which included loading and unloading of containers. Therefore, the
41 noise analysis does take these sources into account.

42 **46-48** Due to the presence of other container terminals in the West basin, such noises
43 are part of the existing noise environment. Back-up siren noise would not
44 substantively contribute much to CNEL values; however, it is a distinct, high-
45 pitched type of noise that is designed to capture attention and commonly known
46 to be annoying.

47 **46-49** The referenced 43 acres of fill is not a part of the proposed Project; rather, it was
48 a part of the Channel Deepening Project and analyzed in the environmental

- 1 document for that project. The 2.54 acres of fill would replace existing soft-
2 bottomed habitat with hard-substrate habitat (dike rock) and would be submerged.
3 The Project would not block the Main Channel and, therefore, would not impede
4 recreational use of the waterways. As a note, recreational use of the Southwest
5 Slip is prohibited because it is in a Controlled Navigation Area, as described in
6 Section 3.12.3.3 of the Recirculated Draft EIS/EIR.
- 7 **46-50** Comment noted. Section 3.13 of the Recirculated Draft EIS/EIR estimates that
8 the proposed Project would increase the demand for Port Police by less than one
9 officer, which is not considered significant.
- 10 **46-51** As described in Section 3.3 of the Recirculated Draft EIS/EIR, the proposed
11 Project would result in the conversion of approximately 2.54 acres of soft-
12 bottomed substrate to hard substrate by the placement of dike rock and piles.
13 The dike and fill would be primarily submerged and would not substantially
14 reduce water surface area. However, the loss of soft-bottomed habitat would be
15 fully mitigated as described in Section 3.3 of the Recirculated Draft EIS/EIR. As
16 described in Section 3.14.4.3.1.1, the dike placement would result in a negligible
17 loss of surface water (most of the dike rock would be submerged), but the loss
18 would not affect surface-water movement or water quality. Because of this and
19 because the habitat loss would be fully mitigated, there would be no effective
20 loss of waters of the U.S. All submerged fill would be mitigated/compensated in
21 accordance with agreed-upon multi-agency mitigation agreements.
- 22 **46-52** Comment noted. Anchorage Road soil storage site is an approved confined
23 disposal site, and as stated on page 3.14-32, is a potential site. Dredged
24 contaminated sediments would be placed in an approved confined disposal site(s)
25 at either the Port of Los Angeles or the Port of Long Beach, or at an appropriate
26 upland site such as the Anchorage Road soil storage site that is engineered and
27 constructed in such a manner that the contaminants cannot enter Harbor waters
28 after the fill is complete. The specific confined disposal facility would be
29 determined at the time of dredging and would depend on the capacity of available
30 sites. If the Anchorage Road soil storage site is not available or environmental
31 conditions described above are not met, the material would be disposed of at an
32 approved disposal facility.
- 33 **46-53** Please see the response to Comment 46-49. The pile will be removed prior to the
34 construction of Phase II. Regarding the dust control at the existing fill in the
35 Southwest Slip, please see the response to Comment 46-21.
- 36 **46-54** Comment noted. The proposed Project assumes the implementation of PierPASS,
37 as described in Section 2.4.1.1 of the Recirculated Draft EIS/EIR. The proposed
38 Project discloses that part of the backlands would be constructed on fill created
39 as part of the Channel Deepening Project, as described in Section 2.4.2.1 and as
40 included as a Related Project in Table 4-1 in Chapter 4. Furthermore, the
41 referenced Yang Ming project is included in Table 4-1. The operational
42 assumptions of PierPASS are inherent in the Project operations. The Channel
43 Deepening Project and the Yang Ming project are distinct projects with their own
44 environmental documents.
- 45 **46-55** Comment noted. Please see the Cumulative Analysis impact discussions (for
46 each resource area) in Chapter 4 and, in particular, the list of related projects in
47 Table 4-1.

- 1 **46-56** Comment noted. Please see the Cumulative Analysis impact discussions (for the
2 referenced resource areas) in Chapter 4 and the Environmental Justice
3 discussions in Chapter 5 of the Recirculated Draft EIS/EIR.
- 4 **46-57** Comment noted. The applicable cumulative impact evaluations for the proposed
5 Project and alternatives are contained in Chapter 4 of the Recirculated Draft
6 EIS/EIR.
- 7 **46-58** Please see the response to Comment 1-23 regarding typical construction hours
8 that are likely to occur. During the winter months when darkness falls early,
9 there could be times when the contractor uses lights to illuminate the work area
10 before ceasing activity for the day. However, contractors generally avoid
11 construction during darkness because even with lights, working after dark poses a
12 greater safety hazard to workers. Although there could be times when a
13 contractor is required to illuminate the work area, due to limitations in daily
14 construction hours as described in Section 3.11.3.1 of the Recirculated Draft
15 EIS/EIR and the response to Comment 1-23, such work area illumination would
16 be short term and would not occur during general sleep hours. Furthermore,
17 because any illumination would be directed at the work area and not at the
18 surrounding hillside to the west, impacts related to potential short-term night
19 lighting would not be significant; therefore, no mitigation is required.
- 20 **46-59** The Port is not the lead agency for the sidewalk improvements project. However,
21 the Port will coordinate with the City of Los Angeles Department of
22 Transportation to understand its plans for sidewalk improvements at this location
23 and will offer assistance if necessary.
- 24 **46-60** The recommendation for the mural program might best be directed to the
25 Community Redevelopment Agency (CRA) because the proposed Project would
26 not result in impacts that could be mitigated by the referenced program.
- 27 **46-61** The Board of Harbor Commissioners will consider the recommendations listed in
28 this comment. However, the recommendations would not reduce aesthetic
29 impacts due to the 10 cranes to a level below significant because the only way to
30 fully mitigate the impacts would be to remove the cranes altogether. Although
31 the USACE would also be making a decision regarding the Project, nearly all of
32 the listed recommendations are beyond the jurisdiction and control of the
33 USACE. For those that are, the USACE will consider the requests.

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LEO A DALY

JUL 18 2008

PLANNING

ARCHITECTURE

ENGINEERING

INTERIORS



EST. 1915

ATLANTA

AUSTIN

DALLAS

HONG KONG

HONOLULU

HOUSTON

LAS VEGAS

LOS ANGELES

MIAMI

OMAHA

PHOENIX

SAN ANTONIO

WASHINGTON, DC

July 15, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, CA 90053-2325

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

Subject: Support for Approval of China Shipping EIR

Dear Mr. MacNeil and Dr. Appy:

We are writing this letter on behalf of the Harbor Association of Industry and Commerce to certify our support of the approval of the China Shipping Environmental Impact Report (EIR).

We believe that the EIR conforms to all applicable CEQA standards that would enable the project to proceed.

As you may know, this project is critical to maintaining our national and international viability at the Port of Los Angeles. Further delays in project implementation will only diminish our competitiveness and erode the vitality of the Southern California economy. Approving and completing this project will demonstrate a high level of commitment to our global business partners further implement "green" technologies that are a requirement as part of the project mitigation.

As a Board Member of the Los Angeles County Economic Development Corporation (LAEDC), I am aware that approval of this project will enhance foreign direct investment in the Southern California region at a strategically significant time.

Therefore, we strongly support the Board of Harbor Commissioners in their approval of the China Shipping EIR.

Sincerely,

LEO A DALY

Brian A. Kite, AIA
Vice President and Managing Principal

27TH FLOOR
550 SOUTH HOPE STREET
LOS ANGELES, CA 90071-2627
TEL 213.629.0100
FAX 213.629.0070
www.leoadaly.com

cc: Bill Lyte, Bill Allen

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- 1 **2.3.47 Leo A. Daly (Comment Letter 47)**
- 2 **47-1 The comment is noted.**

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LaDonna DiCamillo
Director Government Affairs

BNSF Railway Company
One World Trade Center, Ste 1680
Long Beach, CA 90831-1680

tel 323.267.4041
fax 909.946.0490
email ladonna.dicamillo@bnsf.com

July 15, 2008

Via USPS

Via E-Mail

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D. Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Re: BNSF Comments on Berths 97-109 China Shipping Recirculated Draft DEIS/EIR

Dear Mr. MacNeil and Dr. Appy:

BNSF Railway ("BNSF") appreciates your consideration of the following comments on the Recirculated Draft Environmental Impact Statement / Draft Environmental Impact Report ("DEIS/DEIR") for the proposed Berth 97-109 Container Terminal Project ("China Shipping Project").

1. Comments regarding sustainable growth and environmental benefits

The DEIS/DEIR addresses the goal of the Port of Los Angeles ("POLA") to encourage regional growth in a sustainable manner that improves the quality of life near POLA and in Southern California. The vital role of the goods movement infrastructure in the local quality of life is explained in the Draft 2008 Regional Comprehensive Plan ("Draft 2008 RCP") recently issued by the Southern California Association of Governments ("SCAG"):

48-1

Containerized trade volume is expected to triple to 42.5 million Twenty-Foot Equivalent Units (TEUs) by 2030. These forecasts are capacity-constrained significantly below anticipated demand, and are based on an increase of port terminal productivity from 4,700 TEUs per acre per year currently to over 10,000

TEUs per acre per year in the future. The ability of the ports to handle this unprecedented growth in containerized cargo volumes is critical to the continued health of the local, regional, and the national economy.

Draft 2008 RCP at p. 109. SCAG also explained that:

48-1

International trade can create good job opportunities and raise real income levels for the SCAG region. Significant investment is necessary to improve the efficiency and capacity of the goods movement infrastructure if we are to benefit from the growth in international trade expected, while remaining globally competitive. Such changes must also occur within a context of environmental quality (see “The Green Economy”), environmental justice and respect for local communities.

Draft 2008 RCP at p. 129. The approval of POLA’s China Shipping Project will allow the region to benefit from both short-term and permanent economic growth and environmental improvements.

A. Job Growth Scenarios

As noted in the Port’s press release dated May 2, 2008 announcing the DEIS/DEIR, the China Shipping Project expansion is likely to create more than 900 construction jobs during the Project, and 4,000 new, permanent jobs after it is completed. POLA has projected two alternative job creation / job loss scenarios for the five-county SCAG region – outright rejection of the China Shipping Project and maintenance of the status quo with no further expansion. These scenarios cannot meet the anticipated growth in containerized cargo:

48-2

1. Rejection of the China Shipping Project

POLA has noted that in 2005, the China Shipping container terminal operations provided 1,218 direct jobs and 974 secondary jobs, for a total of 2,193 jobs. If the existing terminal operations are shuttered as would occur if the Project is not approved, then more than 1,200 jobs are likely to be lost. But if the Project is approved, the Region’s jobs increase from 2,193 to 6,332 jobs (3,519 of which are direct) by 2015, and up to 8,435 jobs (4,687 direct, 3,748 secondary) by 2045.

2. Rejection of Expansion but Maintenance of Status Quo

If China Shipping were allowed to maintain current levels but were not allowed to expand, then the 2,193 jobs could increase slightly to 2,349 by 2015 and to 2,486 by 2045. This is much less than would be appropriate or required to handle the projected growth in containerized cargo discussed in the Draft 2008 RCP.

B. Lack of Justification for Rejecting Part or All of the China Shipping Project on Environmental Grounds

POLA's proposed environmental mitigation measures demonstrate the mitigation measures fully support the approval of the DEIS/DEIR. POLA calculates that the current community health risk levels are approximately 61 cancer cases in one million over a 70-year lifespan. This figure is lower than was projected for the TraPac project, which exceeded 100 cases. This is because for several years, the China Shipping Project has been using Alternative Maritime Power ("AMP") and liquid propane gas tractors.

48-3 As POLA explains, the mitigation measures in the DEIS/DEIR will dramatically reduce this projection, from the 61 in one million lifetime risk noted above to 11 in one million, and further down to 7 in one million when the 2009 baseline is projected into the future. This is a dramatic improvement and BNSF supports POLA's balance of economic and environmental goals in the DEIS/DEIR.

2. It is time for POLA to finally resolve the China Shipping litigation

48-4 Under the Amended Stipulated Judgment ("ASJ") POLA has paid more than \$10 million over the past three years based on an increasing volume of TEUs that have flowed through the terminal on an annual basis. Under the ASJ, POLA will continue paying until the EIR is completed and certified. These payments are in addition to the \$50 million China Shipping mitigation fund POLA established and has been paying for air quality and community aesthetic projects since the ASJ. As part of the ASJ, POLA also has paid the cost of retrofitting approximately seventeen containerships with AMP at a cost of approximately \$800,000 each containership. In light of the Port's significant mitigation of the proposed Project's impact, it is time to approve the FEIR, permit the remaining phases of the China Shipping Project and conclude the litigation.

3. Comments regarding environmental controls for rail

48-5 The DEIS/DEIR discusses environmental control measures for rail. The DEIS/DEIR provides that locomotive future year emission factors were developed as a function of the United States Environmental Protection Agency ("US EPA") nationwide locomotive emission standard implementation schedule. BNSF believes environmental controls for rail need to be consistent with federal requirements.

MM AQ-18 of the DEIS/DEIR provides that beginning January 1, 2015, all yard locomotives at the Berth 121-131 Rail Yard that handle containers moving through the Berth 97-109 terminal shall be equipped with a diesel particulate filter ("DPF"). The DEIS/DEIR further notes that the requirement for a DPF in MM AQ-18 complies with RL-1.



BNSF understands that the only CAAP rail control measure assumed as part of the China Shipping Project is the existing Pacific Harbor Line ("PHL") voluntary agreement to modernize switcher locomotives used in Port service to meet Tier 2 locomotive engine standards and initiate the use of fuel emulsion in those engines. BNSF understands PHL is meeting this requirement.

48-5 The China Shipping DEIS/EIR assumes no mitigation under either RL-2 or RL-3. This is appropriate as there is no voluntary agreement to implement either of these rail CAAP measures.

BNSF appreciates your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna DiCamillo". The signature is written in a cursive, flowing style.

LaDonna DiCamillo

1 **2.3.48 BNSF Railway Company (Comment Letter 48)**

2 **48-1** The comment is noted.

3 **48-2** The potential of the Project for creating jobs is noted.

4 **48-3** The effectiveness of the mitigation measures in reducing health risks is noted.

5 **48-4** The comment is noted.

6 **48-5** The comment is noted.

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LM



July 21, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
C/o Spencer D. MacNeil D.Env.
ATTN: CSESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, CA 90053-2325

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

Dear Mr. MacNeil and Dr. Appy

Please allow me to register my support for the approval of the China Shipping EIR.

Our support for this project is based on the following reasons:

- The project will create many new opportunities for JMC² (local and small business enterprise) to provide architectural, civil engineering, and surveying services.
- JMC² is located in close proximity to the Port of Los Angeles and recognizes the positive impact transmitted to the surrounding communities in the form of increased employment, improved housing market and growing tourist interests.
- It is well known that the Port of Los Angeles is a direct link in the overall commerce of this Country and should maintain its international stature and competitive position.

Based on these reasons, and more, I strongly support and urge the Board of Harbor Commissioners in the support of the China Shipping EIR.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John M. Cruikshank'.

John M. Cruikshank, PE
President/CEO



**LOS ANGELES HARBOR DEPARTMENT
REPORT OF MATERIALS RECEIVED OR SERVICES RENDERED**

Date: July 16, 2008

The undersigned certifies that the materials and/or services described below have been received or performed as ordered:

The following expense was incurred and charged to:
Port Mastercard 5477 2593 5390 1973
Issued to Ralph Appy, Director of Environmental Management


Vendor: Nosh Cafe

Amount: \$ 53.50

Purpose: Lunch for Environmental Protection Agency Meeting.

July 15, 2008

Date Received or Performed


Authorized Signature

RALPH G. APPY, Ph.D.

Director of Environmental Management

APPROVED:


MICHAEL R. CHRISTENSEN
Deputy Executive Director

CHARGE TO:

ACCOUNT	CENTER	PROG
59220	0330	000

- 1 **2.3.49 JMC² (Comment Letter 49)**
- 2 **49-1** The comment is noted.

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July 14, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Subject: Support for Approval of China Shipping EIR

Dear Mr. MacNeil and Dr. Appy:

I am writing to add our support to the approval of the China Shipping EIR.

Our civil engineering firm is a certified Small Business Enterprise (SBE) which serves and benefits projects like these through Ports in the region. We understand that this project offers the benefit of growth to the Ports and region while mitigating environmental impacts or concerns.

Therefore, we strongly support the Board of Harbor Commissioners in its approval of the China Shipping EIR.

Sincerely,
JMDiaz, Inc.

A handwritten signature in blue ink, appearing to read 'Juan M. Diaz', written over a faint, larger version of the same signature.

Juan M. Diaz, P.E., MBA
President/CEO

cc: William F. Lyte, President, Harbor Association of Industry and Commerce

JMD/mai
m:\Letters\Support Letters

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- 1 **2.3.50 JMDiaz Inc. (Comment Letter 50)**
- 2 **50-1** The comment is noted.

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1 **2.3.51 United States Coast Guard (Comment**
2 **Letter 51)**

3 See Section 2.3.3.1.

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PUBLIC HEARING
BERTH 97-109 (CHINA SHIPPING) Draft EIS/EIR
THE PORT OF LOS ANGELES

RE:)
)
FOR THE CONTAINER TERMINAL)
PROJECT RECIRCULATED DRAFT)
ENVIRONMENTAL IMPACT STATEMENT/)
ENVIRONMENTAL IMPACT REPORT)
(EIS/EIR))
_____)

TRANSCRIPT OF PROCEEDINGS
Wilmington, California
Thursday, June 5, 2008

Reported by:

ANABELE M. MONTGOMERY
CSR No. 13231

Job No. :
A8831NCO

Page 2

1 PUBLIC HEARING
 2 BERTH 97-109 (CHINA SHIPPING) Draft EIS/EIR
 3 THE PORT OF LOS ANGELES
 4
 5 RE:)
 6)
 6 FOR THE CONTAINER TERMINAL)
 PROJECT RECIRCULATED DRAFT)
 7 ENVIRONMENTAL IMPACT STATEMENT/)
 ENVIRONMENTAL IMPACT REPORT)
 8 (EIS/EIR)
 _____)
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 13
 14
 15 TRANSCRIPT OF PROCEEDINGS, taken at
 16 Banning's Landing Community Center,
 17 100 East Water Street, Wilmington, California,
 18 commencing at 6:16 p.m. and concluding at
 19 7:50 p.m., on Thursday, June 5, 2008,
 20 reported by ANABELE M. MONTGOMERY, CSR No. 13231,
 21 a Certified Shorthand Reporter in and for
 22 the State of California.
 23
 24
 25

Page 4

1 Wilmington, California, Thursday, June 5, 2008
 2 6:16 p.m.
 3
 4
 5 MR. APPY: For starters, I appreciate you all coming
 6 out to speak on the China Shipping environmental
 7 document. So the general purpose here tonight is
 8 actually to get your oral comments on the documents. We
 9 also have the ability to receive written comments later,
 10 and we'll go into the details of that later.
 11 My name is Ralph Appy, and I am the director of
 12 environmental for the Port of Los Angeles, and I am here
 13 to discuss the China Shipping Draft EIR, and so generally
 14 we're going to give a brief presentation and then receive
 15 comments to fill in your time. So our presentation will
 16 be fairly brief, but it's worthwhile, perhaps, to kind of
 17 feel obligated to -- it's a pretty large document -- to
 18 get a list of the summary for what the project will look
 19 like and what we're anticipating in regards to future
 20 steps in evaluation. So I appreciate you being here
 21 tonight.
 22 The evaluation is an environmental evaluation. It
 23 serves two purposes: One is a State purpose, where the
 24 Port of Los Angeles is the lead agency preparing the
 25 document, but it's also combined with a Federal purpose,

Page 3

1 APPEARANCES:
 2 For the US ARMY
 CORPS OF ENGINEERS,
 3 LA DISTRICT: COLONEL THOMAS MAGNESS
 DR. SPENCER MacNEIL
 4
 For the PORT OF
 5 LOS ANGELES: RALPH APPY, PH.D.
 LENA MAUN-DESANTIS
 6
 Also Present: DAVID PETTIT
 7 RICHARD HAVENICK
 JOHN SCHAFER
 8 EDWARD HUMMEL
 RAJAN SIMY
 9 MARY LOU TRYBA
 JANET GUNTER
 10 ANDREA HRICKO
 KATHLEEN WOODFIELD
 11 SUSAN NAKAMURA
 MARTIN SCHLAGETER
 12 JOHN CROSS
 ELIZABETH WARREN
 13 KYLE BALLARD
 RICHARD PAWLOWSKI
 14 KERRY SCOVILLE
 MEMBERS OF THE PUBLIC
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Page 5

1 which is called the "National Environmental Policy Act,"
 2 to require documentation on the Federal level for issuing
 3 of the permits to occur in the long run, building the
 4 wharfs and fixing the channels -- things like that.
 5 So we have two different parties here who are
 6 actually responding to your comments tonight. In that
 7 regard, I would certainly like to introduce Colonel
 8 Magness, who is the commander and engineer in the Army
 9 Corps of Engineers, and so he is here, and I'll introduce
 10 him; and also with him is Dr. Spencer MacNeil, who is the
 11 Corps environmental manager on the environmental
 12 evaluation and for the Port of Los Angeles;
 13 Lena Maun-Desantis is the project manager for the
 14 Port of Los Angeles on the CEQA portion of it. So we
 15 work together with the Corps to produce a combined
 16 document. With that, I'd like to turn the microphone
 17 over to Colonel Magness to do a brief presentation.
 18 COLONEL MAGNESS: Well, good evening, everyone.
 19 I'm Colonel Thomas Magness. I'm the commander of the
 20 Los Angeles District of the Army Corps of Engineers, and on
 21 behalf of the Corps, I'd like to welcome you all to this
 22 meeting, which we're also conducting in Spanish as a
 23 courtesy to you, the interested public.
 24 As you know, the Port of Los Angeles has applied
 25 to my agency for permits to construct wharf and terminal

Page 6

1 improvements at Berth 97-109, the China Shipping
 2 container terminal. The project's Joint Environmental
 3 Impact Statement and Environmental Impact Report, which
 4 you are currently reviewing, evaluates all three phases
 5 of this project, including the first phase, which was
 6 constructed under Corps and Port permits and has been in
 7 operation since 2004.

8 Under our Federal permit program, the Corps of
 9 Engineers is responsible for regulating dredge and fill
 10 activities in waters of the United States, including
 11 activities that may affect navigation. The Port's
 12 proposed activities at Berths 97-109 are regulated under
 13 both Section 404 of the Clean Water Act and Section 10 of
 14 the Rivers and Harbors Act.

15 Federal actions such as Section 404 and Section
 16 10's permit decisions are subject to compliance with a
 17 variety of Federal environmental laws. Consequently, the
 18 Corps has a responsibility to evaluate the environmental
 19 impacts that would be caused by the Proposed Project
 20 prior to making the permit decision. In meeting its
 21 regulatory responsibilities, the Corps is neither a
 22 project proponent nor an opponent.

23 In addition to evaluating the environmental
 24 direct, indirect, and cumulative impacts of the Port's
 25 Proposed Project, the Corps must determine whether the

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1 Proposed Project is the least environmentally damaging
 2 practicable alternative that meets the overall project
 3 purpose. Also, no permits can be granted if we find that
 4 the proposal is contrary to the public interest. The
 5 public interest determination requires a careful weighing
 6 of those factors relevant to the project -- to the
 7 particular project. The project's benefits must be
 8 balanced against its reasonably foreseeable detriments.

9 For purposes of the testimony I will hear
 10 tonight, I will concentrate on issues specifically
 11 related to the Port's proposed China Shipping container
 12 terminal at Berths 97-109. At this public hearing, the
 13 Corps is requesting input from the general public
 14 concerning its specific physical, biological, and human
 15 use factors that should be evaluated in greater detail as
 16 part of the final EIS/EIR and the Corps permit action for
 17 the Proposed Project.

18 The Corps would like to emphasize that we will
 19 carefully consider all comments that we receive for the
 20 Proposed Project, and they will be given full
 21 consideration as part of our final permit decision. Some
 22 speakers will be opposed to the project, while others
 23 will be in favor. I hope and expect that you will
 24 respect opposing views and allow speakers to make their
 25 statements without interference. Following this hearing,

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1 all parties will be given until June 30th to provide any
 2 final written testimony or rebuttals. Dr. Ralph Appy
 3 from the Port of Los Angeles will now provide a 10- to
 4 15-minute presentation on the project.

5 Following this presentation, I will discuss how
 6 we will take oral testimony from you this evening. Until
 7 then, if you know you would like to speak tonight, fill
 8 out a speaker card, as many of you have already done, and
 9 give it to one of the Corps or Port staff at the front.

10 I imagine if you wave it, we'll find it, and this will
 11 help us transition to the public input session. And,
 12 with that, Ralph, if you would take it from here.

13 MR. APPY: Thank you very much. Okay. Tonight
 14 we're here to discuss the China Shipping Environmental
 15 Impact Statement and Environmental Impact Report, and
 16 those two names -- the Impact Statement refers to
 17 actually the NEPA or Federal portion for the evaluation
 18 of the impact report, its terminology, "EIR," for the CEQA
 19 portion of it. And this is a little bit of a different
 20 type of a document. We actually submitted this document
 21 previously. We sent out the Draft EIS/EIR. And the
 22 Draft -- you can think of it as a Draft; you can also
 23 call it a Public Review Document, if you want, because
 24 that's really what it is.

25 We sent it out for a certain period of

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1 time -- in this case, 60 days -- and we did this once
 2 before and we got a whole bunch of comments on this
 3 document, and so what we decided to do, based on the
 4 comments we received, was to try it again, and so now we
 5 are submitting this document for the second time. It's a
 6 revised draft. And what we didn't do, we just didn't fix
 7 the comments. What we did is we recirculated -- we
 8 re-did the whole document, and so it's a brand new
 9 document. We're receiving comments anew. So it's just
 10 like it's the first time it came out. And so that's
 11 something that's a little bit different about this
 12 document.

13 The second thing that's unusual about this
 14 particular project is it's a subject of an Amended
 15 Stipulated Judgment, or ASJ. We have all these acronyms.
 16 And so this is something that overlies, if you would, the
 17 preparation of this environmental document. There were
 18 certain requirements in the -- in a -- we were subject of
 19 a lawsuit by National Resources Defense Counsel and other
 20 parties, and as a result of that, in order for the
 21 terminal to operate, we agreed to do certain things, and
 22 one was to prepare the environmental document, and so
 23 these you can see here are some of the requirements that
 24 kind of overlay the normal CEQA, which is California
 25 Environmental Quality Act, NEPA requirements -- CEQA and

<p style="text-align: right;">Page 10</p> <p>1 NEPA. 2 Anyway, so some of the requirements are that we 3 would start in -- March of 2001 would be our baseline. 4 So any time you do an environmental evaluation, you peg 5 the beginning of it at a certain level, like a flat line, 6 we call it the baseline, and the year that we picked it 7 was 2001, and so that's quite a while ago. Also, it 8 required us to analyze the project in certain phases, in 9 particular, Phase I, and Phase I is actually part of the 10 project that is now operating out there, and so we were 11 allowed to move forward and operate the terminal, but 12 when we assess it environmentally, we have to assess it 13 as if we are starting it from scratch, okay? So we are 14 reassessing -- even though it's operating out there, 15 we're reassessing that part of the project. 16 It also requires us to look at the non-shipping 17 as an alternative. Quite often, the port lands are 18 specifically zoned, and we have Federal and State 19 mandates that say we are supposed to look at 20 international cargo-handling opportunities. And so as a 21 part of the judgment, we also agreed to look at a 22 non-shipping use as an alternative. And so if you look 23 at the document, there's a whole bunch of alternatives in 24 this document. There's the project we're proposing. 25 Then there's also a smaller project, and there's a</p>	<p style="text-align: right;">Page 12</p> <p>1 have what's called A-frame cranes, which are the 2 predominant cranes you see out in the harbor, and there 3 was some concern about is there not a feasible lower 4 crane? And so we have -- the document also looks at 5 low-profile cranes. Since that time, low-profile cranes 6 have been identified as not being feasible for our use in 7 the harbor, but there's still a discussion of that in the 8 environmental document. 9 Another requirement is to use alternative fuel 10 in yard tractors. Yard tractors are those little things 11 that look like a truck that handle -- that pull the 12 containers around in the container terminal, and so this 13 terminal has all those yard tractors powered by propane, 14 and so that has been happening since the onset and the 15 operation of the terminal. 16 Finally, there's a requirement to use a special 17 type of fuel and DOCs for Top-Picks and Side-Picks, and 18 so that was implemented as well, and DOCs are a 19 post-combustion treatment, if you would, on the yard 20 tractors that helps remove the particulates from the 21 emissions, in particular. Emulsified fuel is a little 22 bit of a difficulty because that was a requirement that 23 became unavailable. The company that produced the fuel 24 no longer uses it, and so that was one that became 25 difficult to actually implement.</p>
<p style="text-align: right;">Page 11</p> <p>1 non-shipping alternative, amongst others. And so those 2 alternatives, by the way, are looked at in a very equal 3 way. Each one is -- the same analysis, essentially, is 4 done on each alternative so that at the end of the day, 5 you can look at it or compare how much cargo comes under 6 each alternative and what are the environmental effects 7 of each of those alternatives. So you can line them up 8 and compare them. 9 Finally, there's the mitigation requirements 10 because that terminal is operating already, that we 11 agreed to some mitigation measures, and you can see up 12 here, AMP is "Alternative Maritime Power" or cold 13 ironing. That's where you plug the ships into shoreside 14 power. And so as part of the judgment, we agreed by 2005 15 that 70 percent of the ships would be cold ironing. So 16 we actually provided money to China Shipping for them to 17 retrofit their ships, and we built the infrastructure in 18 that terminal. By the way, this is the first container 19 terminal in the world to have ships that actually plug 20 in. There's no place else that that exists. Then we 21 have the second terminal. Our NYK facility is also 22 retrofitted -- has been retrofitted to receive ships to 23 plug in to shoreside power. 24 The other thing is to look at what -- that 25 condition of low-profile cranes. There was concern -- we</p>	<p style="text-align: right;">Page 13</p> <p>1 Okay. So that is kind of the general outlay of 2 the background for the project, and what I'd like now is 3 to have Lena, the project manager from the Port, to come 4 up and describe what are the key elements of the project, 5 to give you -- show you some maps to give you a picture 6 of what the project actually looks like and describe some 7 other factors including some of the mitigation measures 8 we're looking at, which are very significant for this 9 project. 10 The difficulty we have with our terminals in 11 particular, too, is that some of them are very close to 12 the community, and so the mitigation measures need to fit 13 the environmental effects we have, and so we look at a 14 wide range of effects. We look at environmental -- we 15 look at cancer risks through health-risk assessments, and 16 what's real interesting is California is the only state 17 in the United States that actually has a requirement to 18 look at air toxins in this manner. So there's health 19 risk assessments. So we're really set apart from a lot 20 of other ports in the United States as well. So the health 21 risk assessment is a very critical part of our assessment 22 of these documents, and we spend a lot of time and effort 23 in doing those health risk assessments. So, with that, 24 I'll turn it over to Lena to provide you a description of 25 the terminal.</p>

1 MS. MAUN-DESANTIS: Hi. I'm Lena. So there was
2 one thing I did want to mention: Although this is a
3 recirculation of the Draft EIR/EIS, the project itself
4 has not changed since 2006. So if any of you had read
5 the 2006 Draft EIR/EIS, the actual project that we're
6 trying to do the environmental analysis on actually has
7 not changed in that. It was just our analysis of how we
8 looked at it from an environmental perspective.

9 So this may look very familiar to some of you.
10 It is -- we're going to do some dredging and some wharf
11 upgrades. We're going to put in 10 new cranes. Again,
12 we're looking at this project as if there's nothing out
13 there right now, so the 10 cranes includes the 4 cranes
14 that are actually out there. So that may also be
15 confusing as you read through. We try to remind the
16 reader, as you go through that, we're reanalyzing Phase
17 I, so some of the things that you don't see on the
18 terminal or you do see on the terminal, we treat as you
19 can't see on the terminal.

20 It's a 40-year lease. Again, you'll see it's in
21 2005, so that's when the lease began. So it's that
22 reanalysis of the Phase I. We're going to use Berth
23 121 and 131, on-dock rail yard. That's Yang Ming. As many
24 of you know, Yang Ming and China Shipping are close
25 together, and they will be using -- there is not an

1 on-dock facility on that -- on the China Shipping
2 terminal, but there is one on Yang Ming, so they will be
3 using it there.

4 The terminal buildings will be LEED-certified.
5 There will be new energy-efficient and shielded
6 lighting -- and, oops, it looks like one of the
7 bullets wasn't there -- there will also be a new truck
8 entry gate. There will also be, as part of this project,
9 relocating the Catalina Express to Terminal 95 -- or
10 Berth 95, excuse me. So here's a little bit more so I
11 can show you a little bit more visually.

12 I wish I -- do you have a pointer by any chance?
13 Oh. There we go. So Catalina is here, the Vincent
14 Thomas Bridge, right here. The Catalina Express is right
15 here. It will be moving just right next to it. So if
16 any of you are taking it, you still have to go through
17 the same place; it's just that they'll be just moving a
18 little bit south. This will be -- this is Phase I here.
19 This has already been built, and so Phase II will be some
20 more fill and an additional bridge here.

21 As some of you may see, there is a culvert here
22 that we will keep open, so we won't fill this in, but
23 there will actually be water here, so it necessitates two
24 bridges. One of them has been built already, although
25 we, again, are reanalyzing like it hasn't been built.

1 And then Phase III is some more fill here and some
2 backland development here, and then we'll be extending
3 the wharf.

4 Right now they only have this amount of wharf,
5 and if we approve this project and go forward with what's
6 under the Proposed Project, we'll have a full wharf here.
7 And then, again, Yang Ming is up -- I'm sorry. You can't
8 see it. It didn't kind of show up. It's actually right
9 here. Unfortunately, it's not showing up in this
10 projection. It's on my computer, but the Yang Ming
11 facility is right here, so what happens is that Yang Ming
12 and China Shipping use the same terminal operator, and so
13 that terminal operator will bring the boxes up to the
14 Yang Ming facility and use the on-dock facility there.
15 They won't have to go out into the road. They'll do that
16 all internally through these bridges.

17 Okay. So the Draft EIR/EIS looks at seven
18 alternatives: The no project, no Federal action, will
19 reduced fill -- two reduced fills, actually, a reduced
20 construction, an OMNI terminal, and a non-shipping use.
21 Non-shipping use, again, was part of the Amended
22 Stipulated Judgment. So, sorry that this is a little bit
23 small for you to see, but on our Web site -- and the Web
24 site will be up on one of the end slides -- we have all
25 of this information up there in a reader's guide and a

1 project overview, so you can get much more information
2 there, much more detailed information about the project.

3 If you get -- obviously, the Draft EIR is there,
4 too, but the Draft EIR I know is very large, but sometimes
5 people want a synopsis, so we created two synopses
6 called a reader's guide and a project overview, and
7 you can kind of see these blown up so you can actually
8 read them. But you see we'll compare the differences in
9 terminal acreage, in ship calls, in TEUs, and cranes,
10 total fill, and new wharves. There is -- one change that
11 we've made to the project is that we included one more
12 alternative, so the last -- the 2006 document had six
13 alternatives; we now have seven we've included in this
14 reduced construction. But everything else is the same
15 again. It would be the same terminal acres, the same
16 manual throughput, and the same TEUs.

17 So the Proposed Project, again -- and this is at
18 full build-out, we're looking at about 234 annual ship
19 calls, about 1.5 million annual TEUs, about 10 cranes,
20 the total fill will be 2.54 acres, and then we'll
21 have -- sorry. This is feet of wharf, so the length of
22 the wharf is going to be 2500 feet. So I'll just go over
23 the alternatives really quickly again. There's a much
24 more detailed, full analysis in the draft document.
25 We're looking at the no project and the no Federal action.

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1 No project would assume that Phase I is abandoned. So we
 2 know that they're operating out there right now; the no
 3 project would look at China Shipping leaving that
 4 facility, as we would, so we would take the four existing
 5 cranes that are there, remove them; and we're going to
 6 abandon the one bridge that's there and then we would
 7 have just some developed terminal, but we wouldn't be
 8 using it as a container terminal.
 9 No Federal action looks at -- that's really a lot
 10 of the essence of the NEPA analysis. It looks at what would
 11 happen if we didn't get the Corps permits. So that looks
 12 at what the Port of Los Angeles could do without a Corps
 13 permit. So that would be -- we'd have to, again -- we
 14 wouldn't be able to use the wharf area. We wouldn't be
 15 able to use that to build more wharf area, and we
 16 wouldn't be able to build the other bridge. So, again,
 17 you're abandoning your bridge, you have -- the wharf is
 18 abandoned and you're moving your cranes.
 19 So then we look at a series of different
 20 alternatives, and most of those are some sort of
 21 different kind of alternatives of construction. So the
 22 first one is you're not getting your Berth 102 wharf. On
 23 the second one, it's a reduced fill 100 wharf. The third
 24 one would be -- assuming Phase I just would be as far as
 25 we went with the project, so we wouldn't go forward with

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1 Phase II and Phase III. Six is an OMNI roll-on/roll-off.
 2 That's RORO, you hear it sometimes; or a break bulk
 3 terminal, so, meaning, it would be a non-container use,
 4 but it would still be some sort of Port industrial
 5 use of the area. And then seven would be the
 6 non-shipping use, so that would be no industrial -- it
 7 would be looking at a retailer office in that site.
 8 So I'm just going through the Proposed Project
 9 impacts, and, again, all of the alternatives have
 10 slightly different impacts and they would have their own
 11 analysis like this, but under the Proposed Project impacts,
 12 we do have a number of unavoidable significant impacts:
 13 Air quality, our construction emissions and our operational
 14 emissions exceed our thresholds, our greenhouse gases,
 15 and then our 2004 HRA.
 16 We did do two HRAs as part of the assessment for
 17 this document. The main one is the one that we'll base
 18 significance on, and then we did the second one just for
 19 informational purposes only. So it was not -- it's in
 20 there for people to look at. Because we're doing a
 21 reanalysis of Phase I, we wanted to give you an idea of
 22 what would happen if what this document really is looking
 23 at is basically a zero baseline, meaning, nothing is on
 24 the terminal; and then about five years of very little
 25 mitigation; and then a lot of mitigation from now on. So

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1 we did look at two HRAs, just for informational purposes.
 2 The 2004 HRA, which is the one we base significance on,
 3 is significant, so we did exceed the 10 million. We're
 4 at 11 million.
 5 Aesthetics and visual resources, that's a
 6 significant unavoidable impact, mainly because of the
 7 cranes blocking the views of the bridges. Biological
 8 resources -- there's a potential for spills. We took a
 9 very conservative stand there and we said that if there
 10 was a potential for a spill, that we would consider that
 11 avoidable. Geology, we have a seismic issue. We're
 12 building something in an area of seismic concern.
 13 Noise, construction noise will be significant;
 14 operational noise will not be significant. Water
 15 quality, there's a potential for discharges, even
 16 though it's illegal and even though we try to do
 17 everything to prevent that, there is still the potential,
 18 so we want to make sure that we're assuming that. And then
 19 transportation, there's a possibility for rail delays
 20 in some areas outside of the Port boundaries. We do
 21 apply mitigations to all of these things, but it's not
 22 enough to -- we find that there's not enough mitigation
 23 to make that be less than significant. So, for instance,
 24 in air quality, there's a number of mitigation measures
 25 that we still find were above the thresholds.

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1 Impacts that are less than significant as to the
 2 mitigation, so these are the things that we've applied
 3 mitigation to, and then we've gotten them below significance:
 4 Groundwater soils, utilities and public services. Less
 5 than significant impacts are cultural resources, land
 6 use, hazards, and marine vessel transportation. Some of
 7 those also have mitigation. Just because they weren't
 8 thought to be significant, doesn't mean that we didn't have
 9 the mitigation. And then we have a number of cumulative
 10 impacts.
 11 So I selected a couple of project mitigations.
 12 Again, I'm sorry, this is tough to read. We have quite a
 13 few mitigation measures in this document. There's
 14 actually, on the back wall, if you're leaving, I put the
 15 full list out there. And, again, in the reader's guide
 16 and in the project overview, there's the full list of all
 17 the mitigation measures in the document and then, again,
 18 as you're reading through the document, they're also in
 19 the document, so some of the -- we have some aesthetic
 20 mitigations: We're going to do some landscaping along
 21 Front Street, color studies for the cranes to see if
 22 maybe some of the colors can make it not as a visual
 23 impact; we're going to do the plaza park improvements as
 24 part of this document to give it another area where
 25 people can view the Port without -- and view the Vincent

<p style="text-align: right;">Page 22</p> <p>1 Thomas Bridge without the cranes in the way. 2 Under air quality, we're doing a number of 3 operational -- we also have a number of air quality 4 construction mitigation measures that have come. We 5 should have highlighted some of the operational 6 mitigations. It's definitely the most aggressive 7 mitigation scenarios we've done at the Port of 8 Los Angeles thus far, and we're up to 100 percent very 9 quickly. There's a vessel speed reduction, low-sulfur 10 fuel, slide valves, rerouting the cleaner ships -- that 11 means that they're MARPOL Annex IV compliant. 12 We're looking at new vessel builds so that if a 13 customer orders new vessels, they could potentially look 14 at different technology that they could build 15 structurally into the ships. Yard tractors, looking at 16 alternative fuel, yard equipment at the rail yard because 17 China Shipping will be using the Berth 121-131 rail yard. 18 We're going to assume that all of the equipment that's at 19 the 121-131 rail yard that's handling China Shipping 20 boxes are also clean. 21 We're going to -- this is the first terminal 22 that's got electric RTGs on it. We're going to have a 23 hundred-percent electric RTGs. Electric RTGs are the 24 Rubber-Tired Gantry cranes. They're the large cranes; you 25 see them sometimes. They look like big -- I don't even</p>	<p style="text-align: right;">Page 24</p> <p>1 of -- probably a couple of weeks by the time we get it 2 posted, but that will be up there. And as we move to the 3 final, that's where the final will be as well. 4 The public notice of the joint document and the 5 joint public notice, that is on our Web site, but it's 6 also on the Army Corps of Engineers' Web site. We have 7 hard copies for review. They're very big. If anybody's 8 seen the full copy, it's almost 6,000 pages, so we're 9 trying to print very few of those these days. I'm down 10 to 20. That's about how many I've printed this time. 11 So we have some -- you can come in any time you 12 want and view them at the Port of Los Angeles. We'll set 13 you up in a room, and you can flip through the hard copy. 14 I know sometimes it is hard to look at them electronically. 15 They're also available in a number of public libraries. 16 So you can go to the public library and ask for this 17 document. Then you can go through a hard copy there as 18 well. There's the Central -- the main Los Angeles Public 19 Library, the Central branch. They're also at the 20 San Pedro and Wilmington main branches, and then in 21 Long Beach. 22 Okay. So I'm going to let the Colonel speak a 23 little bit more about this, but I just want to let you 24 know, comments -- the comment period ends on June 30th, 25 so we have a little less than a month left to go here. If</p>
<p style="text-align: right;">Page 23</p> <p>1 know how to describe it. It looks a square without the 2 bottom -- or rectangle without the bottom and two big tires, 3 rubber tires, basically like this, and they sort the boxes 4 and those will be electrified. Right now, they're diesel. 5 So looking at the Clean Vehicle Program, truck 6 highway reduction, we've got a bunch of greenhouse gas 7 measures as well. And there's the greenhouse gas 8 measures, but we also have a specific one. LEED 9 certification, compact fluorescent light bulbs, solar 10 panels, regular energy audits, recycling, and tree 11 planting. 12 So, again, this whole list is in various places, 13 and we'd love to hear your comments on those tonight. So 14 we do have a couple of ways to get them. CDs and 15 executive summaries -- if anybody doesn't have a copy of 16 the document yet, we have CDs and executive summaries. 17 Those are available free of charge. We actually have a 18 bunch here. You're welcome to pick them up. They're on 19 our Web site, the Port of Los Angeles. If you go 20 on our main Web site, there's actually a link to the home 21 page. You can just click on the picture, and you'll get 22 to the full document, along with a lot of those other 23 documents that I've been talking about. 24 We will also be posting the transcript from this 25 meeting on that Web site. It'll take a couple</p>	<p style="text-align: right;">Page 25</p> <p>1 you would like to send comments on the document, please 2 send them after the Colonel does this. I'm going to leave 3 some addresses up on this PowerPoint presentation so that 4 you can know what addresses to send them to. Please send 5 them both to the Port of Los Angeles and to the US Army 6 Corps of Engineers. 7 You can also e-mail your comments. What we ask 8 of you, if you do choose to e-mail, is that you put the 9 project in the subject line and in the body of the e-mail 10 if you make sure you include your name and your address. 11 That's just so we can get back to you if we -- so we can 12 respond to your comments. I also wanted to tell you -- 13 I actually haven't been very good at this tonight, but if 14 you could, when you come up, please pronounce your name 15 and speak clearly for the court reporter so we can make 16 sure that all of your comments get to be part of the 17 administrative record and that we fully get a chance to 18 respond to all of those comments tonight. So I'll just 19 put this up and turn it over to the Colonel. Thank you. 20 COLONEL MAGNESS: Thank you, Lena. So to 21 reinforce her last point, when you do come up to speak, 22 speak slower than Lena just did. Speak into the mic and 23 all of this will be obviously part of the formal comment 24 period on the record. And then that transcript will be 25 available, and that will be available on both the Port</p>

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1 and the Army Corps Web site. There was a question
 2 earlier as to whether or not all of the comments would be
 3 available that we have received, both the questions here
 4 tonight and then the written comments that we receive,
 5 and they will all be available on both our Web site and
 6 the Port's once the comment period closes on June 30th.
 7 Before I go any further, I want to make sure I introduce
 8 Dr. Spencer MacNeil, and Spencer is my project manager
 9 overseeing this analysis.

10 We'll now take oral testimony from members of
 11 the public, and during this session, speakers will be
 12 given three minutes to make their comments. As I mentioned
 13 earlier, if you would like to speak, you must fill out a
 14 speaker card and give it to one of either my staff or the
 15 Port staff, and I think most of you have had a chance to
 16 do that, but we do not want to miss anyone.

17 All oral or written testimony will become part
 18 of the administrative record for the permit application.
 19 Once we have written transcripts, they will be published,
 20 as I indicated. Again, if you want to present your
 21 testimony to me directly, you must fill out a speaker
 22 card and hand it to one of my staff. As you make your
 23 comments, please note that on this table there is a
 24 timer, and that timer is my watch right here. We
 25 couldn't get anymore sophisticated than that.

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1 So please do not interpret anything I say as rude.
 2 I will do the best that I can to very politically indicate
 3 to you that your time is up so that someone else has an
 4 opportunity to speak. So I acknowledge the importance of
 5 this issue, and I'll do my best to just let you know that
 6 it's time for another person to speak. And, of course,
 7 you have the opportunity to, as they say in Congress,
 8 "revise and extend your remarks," and submit the
 9 remainder of your concerns or comments in written form.
 10 We'd be happy to take those. At this point I think we're
 11 ready to hear from you, and we're going to call people
 12 forward by name, and --

13 MR. APPY: Can you tell him about the trap door
 14 that's right there at the end of five minutes?

15 COLONEL MAGNESS: I'm confident that they won't,
 16 okay? So I'm going to call up -- I'll take one more.
 17 I'm going to call up three people, and if you three want
 18 to come up to make your comments in this order, please.
 19 The first to make comments would be David Pettit. David,
 20 do you want to come up and speak first? After David
 21 would be Richard Havenick, and after Richard would be
 22 John Schafer.

23 MR. PETTIT: Good evening. I'm David Pettit
 24 from the Natural Resources Defense Council. I'm happy to
 25 be here tonight after spending an hour and a half trying

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1 to get here from Santa Monica. I've submitted written
 2 comments by e-mail today. I've also handed in the hard
 3 copies of those comments. So I would just like to sort
 4 of hit the high points and respond to any questions if
 5 you folks have any. Let me start by saying I appreciate
 6 the work that Ms. Maun-DeSantis and her staff have put
 7 into this Draft EIR/EIS. It's a very impressive
 8 document. And I'm not here to criticize her or her
 9 staff; I'm here to suggest things that I think we can do
 10 to improve this document going forward. And one final
 11 preparatory remark -- I talked to David Compalateo
 12 (phonetic) of the Sierra Club, and he asked me to convey
 13 that he also agrees with the written comments that we
 14 sent in today on behalf of the Sierra Club.

15 The first thing I'd like to bring up is that
 16 there's no mention in this extensive document of electric
 17 port drainage. As you folks know, very recently, to
 18 create, you know, public hoopla, the electric drainage
 19 truck that's been in development by the Port and the AQMD
 20 was literally rolled out, and Mayor Villaragosa drove it
 21 around the parking lot and the like, and there's been all
 22 kinds of great statements on the Port's Web site, some by
 23 President Freeman, about how great these trucks are, how
 24 many of the Port's willing to buy and the like. But the
 25 potential mitigation based on use of those trucks as they

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1 become available is not discussed in the document, and I
 2 understand the document went to the press, or may have
 3 gone to the press before some of these developments
 4 occurred, and I think this is something that can be
 5 fixed, although it may lead to a little delay in the
 6 schedule.

7 The reason I think this is a particularly good
 8 thing is that, as Ms. Maun-DeSantis said, the air
 9 emission numbers are over a certain threshold based on
 10 the assumptions in the DEIS/DEIR, and I think that if we
 11 worked in some sort of reasonable rollout of the electric
 12 drainage trucks, we can get those numbers down, possibly
 13 under the threshold of significance, and that's going to
 14 make the whole project look a lot better and that's going
 15 to ripple through -- if what I say actually pans out,
 16 that's going to ripple through into the health-risk
 17 analysis, which, as she said, it shows more than a
 18 10-million increase of the cancer risks based on the
 19 project. A substantial amount of that risk is, as I'm
 20 sure you all know, comes from diesel particulates
 21 emanated from Port operations. If we can get those down
 22 by having electric drainage or a substantial portion of
 23 electric drainage, I think we're going to see a
 24 tremendous improvement in the health risks that are
 25 associated with the China Shipping project.

52-1

52-1

1 So I think those are two good reasons that we
2 need to kind of go back and look at when are these things
3 going to be available? What's a reasonable expectation
4 for how soon they can be rolled out and how many? How
5 many can we reasonably expect to be rolled out, and what
6 can we ask China Shipping to do in that respect? The --
7 I also -- and, also, there will be --

8 COLONEL MAGNESS: David?

9 MR. PETTIT: Yes?

10 COLONEL MAGNESS: That's three minutes.

11 MR. PETTIT: Okay.

12 COLONEL MAGNESS: So the rest of you can get a sense
13 of how short three minutes can be, so could I just ask
14 that you --

15 MR. PETTIT: Yeah. Let me just finish up on that
16 topic before I sit down.

17 COLONEL MAGNESS: Of course.

52-2

18 MR. PETTIT: The other benefit, I think, if looking
19 at these electric drainage trucks is the greenhouse gas
20 emissions will be zero, and, of course, you need to net
21 out what is emitted in producing the electricity that
22 powers them; but certainly what's -- I think that's going
23 to net in a positive way and to see the greenhouse gas
24 emission situation of this project will be much better.

25 Thank you very much.

1 COLONEL MAGNESS: Thank you.

2 MR. HAVENICK: Good evening. I'm Richard Havenick.
3 I'm representing the Coastal Neighborhood -- San Pedro
4 Neighborhood Council. I'm also chair of the Ports Air
5 Quality Subcommittee. I'm honored to follow Dave Pettit
6 and the NRDC, honestly and sincerely, but I'm not going
7 to use up my three minutes on you.

8 I'm going to take a new tack here and start with
9 actually based on the facts, acknowledging the Port's
10 progress and improvements in the EIR as written, and I
11 thank you. We thank you. The Coastal San Pedro
12 Neighborhood Council acknowledges the -- there are some
13 key improvements in this EIR. For example, the
14 throughput tracking is a nice -- is a nice change. With
15 that, we request that some formal procedure be
16 established and documented in the EIR and state how that
17 throughput tracking will occur and on what basis. The
18 low-sulfur fuel basin was increased still not a
19 100 percent on project operations, but we'll talk about
20 that before my three minutes is up.

52-3

52-4

21 The diesel particulate filter on the Tier 2
22 line-haul locomotives is certainly a nice part of the
23 project. The trucks program and the harbor craft
24 port-wide tier two -- all commendable. And I'm looking
25 at the area -- it will start cleaning up any day now. I

1 make some specific requests, please, and the same that I
2 always do, as ships are the largest contributor, by far,
3 whether it's by mass, whatever, the largest contributor
4 from Port operations is auxiliary engines and ships'
5 fuel -- bunker fuel, and I'm looking at the Clean Air
6 Action Plan, and I'm looking at the benefit we would all
7 gain, the whole basin, from implementation of the .2
8 percent, and you know that, and I'm saying the same thing
9 I do every time. We ask that you please consider and
10 that you please work to implement the 100 percent on
11 project's start. That is the greatest benefit from this
12 project -- low-sulfur fuel at 20 miles in auxiliary
13 engines, and, also, if you're going to AMP, I guess you
14 don't need it in auxiliary engines.

15 The most beneficial element in the Clean Air
16 Action Plan is the .2 percent low-sulfur fuel and
17 auxiliary engines and you've received awards and I
18 congratulate you on the awards you received. I won't
19 mention how I feel like I -- the community has been such
20 a big part of that and it hasn't been acknowledged.
21 That's okay. If we get clean air, we all win. As part
22 of receiving that award, I ask you, please, to walk the
23 talk. You've received the awards for the Clean Air
24 Action Plan which stated that low-sulfur fuel would be
25 implemented on lease revision, lease modification, new

52-4

52-5

1 projects, and we have a lease modification which would
2 result in low-sulfur fuel, .2 percent, at project's
3 start.

4 So I ask you, please, walk the talk, show us why
5 you won the awards, and help clean the air on project's
6 start as well as show your commitment to the low-sulfur
7 fuel, working with the ARB, who has a huge challenge with
8 the shipping industry as well as you do, too, but please
9 walk the talk. Thank you.

10 COLONEL MAGNESS: Thank you, Richard. John?

11 MR. SCHAFER: All right. I'm going to try to take a
12 new tack here, too, so to speak. My name is
13 John Schafer. I'm from San Pedro, life-long resident. I
14 have -- my mother passed away from asthma at the age of
15 66, living in the coastal San Pedro area, which me and
16 all my family and my younger son have lived in. My
17 father passed away at 56 of brain cancer, and my son just
18 couldn't complete the school olympics a couple of days
19 ago because of asthma or bad breathing at White Point.
20 So it's really important to me to make sure we address
21 this air quality thing -- the air quality as an issue,
22 but I put sort of general on this comment because what my
23 concern is is particularly not necessarily the project as
24 much as the process that has been established.

25 What my concern in particular is that as we

52-6

1 propose or might possibly set the standard of 3- to
 2 6,000-page EIRs for every single project and we try to
 3 install a wave of technology that's unprecedented and we
 4 don't know whether that technology will actually sustain
 5 long-time -- long-term activities, what we've done is
 6 we've set a bar so that will stop other potential
 7 shippers and berths and so forth to get modernized, you
 8 know, that -- really the industry is at a crossroads
 9 right now to say, well, do we even want to go here
 10 anymore? If we set up a standard that's not going to be
 11 modernized, you know, everywhere else, are we going to
 12 get to a point to where we don't do things? You know, we
 13 could go some place else. We could go to San Francisco.
 14 We could go wherever -- Portland, New Mexico.

15 The fact of the matter is that for my son, this
 16 thing -- I've been doing this for six years, discussing
 17 this stuff for seven years. Literally no Port
 18 projects have been done during this time. So while
 19 attorneys and activists and engineers and everybody else
 20 have gotten some monies and activities of the debate, my
 21 son, who went from two years old for the last six years
 22 (sic) has been dealing with the existing standards.

23 And so I want this to go forward and then
 24 implement it so we can test these projects out and get
 25 things going through. But if we're going to set every bar

1 environmental issues.

2 I'm here particularly to bring our profound
 3 concern about the current effect that low -- ultrafine
 4 particulates are having on all of us, particularly
 5 children and seniors. I personally have a wife who has
 6 just been diagnosed with something called, "reactive
 7 airway disease," which is not actually having asthma, but
 8 she had some very painful coughing that she's
 9 experiencing, and I cannot but presume there could be
 10 some link to these ultrafine particulates that we all
 11 breathe every day, wherever we are in the South Bay and
 12 the whole county.

13 We drive out periodically to Hemet to see my
 14 older brother in our car, and by the time I get out
 15 there, my eyes are watering so much, I have trouble
 16 seeing sometimes. I've had our local minister report the
 17 same thing. He gets on the 91 Freeway; you go east and
 18 you experience it with a vengeance. And we can't say for
 19 certain that this comes right out of the Port of LA, but
 20 we know these ports. Particularly, I concur with the
 21 remarks made about the ships burning bunker oil. That --
 22 that's an extremely important factor, along with the
 23 trucks that are piled end-to-end on the 710 Freeway, and
 24 I hope every effort will be made to remedy this with
 25 every ounce of effort in imagination and conviction that

1 and every standard and change the technology to try to
 2 worry about what's going to happen before it's ever
 3 implemented, you know, I don't know if that's worth it.
 4 You know, let's just stop everything and get all the
 5 people who are working along these areas, find another
 6 job, do something else; because, you know, for me it's
 7 just a "Waiting for Godot" play every time this thing
 8 comes up, you know. It's just a lot, a lot, a lot of
 9 talk, and then the owners come in and then we spend more
 10 money. So for my -- my concern in general is I do want
 11 the air quality improved. It's not going to improve
 12 until we get these projects improved, the energy. And if
 13 you don't do it, you might as well get off the pot, as
 14 they say.

15 COLONEL MAGNESS: Thank you, John. Next three,
 16 please, in this order: Edward Hummel, Rajan Simy, and
 17 Mary Lou Tryba. I'm sorry if I've pronounced anyone's
 18 name wrong. Edward?

19 MR. HUMMEL: Thank you. I appreciate being here,
 20 and I appreciate the work that you're doing, attempting
 21 to pay attention to these important developments that are
 22 already in play. I'm the vice chair of the Board of the
 23 Environmental Priorities Network. It's a five-year-old
 24 local organization in the South Bay attempting to educate
 25 and responsibly involve local residents in important

1 we can bring to it. Thank you very much.

2 COLONEL MAGNESS: Thank you, Edward. Rajan?

3 MR. SIMY: Good evening. I just have one question.
 4 We all remember the oils -- the spill which happened up
 5 north, the San Francisco Bay. If something like that
 6 happens here, are we prepared to handle that? I just
 7 wanted to know about that. Thank you.

8 MS. TRYBA: Good evening. I'm Mary Lou Tryba. I
 9 live in Harbor City, so I'm a concerned senior citizen,
 10 et cetera, with various organizations. I just wanted to
 11 make a comment that I hear around different meetings that
 12 people are afraid to ask. Is the reality of the ships
 13 coming in with all the containers our link to the cities,
 14 counties, states, whoever, when you place these
 15 containers in different cities or streets, how much do
 16 they get paid for each one? That's the number one
 17 question, bottom line.

18 And the second reality is when you do the
 19 research in regards to the health issues, does it get
 20 typed up and sent to every entity besides all you guys?
 21 In other words, does Arnold get it in the State? Does
 22 Mayor Villaragosa get it and this kind of thing? And
 23 being that China's going to have this -- what do they
 24 call it -- in August, the Olympics, is anything different
 25 going to happen there being to and from here and there,

52-12

1 et cetera, in that time frame? Thank you for your time,
2 and good luck.

3 COLONEL MAGNESS: Thank you, Mary Lou. Next up,
4 please, Janet Gunter, followed by Andrea Hricko, and then
5 Kathleen Woodfield, please.

52-13

6 MS. GUNTER: Good evening. First of all, I have a
7 real hard time with the fact that citizens are not given
8 hard copies of this document. While I totally appreciate
9 the environmental stewardship of not destroying trees to
10 produce unneeded documents, I find that this lack of
11 availability limits concerned citizens from proper access
12 to this document. Obviously, the reproduction costs of
13 these immense reports are very prohibitive to the average
14 person. I believe that a limited supply of this document
15 and hard copy should be made available to community
16 groups who are serious about stepping in, ours being one
17 of them.

18 Accessing the document by computer is confusing
19 since many times the pages will not open up, that's what
20 happened with me, and since sections are broken up, the
21 continuity of the document is lost. Since the document
22 most easily studied is the summary, it becomes
23 immediately -- immediately obvious that that document in
24 and of itself is flawed. In looking at the summary, it
25 is extremely unclear and confusing. The summary plan

52-14

1 gives two separate maps describing the projects, which
2 are entirely different in the placement and number of
3 buildings at the terminal, so which of these is the
4 proposed terminal?

52-15

5 Also, pages ES11 -- on page ES11, it states that
6 the project will add 10 new cranes, and while we were
7 just told that that is relevant to the China Shipping
8 document and the fact that 4 of those cranes have already
9 been installed, you see, on page 13, it talks about
10 6 cranes, but it doesn't relate back to the reason or
11 rationale for doing this.

52-16

12 And then the other thing that I wasn't aware of
13 because the aesthetics page would not open up is that
14 what I have heard is that the aesthetic impact had not
15 reached a designation of significant impact. You're
16 saying it does. I know what the -- the landscaping is
17 supposed to be in mitigation, but the magnitude of the
18 effect of the cranes on the beauty of this and to the
19 community far exceeds a mitigation measure of mere
20 landscaping. So it's insulting, in my view, to see that
21 landscaping is supposed to take away this huge impact.

52-17

22 Although the summary references Settlement A on
23 a number of -- the settlement agreement on a number of
24 occasions, it's non-responsive to the agreement itself
25 and non-definitive about the details of that agreement,

1 so how can a layman, anyone that's not familiar with the
2 lawsuit, like myself, respond to a terminal project if
3 they don't understand the changes incorporated by that
4 agreement and its relationship to the proposed terminal?

52-17

5 Also, there are references to page 3 in the
6 summary and its potential use of the Catalina terminal,
7 which is supposed to be in terminal -- in Phase III, but
8 it's not -- on the map it's not clearly defined whether
9 that is Phase II or Phase III, and obviously that means
10 Phase III. There's been much discussion about
11 alternatives, yet none of the alternatives I saw discuss
12 the alternative of using a terminal that only receives
13 cargo that's immediately removed out of the Port on a
14 conveyor system such as Maglev.

52-18

15 This has been one of the most discussed
16 options for Port operations and should be seriously
17 considered when weighing alternatives for the future.
18 The summary discusses some 234 ships which will operate
19 out of this terminal by 2030. Does China Shipping have
20 such a large fleet as this, or will other shipping lines
21 be coming in through this terminal? If --

52-19

22 COLONEL MAGNESS: Janet?

52-20

23 MS. GUNTER: -- if that's so -- and I'll just finish
24 my last sentence here --

25 COLONEL MAGNESS: Thank you.

1 MS. GUNTER: -- where is the additional land coming
2 from to accommodate this cargo, and are we to expect
3 Rolling Hills to be incorporated as backlands? Thank
4 you.

52-21

5 COLONEL MAGNESS: Thank you, Janet. Andrea?

6 MS. HRICKO: Yes. I almost forgot. My name is
7 Andrea Hricko, and I'm with the University of Southern
8 California School of Medicine. Thank you for the
9 opportunity to comment on this Draft.

52-22

10 I think that we actually need more time to
11 evaluate the 6,000-page document. I think that even
12 though it's not normal procedure, it might have been a
13 good idea in the technology to red-line the document so
14 we could see what the changes were that were made between
15 this document and the last one. You can't search the
16 document because it's all the independent separate
17 documents. You can't search the entire document for
18 something like "on-dock rail," so it makes it hard to
19 comment on that.

52-23

20 I would question whether it's wise to issue a
21 40-year lease. I would urge the Corps to have it lowered
22 to a 20-year lease or to reevaluate the lease at 20 years
23 and only continue to 40 years if all the measures that
24 were supposed to be in place are actually in place, and I
25 would say that we've seen quite a few problems with some

52-23

1 of the leases that we've had that have been for 30 or
 2 40 years, and then we are trapped.
 3 And there's new evidence, new science that keeps
 4 emerging. We have new studies now about ultrafine
 5 particles. We know that there are health risks from
 6 proximity to freeways and traffic that we didn't know a
 7 few years ago. There are new studies about how extensive
 8 and how high the risk is of premature mortality from
 9 exposure to particulate matter. So I think that 40 years
 10 from now we're going to know a lot more than we know now,
 11 and I would suggest that opening up this lease at
 12 20 years for reevaluation would be a good idea.

52-24

13 I think we need to take the health risks more
 14 seriously. We can't continue to allow significant
 15 impacts from NO2, PM2.5, and PM10, and yet that's what
 16 this EIR/EIS says it will do. Remaining significant are
 17 the effects of PM2.5 and PM10, yet these are the very
 18 constituents that led the California Air Resources Board
 19 last month to update its premature mortality risk
 20 statements by saying that many more people are dying from
 21 exposure to particulate matter than they previously
 22 thought.
 23 So this doesn't seem to be a time when we should
 24 move forward with a 40-year lease on a project that
 25 doesn't actually take care of the PM10, PM2.5, NOX

52-25

1 problem, leaving them with significant impacts. I would
 2 also suggest that -- I don't understand why when the CAAP
 3 says the on-dock rail should be maximized while I -- this
 4 new terminal is being built actually without any on-dock
 5 rail using Yang Ming's on-dock rail from next door. If
 6 you look at the statistics, the rate, the percentages of
 7 on-dock rail will diminish year by year, and I recommend
 8 that the number of containers will go up, but the
 9 percentage, which is 20 percent now, will be only 17
 10 percent through 2030, and I think that's the wrong
 11 direction.

52-26

12 Let's see here. I would comment that in the
 13 section on parks, which no one has mentioned, there is a
 14 statement that says the Proposed Project would not result
 15 in a substantial loss or diminished quality of
 16 recreational resources, and I think that if we have
 17 problems with significant impacts from NO2, PM2.5, and
 18 PM10, then the parks, like Leland Park and others that
 19 are really close to this facility are obviously going to
 20 be having a diminished recreational resource.

21 I think you're going to tell me my time's up,
 22 and I thank you.
 23 COLONEL MAGNESS: Perfect. Thank you, Andrea.
 24 Kathleen?
 25 MS. WOODFIELD: Good evening. I'm Kathleen

1 Woodfield with the San Pedro Homeowners' Coalition. I'd
 2 like to state first that if there is a mass exodus from
 3 Southern California due to air pollution and its related
 4 health concerns, the economics of this region will
 5 collapse. I'm concerned about -- there's a tape recorder
 6 up here. Does this work?

7 COLONEL MAGNESS: Yes.
 8 MS. WOODFIELD: Okay. I'm concerned about the
 9 section of morbidity and mortality, which serves to
 10 evaluate -- I think this is the area where they do the
 11 premature deaths caused by chronic disease. It's the
 12 non-cancer case component. My concern is there is a
 13 finding that there are no additional premature deaths
 14 from this project. I find that very difficult to fathom,
 15 due to CARB's newly released numbers that are 24,000
 16 deaths per year, prematurely, in California alone, due to
 17 air pollution. This is a 40-year study or 40-year lease.
 18 That's a million premature deaths. This is the most
 19 polluted area. We know that the Port is the greatest
 20 source of the pollution, and this is a large project
 21 within the Port.

22 I do not see how out of a million premature
 23 deaths, none -- zero -- can be associated with this
 24 project. And because I find that so difficult to fathom
 25 mathematically, statistically, even common-sense-wise, I

1 ask that this section of the -- of the document be
 2 vigorously studied and reviewed, perhaps by a third
 3 party.

4 Another reason why this is so important is
 5 because the -- we know that the commissioners are going
 6 to be asked to do a statement of overriding
 7 considerations in order to approve this project. If they
 8 are going to be doing a statement of overriding
 9 considerations, they need to know exactly what they're
 10 overriding. If this document fails to indicate that
 11 there are additional premature deaths, then the
 12 overriding considerations finding will be incorrect.

13 We also have to be concerned about the
 14 economics, and, again, I go back to these premature
 15 deaths because -- and, also, cancer cases because
 16 this -- this document actually does include some of the
 17 new technologies and some environmental elements for
 18 keeping air pollution down, but we have to be concerned
 19 about how the feasibility is determined and it ongoing
 20 could determine in this document because there are
 21 opportunities in this document to reevaluate the
 22 feasibility of certain technologies as they come along,
 23 but if the economy is going to continue to falter and
 24 feasibility is based on economy or economics, then I
 25 think we can -- it would be foolish for us to assume that

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1 feasibility would be considered to be more -- more
 2 available. I think it might become less available. So
 3 that would also cause more premature deaths and more
 4 cancer cases. Thank you.
 5 COLONEL MAGNESS: Thank you, Kathleen. Next three,
 6 please, Susan Nakamura, Martin Schlageter, and John Cross.
 7 MS. NAKAMURA: Good evening. I am Susan Nakamura.
 8 I am the planning manager at the South Coast Air Quality
 9 Management District. I thank you for the opportunity to
 10 comment on the proposed China Shipping project.
 11 The AQMD staff has begun revealing the Draft
 12 EIS/EIR but has not completed its review and will be
 13 providing written comments. I'd like to acknowledge
 14 improvements to the previous Draft EIR. We're pleased
 15 that the lead agencies have included incorporated comments
 16 that we have made on the previous Draft EIS/EIR in regards
 17 to the baseline, significance determination for health risks,
 18 and evaluation of peak daily emissions.
 19 We've made this comment before, and to reiterate
 20 again, in regards to the need for the San Pedro Bay
 21 standards, AQMD wants to emphasize the importance of the
 22 need for the San Pedro Bay standards and urges support to
 23 proceed as expeditiously as possible to develop these
 24 standards. Assurance is needed that individual projects,
 25 when cumulatively considered with other Port sources will

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1 not interfere with achieving the San Pedro Bay standards.
 2 In regards to on-dock rail, the AQMD staff
 3 encourages the lead agency to ensure that the Proposed
 4 Project maximizes on-dock rail. Although the existing
 5 on-dock rail facility -- rail is not fully utilized, it
 6 appears that the Proposed Project will eventually utilize
 7 the capacity of existing on-dock rail. AQMD staff is
 8 concerned that the Proposed Project offers no increase in
 9 on-dock rail as the Proposed Project will increase the
 10 number of TEUs by over 30 times.
 11 In regards to mitigation measures, we are
 12 pleased that there have been improvements since the
 13 Tra Pac Project. Vast implementation of AMPing, slide
 14 valves, early implementation of slide valves, electric
 15 RTGs, and LNG trucks. However, AQMD staff remains
 16 concerned because the air quality and health risks are
 17 significant.
 18 So our comments tonight focus on two mitigation
 19 measures: the field sulfur content and new vessel
 20 builds. In regard to local sulfur made in auxiliary
 21 engines reducing the field sulfur content, it's one of
 22 the most important measures in the region's air quality
 23 plan in terms of health benefits. AQMD staff believes
 24 that anything short of using a hundred-percent low-sulfur
 25 fuel shortly after the project approval is inadequate.

1 AQMD staff recommends the following: A hundred-percent
 2 compliance with .2-percent low-sulfur fuel within
 3 six months of project approval and a hundred-percent
 4 compliance of .1-percent low-sulfur fuel by 2010. These
 5 comments are consistent with our comments for the
 6 Tra Pac Project.
 7 Use of low-sulfur fuel is cost-effective and
 8 feasible. Maersk is currently using low-sulfur fuel; so
 9 is the Port of Long Beach for the Proposed Harbor
 10 Project, has committed to using low-sulfur fuel upon
 11 project approval, and the argument in the Tra Pac in
 12 regards to third-party invitees is not applicable to the
 13 China Shipping project. In an --
 14 COLONEL MAGNESS: Susan, do you want to quickly say
 15 your other point? Because I'm about to have to cut you
 16 off. You had another point you were going to make.
 17 MS. NAKAMURA: Yes. In regards to the new vessel
 18 builds, the Draft EIS/EIR, it must include enforceable
 19 provisions. It's inadequate in regards to commitment and
 20 enforceability of committing to advanced technologies.
 21 We feel this could be a lost opportunity. In closing, an
 22 air quality analysis means to separate reductions
 23 required under State and Federal regulations versus
 24 long-term reductions beyond regulatory requirements, and
 25 we look forward to working with the Port of LA.

52-35

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1 COLONEL MAGNESS: Thank you, Susan. Martin?
 2 MS. NAKAMURA: Next time I'll do the -- I'll put all
 3 the nice things at the end.
 4 MS. MAUN-DeSANTIS: Just as a note, really quickly,
 5 though, if you would like to get more time, you have to
 6 request it as part of our cover letters on the Web site.
 7 There's a process to doing that, and you can actually
 8 request a little bit more time if you know you're going
 9 to have more comments. You just have to repeat that
 10 request ahead of the meeting, please.
 11 MR. SCHLAGETER: Toward that end --
 12 MS. MAUN-DeSANTIS: For organizations, let me -- so
 13 for AQMD --
 14 MR. SCHLAGETER: Sure.
 15 MS. MAUN-DeSANTIS: -- we could, because you're
 16 representing a large group of people. So just please let
 17 us know. You can let me know.
 18 MR. SCHLAGETER: Well, toward that end, let me note
 19 the challenge of instructions to speak slowly for our
 20 court reporter and yet squeeze everything that we want to
 21 say in our three minutes. So thank you for your
 22 commitment to this and your fingers' commitment to this.
 23 I'm Martin Schlageter, and I'm with the
 24 Coalition for Clean Air. I sure appreciate the chance to
 25 speak to you today and also want to thank you for a

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1 number of improvements in this, as was mentioned, the
 2 baseline improvements in this document; also, the
 3 inclusion of greenhouse gases as a consideration here.
 4 And, also, I want to focus my comments in on that in the
 5 sense that these greenhouse gases are troubling in the
 6 amount that is going to be produced, and yet even with
 7 the mitigations you've identified, still remain so
 8 significant. And I think the comments that Mr. Pettit
 9 made on electric trucks is a good example of one solution
 10 I would like to see more aggressively pursued in this
 11 project; that is, these drainage trucks are a new
 12 technology coming out. How, in a 40-year lease, can we
 13 more -- have greater assurance that as new technologies are
 14 shown to be feasible and are in an application can we get
 15 this project to use them? I would like to see a
 16 commitment to -- in this lease that the -- that the China
 17 Shipping would adopt these best available control
 18 measures on a more aggressive timeline, and while you
 19 have an energy audit in there, which is an example of
 20 something you would do regularly, I think we should also
 21 have a compliance audit and perhaps a new technology
 22 audit that then is written into the lease so we can have
 23 assurance that these new technologies are adopted. This
 24 certainly goes for locomotives where I'm challenged to
 25 see -- well, I certainly see the need for greater

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1 mitigation measures, faster mitigation measures.
 2 This is a significant component of the health
 3 risk that remains over the build-out of the project, and
 4 I think we need to see some more aggressive adoption of
 5 that, just as I agree with the comments about on-dock
 6 rail. How can -- is it not that we should have, perhaps,
 7 a more inclusive concept of the build-out of this project
 8 to increase the capacity of that on-dock rail and not be
 9 limited by what Yang Ming has there? And that may be a
 10 logistical challenge, a geographic challenge, but I'd
 11 like to have that more fully discussed in the document.
 12 And, finally, as we move toward electrification
 13 of many of the vehicles there, there remain some impacts
 14 identified, especially as related to the greenhouse gases
 15 due to the dirty mix of power that the City of LA has,
 16 and while there is some indication of a solar project
 17 related to this project, I was not clear on the assurance
 18 of the size and utility of that solar project and want
 19 greater assurance and clarity in the document about that.
 20 It could be it was in there in the 6,000 pages and I
 21 missed it, but I think there needs to be greater
 22 specificity of this so that it takes up a larger portion
 23 of that electric demand, and I appreciate the time to
 24 talk to you. Thank you.
 25 COLONEL MAGNESS: Thank you, Martin. John?

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1 MR. CROSS: Yes. My name is John Cross, and I
 2 represent the Neighborhood -- West Long Beach Neighborhood
 3 Association, and that's the neighborhood that borders the
 4 Port of Los Angeles property in Long Beach just west --
 5 oh, no -- west of what -- east of the western border of
 6 our city, from PCH all the way to the city limits, in the
 7 city limits, it's the Port of LA property. And we've got
 8 great concerns about anything that goes on in the Port of
 9 Long Beach or LA. And I've got a question -- maybe you
 10 can answer me -- how much rail capacity is on the 121 to
 11 132 pier?
 12 MS. MAUN-DeSANTIS: I'm sorry?
 13 MR. CROSS: How much rail capacity do they have on
 14 that rail, 121 to 132 pier?
 15 MS. MAUN-DeSANTIS: I don't know that offhand. I
 16 apologize. We assume that it's about 50 percent of
 17 the rail, that China Shipping is about 50 percent of Yang
 18 Ming, so basically double what we have.
 19 MR. CROSS: Well, with the increase in the pier size
 20 and stuff like this, how much more traffic, like, another
 21 million coming through?
 22 MS. MAUN-DeSANTIS: I'd have to look that up. I
 23 don't know offhand.
 24 MR. CROSS: So you don't have the rail capacity,
 25 basically, to handle what's going to be coming off of two

52-42

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1 piers?
 2 MS. MAUN-DeSANTIS: We do have rail capacity. I
 3 just don't have those numbers in front of me. I
 4 apologize.
 5 MR. CROSS: But is it -- with the future growth of
 6 those piers, is it going to have the capacity on them?
 7 MS. MAUN-DeSANTIS: Just to let you know, we can
 8 talk about this afterwards.
 9 MR. CROSS: Okay.
 10 MS. MAUN-DeSANTIS: This is just more receiving
 11 comments.
 12 MR. CROSS: Because my concern is we've got a rail
 13 yard next to us, and we need to beat it without bringing
 14 all these trucks and stuff like that --
 15 COLONEL MAGNESS: What we'll do is we'll take that
 16 as an issue, and that's the purpose of kind of putting
 17 this before this group.
 18 MR. CROSS: Yeah. That's one of the things that's
 19 really going to be a concern of the residents of
 20 West Long Beach. And another thing -- you said you're,
 21 what, 11 out of a million, you're one over or whatever it
 22 is, they've accepted. Not one loss of life for any of
 23 the project is worse than this. I mean, not one. This
 24 project is not worth it if you have to lose one life.
 25 The Port of Long Beach and Los Angeles should be

52-45

52-46

52-46

1 commended on trying to clean it up. But if the economic
 2 impact on the schools, for kids missing school, for
 3 medical costs that people incur, and, Colonel, you being
 4 in the military, we're not losing this many lives in one
 5 year in Iraq and Afghanistan fighting war, yet we can
 6 lose 1500 citizens of the United States right here
 7 because of a Port that sits next to neighborhoods and
 8 stuff like that? That's not acceptable. I'm sorry.

9 You need to clean up the Port. You need to
 10 clean up everything around it. And if you can't do it
 11 and if you can't stop a loss of life because of the --
 12 what comes out of the Port, then you shouldn't do it
 13 until you can. And the gentleman who spoke earlier --
 14 we've got to start doing something. The Port of Los
 15 Angeles can come up and start -- every time you do an
 16 EIR, you do a big study and everything goes out there.
 17 You can come up with a set of guidelines that work, and
 18 when you do a project, you turn around and say, here's
 19 the guidelines. This is what you've got to follow. This
 20 is what you've got to do. Don't wait and mitigate
 21 everything; have it done before you go and do in a
 22 project. Here's what you need to do. If you can't
 23 comply with it, come back to us when you can.

24 I'm sorry. China is shutting down everything in
 25 China, basically, not -- because of the earthquake, so

52-47

52-48

52-49

1 they can clean up their air so when the Olympics come
 2 there, they look nice and pretty. So why don't we clean
 3 up our air so our people can live healthy, our kids can
 4 go to school without having to worry about asthma, old
 5 people don't have to worry about asthma, cancer rates
 6 will go down, and heart disease will go down? And you
 7 guys can do that. Like I said, Colonel, we're losing
 8 more -- we're not losing as many people in Afghanistan
 9 and Iraq in a war than we are right now in the United
 10 States because of these two ports. Thank you.

11 COLONEL MAGNESS: Thank you, John. Okay. The
 12 next -- the next three will be Elizabeth Warren, followed
 13 by Kyle Ballard, followed by Richard Pawlowski. So,
 14 Elizabeth, please.

15 MS. WARREN: Excuse me. Good evening. I'm the
 16 executive director of Future Ports and I'm also a
 17 resident of San Pedro and my office is just up the street
 18 here in Wilmington, so I appreciate the opportunity to
 19 come in and address you this evening.

20 On behalf of the members of Future Ports, we'd
 21 like to express our support for the project. I'm here to
 22 talk about the jobs that are created by this project. We
 23 feel that the project is going to meet the green growth
 24 plans -- green growth goals that are put forward by the
 25 green -- Clean Air Action Plan. And we support green

1 growth at the ports and the appropriated combination of
 2 that growth.

3 If we are serious about cleaning up our air,
 4 then it's a fact that investments have to be made, and
 5 China Shipping is going above and beyond the requirements
 6 of CEQA to do so. Growing our ports in a clean and
 7 responsible manner is critical not only to growing the
 8 Southern California and national economy but to improving
 9 our air quality.

10 You've heard me and others probably say before
 11 that quality of life begins with the job. There's also
 12 another saying from Father Boyle: "Nothing stops a
 13 bullet like a job." And I have to make a comment about a
 14 lunch I went to today. I went to a luncheon with an
 15 alliance of mothers of murdered children, and these
 16 mothers are getting together and they're forming a group
 17 against gang violence. Los Angeles has the highest
 18 number of gangs and violence anywhere in the world per
 19 capita, and we feel that jobs are a critical part of
 20 stopping that gang violence. I don't know of anyone who
 21 isn't aware of the gang problem in Los Angeles.

22 This project is going to create 900 construction
 23 jobs and 4,000 permanent jobs, but these ports provide
 24 500,000 jobs in the region and a million jobs nationally.
 25 So we think that's very, very important.

52-49

1 The project must move forward. Conversely, the
 2 no project alternative is going to have a detriment to
 3 air quality in the local community and the region as our
 4 cargo volumes are going to increase. So we think this
 5 project demonstrates green growth. It's more than just
 6 an idea; it's a sustainable way of doing business. And
 7 the goals of the CAAP supports the green growth and
 8 cannot be met without major sign improvements. So,
 9 therefore, we urge you to move forward with the project.

10 COLONEL MAGNESS: Thank you, Elizabeth. Kyle,
 11 you're next. Kyle, before you speak, could I beg your
 12 indulgence and ask for a two-minute break? There's one
 13 person in this room that is working very hard right now,
 14 and her fingers are going to fall off if we don't give
 15 her just a couple of minutes to crack her knuckles or
 16 whatever they do. So could you just take two minutes and
 17 introduce yourself to the person next to you, and then
 18 we'll start right back up.

(Recess)

20 COLONEL MAGNESS: Okay. We're going to start back
 21 up. Thank you for the two-minute break, and just so you
 22 know, we have what I believe are three more -- two more
 23 speakers after Kyle. So if you're thinking about
 24 leaving, I'd ask if you could just stay and pay respect
 25 to the people that are going to speak after Kyle. I

1 think you'll want to hear them as well, and then I think
2 we'll be finished. So, Kyle, please, your comments.
3 MR. BALLARD: Kyle Ballard. While waiting my turn,
4 I took 30 seconds to think about who I'm representing as
5 I speak to you, and I'm representing all the people in
6 America and the millions and millions of foreign tourists
7 that will come to Los Angeles during the 40 years of this
8 lease.

9 By listening to everything today, I spotted an
10 important -- what I found -- and I think everybody will
11 agree to the important void, and that is what I would
12 call a lack of mutuality. Enormous amount of resources
13 are being brought to bear to arrange for the tenant to
14 have a comfortable 40-year term of lease, but I didn't
15 hear anybody say what the tenants are going to do for the
16 people of America.

17 What I would suggest that they be induced to do
18 is to construct a room about like this, more or less,
19 maybe half the size to begin but with an expansion
20 facility, and I would call that a public courtesies room,
21 dash, and then whatever the name would be, China Shipping
22 or Yang Ming or whoever it would be. And what would
23 happen is China has enormous numbers of treasures,
24 ancient and modern, and those Chinese ships coming in and
25 out of here, bringing what they bring and taking back

1 what they take back, a lot of money is changing hands,
2 but there's nothing coming off those ships to be
3 displayed in a public room like this. I wouldn't call it
4 a museum. That's why I'd call it a public courtesies
5 room. But people would be able to come and see and have
6 some interaction with the crew members and whatever that
7 ship would bring. Before a ship would sail from China,
8 they could put some treasures on that ship to stay an "X"
9 period of time when they come to the public courtesies
10 room that would be constructed.

11 And another benefit from that would be soon the
12 idea, which no one has ever heard of before because I
13 just thought of it tonight, that would spread to other
14 piers around, from other piers to other ports and be in
15 Seattle and New York, New Orleans, and so forth and so
16 on, and pretty soon it would spread around the world. I
17 think it would do a lot to promote interaction. So
18 that's my recommendation. Thank you.

19 COLONEL MAGNESS: Thank you, Kyle. Next is Richard.

20 MR. PAWLOWSKI: Pawlowski -- that's Chinese, by the
21 way. I'm a 65-year observer of what's been going on in
22 this Port. I literally learned how to swim off this dock
23 right here. I mean, I carried luggage as a kid and sold
24 papers at the Longshoreman Hall here. I mean, I've been
25 around this town for a long time and watched this thing

52-50

1 grow, and I'm a contrarian. I do not think that the Port
2 needs to grow anymore. You know, it's not just -- it's
3 not just the growth. If people are saying that people
4 are dying, and which they are because of the 50- or
5 60-year pattern of growth of the Port, why are we doing
6 this?

7 You know, if we want a better quality of life,
8 we have to start going backwards. I've submitted two
9 different mitigation proposals, one for Wilmington and
10 San Pedro, and they're kind of set aside because they
11 don't show this kind of economic impact, but this is
12 another kind of economic impact that we could have if we
13 focused on different kinds of mitigation. And the
14 mitigation that I've seen happen so far by the dozens of
15 different EIRs that are coming forward, they don't just
16 line up. There's so many different kinds of EIRs, nobody
17 seems to know what they all mean together. So there's a
18 missing document somewhere that shows the total impact of
19 all these different EIRs and construction of is this Port.

20 If you're going out 40 years and there's
21 another -- there's another EIR for the ports
22 at -- (unintelligible) -- and this one is a way of tying
23 it all together so we can look at this thing totally, but
24 I've seen it, and I don't like it. I don't like living
25 around here, which scares the hell out of me. So there's

52-51

1 some dangerous things going on here, and I think we have
2 to reassess appropriately the consequences of it. I'm
3 not in favor of the Port growing anymore. Thank you.

4 COLONEL MAGNESS: Thank you, Richard. And Kerry is
5 our last speaker, but I do want to ask, if anyone has a
6 card and they haven't given it to us yet, can you run
7 that up or wave that so we can see you? Otherwise, I
8 will assume that, Kerry, you are the last speaker.

9 MS. SCOVILLE: Hi. My name is Kerry Scoville. I am
10 a member of a number of different organizations in San
11 Pedro, but I'm speaking today as a resident. I live
12 across the street from the project, the Proposed Project.
13 I live on Black Hill, and I just want to say, my comments
14 are going to be short today because I have a real, real
15 frustration with this EIR not being available in print.
16 It's extremely difficult to be able to respond in public
17 comment and to a public document when you can't have it
18 in front of you, when you can't move the pages back and
19 forth. I asked that the Port make copies available to
20 people upon request of the printed document.

21 I live in an area that is not the most
22 economically on the upswing. My neighbors, who also live
23 across the street from the Port, don't necessarily have
24 computers, don't necessarily have access to the media
25 that the Port is supplying this EIR on. So since I

52-52

52-52

1 haven't had a chance to review it, I'm going to talk for
2 the remainder of my time about what it's like to live
3 across the street from this project now and what it has
4 been like since this project began.

52-53

5 I've lived there -- I moved before this project
6 began, and since then, we've had an incredible increase
7 in noise, obviously. I would like to see a Federal quiet
8 zone for this area and all port areas in San Pedro and
9 Wilmington. I would like to see the cargo-handling
10 equipment right now -- when they load the containers
11 onto the trucks, they honk their horn when the truck is
12 right below the cargo-handling that's the loader. I
13 would like it to, instead, at night, have them flash
14 their high-beams, have them flash their lights, and not
15 have to use their horn. It's extremely noisy in our
16 neighborhood. I'm very glad that Westways is being
17 removed because now the rail does not -- the train does
18 not go into San Pedro and cross the Pacific Avenue
19 crossing and cause the signal to go off, but it's much,
20 much better than it was previously. And I hope that
21 continues. I would be glad to see that completely
22 discontinued.

52-54

23 I would like to talk a little bit about the
24 aesthetics. There's a dirt pile, a huge massive dirt
25 pile that's been there for years, and I think that can be

1 COLONEL MAGNESS: Kerry?
2 MS. SCOVILLE: Time?
3 COLONEL MAGNESS: Your time is up.
4 MS. SCOVILLE: Okay. May I say one more sentence?
5 COLONEL MAGNESS: You may. You are last.
6 MS. SCOVILLE: Thank you. Lastly, I want to -- I
7 question why we need a container terminal here from the
8 west basin next to residential areas and so far away
9 from the Alameda Corridor because I feel that that just
10 encourages truck traffic onto the Harbor Freeway, which
11 was not built for that kind of traffic, and if we're
12 going to have such a high volume container terminal, it
13 ought to be near the Alameda Corridor, where it's
14 supposed to be. Thanks.

52-57

15 COLONEL MAGNESS: Thank you, Kerry. That concludes
16 our public comment. I'd like to say a couple of things.
17 First, let me remind you that this is not the
18 end of our engagement, that the public comment period
19 extends until the 30th of June, and I hope that as you've
20 had an opportunity to perhaps think through some more
21 about what it is that you'd like to say, that you do put
22 that in writing, and that you share that with us. I
23 commend you for your comments, for your professionalism
24 in the way that you handled yourself while you spoke and
25 then while others spoke.

52-55

1 removed immediately. I don't think we need to wait for
2 an EIR. It has served its purpose. It was put there in
3 order to compress the ground beneath it and squeeze the
4 water out. The time was supposed to be two years. It's
5 been well over two years, and it's still a blight in our
6 community. The wind comes up and kicks up the
7 berths' dirt and sends it across the Harbor Freeway, out
8 into the channel, and into our neighborhoods, and this
9 dirt pile was made from channel dredgings.

52-56

10 Please remove this dirt pile or cover it or do
11 something about it right away and not wait for this whole
12 EIR process to do that. It also -- when it rains, the
13 water runs into the adjacent storm drain, so, you know.
14 Our neighborhood, before this project started,
15 we had waterfront property. The channel was there. It
16 kept our neighborhood cool. It kept the area cool. Now
17 there's landfill. The waterfront has been removed from
18 our neighborhood and sent far back. On top of that, we
19 are also surrounded by freeways, and so the 24-hour
20 operations of the Port and the increased truck traffic
21 from the Port sends us back from the Port. The noise
22 sends us away from the Port and away from the highways.
23 It's a direct impact into the residential communities of
24 this project and of the Port and 24-hour operations of
25 the Port.

1 This Environmental Impact Statement goes under
2 one person's signature, and that is mine, and I can
3 assure you of a couple of things. Number one, everything
4 that you have said will be addressed. While I won't sign
5 it, it will be addressed. The purpose of providing those
6 comments is in some way we will provide a response to
7 everything that has been vocalized here.

8 Kerry, I'd like to see who lives closer to this
9 Port, you or me, because I live right over there. And
10 the concerns that you have, I share, and so we will do
11 all that we can as we work together to make sure that the
12 project, if it goes under my signature, is something that
13 we can be proud of, and I know the people that sit up here
14 at the front of this table are doing all they can to make
15 sure that that is the case.

16 So as a neighbor and as someone who is raising a
17 couple of children right here, I commend you for your
18 comments, and I know your concerns will be addressed.
19 So, with that, sir, I know you wanted to say a few more
20 things.

21 MR. APPY: Finally, I really want to thank all
22 of you for coming tonight. I know that it's an
23 imposition for you to come out of your homes and spend time
24 with us this evening, and so I really appreciate you do,
25 and your comments received are taken very earnestly.

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1 And I just want to kind of summarize. Sometimes
 2 I think people walk away from meetings and say, well,
 3 gee, they were kind of sitting up there with it going in
 4 one ear and out the other. We do listen, and some of
 5 these issues we have heard are no secret, we've heard it
 6 before, at meetings before, but I kind of want to go over
 7 and summarize just a little bit some of the things I
 8 thought we heard tonight that were -- I think, were
 9 important and that we will indeed respond to. You know,
 10 in the case of the final environmental document that we
 11 will prepare next, we actually take your comments, we
 12 number them, responding to them specifically, and you
 13 will receive those comments, sent to you prior to any
 14 hearing on this so that you will then come and you will
 15 actually be able to see our response and then appear at
 16 the hearing before the Port of Los Angeles Board and
 17 Harbor Commissions so that they do understand completely
 18 the results of their decisions on whether or not to
 19 approve a project or whether or not to approve one of the
 20 alternatives to the project.

21 Tonight we've heard, I think, significantly
 22 about air quality, and no big secret, ultrafines are a
 23 significant issue. Historically, I've been involved with
 24 a lot of youth recreation activities in San Pedro, and
 25 I'm very well aware of the effect of that on young children

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1 and the number of inhalers that are being used. It's a
 2 significant issue, and we're really dedicated, I think,
 3 to try to reduce that.

4 The electric drainage trucks -- or mitigation in
 5 general, for reduction of air quality is a very difficult
 6 task because we have changing technologies coming
 7 through. The one thing about the Clean Air Action Plan
 8 is it really has spawned a lot of new technology, and so
 9 we're seeing that, and the drainage trucks are one
 10 example of that. We will be looking at that and
 11 considering that. We will be trying to roll out,
 12 actually, some electric drainage trucks, hopefully within
 13 terminals, to handle containers. So that's something
 14 we'll certainly consider, and the use of low-sulfur fuel
 15 on ships is big. That's our big emission source.
 16 Richard Havenick may have departed, but he is a soldier
 17 on that issue.

18 Greenhouse gases are a very significant concern.
 19 With our zero standard, that we have determined is very
 20 difficult to get down to zero, so we believe that we will
 21 always have significance, but we're always looking at new
 22 ways to reduce those. We have a 10-megawatt solar power
 23 project that we have committed to with the Attorney
 24 General of the State. That's going into place. We'll
 25 have our first megawatt valve this year, so we're very

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1 serious about greenhouse gases and how to reduce them.
 2 We heard about the term of the lease, which is a
 3 significant issue, and the term of lease is very long for
 4 these terminals. It has to do with the business plan, a
 5 return thing. It allows us to actually, in large part,
 6 to add these mitigation measures to the terminal to
 7 amortize costs, and so -- but that's something of
 8 significance that we will certainly discuss.

9 We also heard health concerns. Andrea, you've
 10 been to numerous meetings and carried that issue to us
 11 many times. Asthma and how it affects us are certainly
 12 very significant, and we'll look into the issue of
 13 premature death in our analysis of that in our document.

14 Aesthetics is an issue. We did find significant
 15 aesthetics were viewed from the Vincent Thomas Bridge,
 16 and we've had offers of mitigation. We've heard tonight,
 17 I think, that more of this craft is needed. Lena did
 18 mention earlier the plaza park, which is actually a
 19 mitigation measure that was approved by the Park
 20 Community Advisory Committee as one of our community and
 21 mitigation, and that is a park over by Beacon Street.
 22 There's a park there that really needs refurbishing, and
 23 so we're going to put a deck and put a new park in
 24 there, and that is a part of this project.

25 We hear dock noise at night for the communities

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1 in the areas of these terminals, and that's a significant
 2 issue we're looking at. Transportation, interesting,
 3 too, we do get a lot of comments on use of large-scale
 4 transportation systems like Maglev. They're very
 5 difficult to impose upon single projects, and so we look
 6 at those in a larger transportation load, and so we do
 7 have studies out there that actually are looking at which
 8 of those has potential, and there's some. We're looking
 9 at perhaps doing some kind of pile-up project in the
 10 future in regards to Maglev or something similar to that.
 11 Linear reduction is another potential cause, and those
 12 are something that are difficult to run through a single
 13 terminal. They have to be part of that -- a systems
 14 network, and so we can't discuss that in a document where
 15 there's an alternative that's for this project. It would
 16 be very difficult.

17 And, finally, the throughput issue, as we know
 18 that's an issue, we have added in new years in the past
 19 in talks. We're going to go back and revisit
 20 our throughput, but we believe they're very high and
 21 conservative, but we need to go back and we're going to
 22 look at those and then ground through them in the future
 23 to make sure that our cargo projections aren't, in fact,
 24 going over the top.

25 So that is -- certainly, doesn't respond to all

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1 your comments here. It's more of a summary. I think, of
2 what we've heard. And, again, I'd like to thank you.
3 Please, if you need to, respond to us in writing as well.
4 We'll take your comments in any way we can get them, and
5 that's a real value to this project, and, again, I thank
6 the Colonel very much for coming. I guess he has a short
7 drive home, but I have to tell you a story about
8 the -- he lives at the Fort McArthur, and it has parade
9 (sic) grounds, but so many years ago San Pedro had very
10 much difficulty in finding spots for kids to play soccer
11 in, and the entire girls of San Pedro soccer program
12 played for many years on that parade ground, and they're
13 the best frickin' soccer fields west of the Mississippi
14 until 9/11. But anyway, so I'll thank the Colonel
15 for that as well. And, again, I want to thank everyone
16 from the Port of Los Angeles for being here tonight.
17 Thank you.
18 COLONEL MAGNESS: Thank you. And, everyone, thank
19 you; and, please, Linda, thank you; and to our court
20 reporter, thank you.
21 (Hearing concluded at 7:50 p.m.)
22
23
24

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2.3.52 Public Hearing Transcript (Comment Letter 52)

- 52-1 Please refer to response to Comment 15-6.
- 52-2 Comment noted.
- 52-3 Comment noted. Please see the description of the throughput tracking process in the response to Comment 21-3.
- 52-4 Please refer to response to Comment 10-8.
- 52-5 Please refer to response to Comment 10-8.
- 52-6 Please see the response to Comment 46-6 regarding the length of the EIRs. The Port and USACE appreciate the comment regarding establishing standards for Port projects so high that terminals do not get modernized. It is the intent of both Lead Agencies to adequately disclose the anticipated impacts of the proposed Project and alternatives, to identify mitigation measures, and to let the decision-makers consider the effects of their actions as part of the approval process. Assuming the Project or container terminal alternative is approved by the decision-makers, the Project and its associated mitigation measures identified in the Recirculated Draft and Final EIS/EIR would result in an exceptionally modern container terminal.
- 52-7 Comment noted; please see the response to Comment 52-6.
- 52-8 Comment noted. The mitigation measures identified for the proposed Project and alternatives are consistent with the CAAP, and many will be required within the terminal lease. The intent of the Port and USACE is to complete the environmental process as expeditiously as possible so that implementation of the selected Project or alternative can commence.
- 52-9 The comment is acknowledged. Section 3.2.2.2 of the Recirculated Draft EIS/EIR includes a discussion of ultrafine particles as it relates to ports. As described in the Recirculated Draft EIS/EIR, ultrafine particles are a component of particulate matter (PM) from combustion engines, and are formed from the coagulation of semivolatile compounds (sulfates and hydrocarbons) into particles. Hence, the mitigation measures prescribed in the Recirculated Draft and Final EIS/EIR for construction and operation of the proposed Project would reduce ultrafine particles by virtue of reducing combustion PM, sulfate, and hydrocarbon emissions. Specifically, the following Project mitigation measures would reduce ultrafine particles either directly, by reducing combustion PM emissions, or indirectly, by reducing sulfate or hydrocarbon emissions:
- MM AQ-1:** Emulsified Fuels for Derrick Barges and Repowered Harborcraft
 - MM AQ-2 and MM AQ-10:** Vessel Speed Reduction for Ships
 - MM AQ-3:** Fleet Modernization for On-Road Trucks
 - MM AQ-4:** Fleet Modernization for Construction Equipment
 - MM AQ-5:** Best Management Practices
 - MM AQ-9:** Alternative Maritime Power (AMP)
 - MM AQ-11:** Low-Sulfur Fuel for Ships
 - MM AQ-12:** Slide Valves for Ships
 - MM AQ-13:** Reroute Cleaner Ships
 - MM AQ-14:** New Vessel Builds
 - MM AQ-15:** Clean Yard Tractors at Terminal

- 1 **MM AQ-16:** Clean Yard Equipment at On-Dock Railyard
 2 **MM AQ-17:** Clean Yard Equipment at Terminal
 3 **MM AQ-18:** Yard Locomotives at On-Dock Railyard
 4 **MM AQ-19:** Clean Truck Program
 5 **MM AQ-20:** LNG Trucks
 6 **MM AQ-21:** Truck Idling Reduction
- 7 Response to Comment 24-11.3 discusses the Port ambient air quality monitoring
 8 program, which includes the tracking of ultrafine particle concentrations in the
 9 vicinity of the Port.
- 10 **52-10** Section 3.3.4.3.1.2 (Impact BIO-3b) discloses a remote possibility of an
 11 accidental fuel spill as a result of an accident, but acknowledges that such an
 12 accident is unlikely due to the use of Port Pilots to navigate the vessels in the
 13 Harbor, due to the slow vessel speeds, and due to the use of tugs to guide the
 14 vessels to and from the Berths. In addition, the Section discusses the regulatory
 15 requirements to control and contain an accidental spill should one occur. The
 16 Section also acknowledges a potentially significant impact (although remote)
 17 related to such a spill.
- 18 **52-11** The containers that would be handled at the terminal have been ordered by
 19 various businesses throughout the region and nation, and the cities and counties
 20 where these businesses are located derive their revenue, in part, from the value of
 21 the goods contained within the respective containers. Because the contents of the
 22 containers vary, there is no way to determine the specific tax revenue that each
 23 cities or counties would receive.
- 24 **52-12** Regarding the questions about the dissemination of the impacts and if the
 25 Governor of the state of California and the Mayor of the City of Los Angeles
 26 receives a disclosure of the project t impacts, the Recirculated Draft EIS/EIR was
 27 sent to the Governor’s Office of Planning and Research, and is available to the
 28 Mayor, who has access to all City departments.
- 29 **52-13** Comment noted. Please see the response to Comment 21-43.
- 30 **52-14** The comment appears to refer to differences in the location of the terminal
 31 buildings shown in Figure ES-2 and Figure 2-3. Figure ES-2 shows the
 32 representative location of the terminal building farther to the west of the
 33 backlands, whereas Figure 2-3 shows the terminal building and a crane
 34 operations building closer to Berth 102. Figure 2-3 is the most current project
 35 layout, and Figure ES-2 has been corrected in this Final EIS/EIR. This
 36 correction would not result in any new impacts or more severe impacts than are
 37 discussed in the Recirculated Draft EIS/EIR.
- 38 **52-15** Ten cranes are included in the proposed Project, as discussed on page ES-11 of
 39 the Recirculated Draft EIS/EIR. The discussion of the cranes on page ES-13
 40 allocates those 10 new cranes to different construction phases; four cranes were
 41 added in Phase I, and six cranes would be added in subsequent phases. The
 42 phasing of the 10 cranes corresponds with the phasing of wharf construction.
- 43 **52-16** Regarding the comments about aesthetic impacts, Section 3.1 of the Recirculated
 44 Draft EIS/EIR identifies a significant aesthetic impact related to view blockages
 45 of the Vincent Thomas Bridge, and although mitigation has been applied,
 46 significant impacts would remain. As discussed in Section 3.1.4.4.1, the
 47 proposed Project would not result in significant impacts to the visual features

1 along the roadways around the terminal. The Port has begun landscaping areas
2 adjacent to roadways for new development projects; new landscaping is part of
3 **MM AES-1** to enhance the aesthetics of the terminal periphery.

4 **52-17** Contrary to the comment, the Recirculated Draft EIS/EIR satisfies the
5 requirements of the Amended Stipulated Judgment, which is summarized in
6 Section 1.4.3.1 and included in its entirety in Appendix B of the document. Key
7 requirements of the ASJ include preparing an EIR that evaluates the project and
8 cumulative impacts from the proposed Project alone (not as part of any larger
9 West Basin project). Other key requirements are the evaluation of aesthetic
10 impacts of the terminal (including impacts related to cranes), establishment of a
11 CEQA baseline prior to approval of the lease in March 2001, and incorporation
12 of AMP into the terminal. The requirements of the ASJ have been complied with
13 at the project level or in the Recirculated Draft EIS/EIR.

14 **52-18** As described in Section 2.4.4.2 of the Recirculated Draft EIS/EIR, the relocation
15 of the Catalina Express Terminal would occur in Phase II of the Project. This
16 relocation is evaluated in applicable resource discussions in Chapter 3 of the
17 Recirculated Draft EIS/EIR. Figure 2-5, which shows the three phases of
18 terminal development on the terminal site, does not depict the relocation of the
19 Catalina Express Terminal because the relocated site would be to the south of the
20 terminal site.

21 **52-19** Please see the responses to Comments 15-12 and 16-33.

22 **52-20** The proposed Project would result in 234 ship calls to the terminal. This number
23 of ship calls can be provided by fewer actual ships. The majority of ship calls to
24 the terminal would be from ships owned and operated by the terminal operator;
25 however, as described in Section 2.4.1.1 of the Recirculated Draft EIS/EIR, an
26 occasional third-party invitee could use the terminal.

27 **52-21** The proposed container terminal would be developed entirely on the 142-acre
28 project site that is located within the Port boundaries, as described in Chapter 2
29 of the Recirculated Draft EIS/EIR. No additional land would be required for the
30 proposed Project or any of the alternatives.

31 **52-22** Regarding an extension of the public review period, please see the response to
32 Comment 46-7. The commenter suggested redlining the differences between the
33 existing Recirculated Draft EIS/EIR and the Draft EIS/EIR circulated in August
34 2006. The Recirculated Draft EIS/EIR supersedes the previous Draft EIS/EIR, as
35 described in Chapter 1 of the Recirculated Draft EIS/EIR; therefore, the contents
36 of the previous Draft EIS/EIR are no longer pertinent. The commenter
37 mentioned being unable to electronically search the entire document; however,
38 the individual chapters and resource sections in Chapter 3 were made available
39 on the Port Web site as searchable individual Adobe PDF files. A single file of
40 the entire document would have been so large that downloading the file would be
41 inconvenient or inaccessible, depending on the bandwidth of the users' Internet
42 connection.

43 **52-23** Please see the response to Comment 25-22 regarding the issuance of a 40-year
44 lease to the terminal operator. Commenter suggested that new studies could
45 identify health risks and that a 20-year lease would better allow re-evaluation.
46 Under **MM AQ-22**, the opportunity to add new measures to the lease would
47 occur once every 7 years. Further details about the incorporation of

- 1 technological improvements and their application to the Project via lease terms
 2 and conditions are contained in the responses to Comments 1-9, 10-9, 10-10,
 3 16-9, 16-11, 16-59, 20-1, 25-14, and 25-25.
- 4 **52-24** Comment noted. Please refer to response to Comment 52-29 for a discussion on
 5 premature deaths associated with the proposed Project.
- 6 **52-25** Please see the response to Comment 52-23. Regarding the comment about on-
 7 dock rail, please see the response to Comment 25-11.
- 8 **52-26** The referenced Leland Park is located over 1,300 feet to the west of Berth 97-109
 9 terminal. Although operation of the Project would result in NO_x, PM₁₀, and
 10 PM_{2.5} emissions, much of these emissions would be related to truck and rail
 11 operations and generated offsite elsewhere in the Basin. Because of this and the
 12 distance between the terminal and the park, no substantial reduction of
 13 recreational uses of Leland Park is anticipated. The Project, therefore, would not
 14 result in significant impacts to the park under thresholds REC-1 or REC-2, as
 15 described in Section 3.12.4.2 of the Recirculated Draft EIS/EIR.
- 16 **52-27** Comment acknowledged, however, it is unclear if air pollution would cause a
 17 mass exodus of people from southern California.
- 18 **52-28** Please refer to response to Comment 52-29.
- 19 **52-29** Response to Comment 11-2 discusses a revised mortality analysis that was
 20 completed for the proposed Project after release of the revised CARB
 21 methodology on October 24, 2008 (CARB, 2008). The predicted premature
 22 deaths associated with operation of the proposed Project after mitigation are:
- 23 0.138 premature deaths in 2005
 24 0.078 premature deaths in 2010
 25 -0.043 premature deaths in 2015
 26 -0.008 premature deaths in 2030
 27 -0.010 premature deaths in 2045
- 28 These results represent an analysis of long-term mortality from the overall
 29 Project to the surrounding community. The results show a net increase in
 30 premature deaths in 2005 and 2010, and a net decrease in premature deaths in
 31 2015, 2030, and 2045. The net decrease in premature deaths in 2015, 2030, and
 32 2045 corresponds to a slight reduction in predicted annual average PM_{2.5}
 33 concentrations in the affected community in those analysis years, relative to 2001
 34 baseline concentrations. The reduction in annual PM_{2.5} concentrations would
 35 occur in response to the Project mitigation measures and the phase-in of current
 36 regulations for trucks, cargo handling equipment, locomotives, and marine
 37 vessels. Based on these results, the accumulated total of premature deaths over
 38 the entire 40-year Project lease period (from 2005 to 2045) is predicted to be
 39 0.31 premature deaths. There are two main reasons why the number of excess
 40 deaths associated with the proposed Project is small compared to CARB
 41 statewide estimates. (1) The population affected by a measurable Project impact
 42 is in the thousands, while the statewide population is in the tens of millions.
 43 (2) The Project impact is determined relative to 2001 baseline conditions (i.e.,
 44 Project minus baseline), which produces an impact that ranges in the fraction of a
 45 microgram per cubic meter as an annual average, compared to tens of
 46 micrograms per cubic meter absolute concentration in CARB statewide
 47 calculation.

- 1 **52-30** Regarding the issue of premature deaths, please see the response to
2 Comment 52-29. The Recirculated Draft EIS/EIR and this Final EIS/EIR
3 identify the significant unavoidable adverse impacts of the proposed Project and
4 alternatives. Any Statement of Overriding Considerations will accurately reflect
5 the anticipated significant impacts.
- 6 **52-31** Commenter suggested incorporating new technology to reduce air pollutants.
7 Please see the response to Comment 52-53, which addresses new technology. It
8 should be noted that feasible mitigation measures identified in the Final EIS/EIR
9 will be applied to the selected project. It is unclear what effect the general
10 economy would have on the development of new technologies that could reduce
11 air pollutants; however, as those technologies are developed, **MM AQ-22** allows
12 for the periodic incorporation of those technologies into the Project over the life
13 of the lease. Any new technologies that reduce air emissions and that are
14 incorporated into the project via **MM AQ-22** would have the beneficial effect of
15 reducing the risks of premature deaths.
- 16 **52-32** Please refer to response to Comment 10-4.
- 17 **52-33** Please see the response to Comment 25-11.
- 18 **52-34** Comment noted. Please refer to response to Comment 52-35.
- 19 **52-35** Please refer to response to Comment 10-8.
- 20 **52-36** Please refer to response to Comment 10-10. The comment also calls for a
21 separation of the emission reductions required under state and federal regulations
22 versus long-term reductions beyond regulatory requirements. The air quality
23 analysis in Section 3.2 of the Recirculated Draft EIS/EIR accounts for emission
24 reductions both from current regulations and proposed Project mitigation because
25 these elements would together determine the future emission reductions of the
26 proposed Project, which are reported in their entirety in the Recirculated Draft
27 EIS/EIR. Tables 3.2-19 and 3.2-27 show, for construction and operations,
28 respectively, the specific regulations and mitigation measures that were
29 accounted for in the emission calculations for the mitigated Project.
- 30 **52-37** Please see the response to Comment 10-13.
- 31 **52-38** Please see the response to Comment 25-22.
- 32 **52-39** The commenter suggested a mitigation compliance audit. All proposed
33 mitigation measures in the Recirculated Draft EIS/EIR would be included in an
34 MMRP, which is required as part of CEQA compliance. The MMRP would
35 describe how and when the mitigation measures would be implemented. Most of
36 the mitigation measures identified in the Recirculated Draft EIS/EIR would be
37 implemented, maintained, and monitored by the Port of Los Angeles as the local
38 agency with continuing program control and responsibility pursuant to the
39 MMRP through its tenant leases.
- 40 Regarding the suggestion for a new technology audit, **MM AQ-22** provides a
41 process to consider new or alternative emission control technologies in the future
42 and an implementation strategy to ensure compliance. Under **MM AQ-22**, the
43 opportunity to add new measures to the lease would occur at least once every
44 7 years.
- 45 Please refer to response to Comment 10-12 for a discussion of the challenges
46 facing the Port in regard to mitigating locomotive emissions.

- 1 **52-40** Please see the response to Comment 25-11.
- 2 **52-41** The Attorney General reached an agreement with the Port of Los Angeles under
3 which the Port will conduct a comprehensive inventory of Port-related
4 greenhouse gases including tracking these emissions from their foreign sources to
5 domestic distribution points throughout the United States (separate of CEQA
6 analyses). In addition, the Port committed to a 10-megawatt Port-wide solar
7 program. Solar panels will be placed throughout the Port. The 10-megawatt
8 solar grid will be used to power electrical sources at the Port roughly equivalent
9 to enough energy to power about 1,000 homes each year. In addition to **MM**
10 **AQ-28**, the Port is also developing a comprehensive Climate Change Action Plan
11 to address GHG emissions from Port operations. Through this program, the Port
12 is exploring options for reducing GHG at the Port-wide level, including a solar
13 energy program agreed to with the California Attorney General.
- 14 **52-42** The on-dock rail yard at Berths 121-131 has a capacity to manage approximately
15 462,500 TEUs.
- 16 **52-43** As described in Table 2-1 of the Recirculated Draft EIS/EIR, the proposed
17 Project would result in approximately 1,508,004 annual truck round trips.
- 18 **52-44** Please see the response to Comment 52-42. The throughput for the proposed
19 Project and the existing container terminal at Berths 121-131 exceed the
20 throughput capacity at the existing on-dock rail yard. However, the proposed
21 Project would also utilize off-dock rail yards. In addition, please see the
22 response to Comment 25-11.
- 23 **52-45** The existing on-dock rail yard at Berths 121-131 is planned for expansion as part
24 of the Berth 121-131 (Yang Ming) Container Terminal Improvement Project
25 listed in Table 4-1 and carried throughout Chapter 4 (Cumulative Impacts) of the
26 Recirculated Draft EIS/EIR. The future capacity of this rail yard; however, has
27 not yet been determined.
- 28 **52-46** Comment noted. Please understand that the maximum cancer risk increment of
29 11 in a million for the proposed Project after mitigation represents the additional
30 chance of contracting cancer for a person living at the maximum receptor
31 location over a 70-year lifetime of exposure. In other words, a person living at
32 the maximum residential receptor location for 70 years would have an additional
33 11-in-a-million chance of contracting cancer because of the proposed Project.
34 This result does not represent the number of deaths, the number of cancer cases,
35 or the chance of death. It represents the additional *chance* of contracting cancer
36 for a person living at the maximum receptor location for 70 years. The chance of
37 contracting cancer for a person living at a residence other than the maximum
38 receptor location would be less than 11 in a million. Similarly, the chance of
39 contracting cancer for a person living at the maximum receptor location for less
40 than 70 years would be less than 11 in a million.
- 41 **52-47** The comment is noted. Both the Port of Los Angeles and the port of Long Beach
42 have approved the CAAP (described in Section 1.6.2.1 of the Recirculated Draft
43 EIS/EIR, which is intended to reduce Port-wide emissions. The CAAP will
44 reduce air pollutants that generate both acidic and toxic compounds, include
45 emissions of NO_x, SO_x, and DPM. Future projects in the Port, including new
46 terminals and modernization of existing terminals, would be consistent with the
47 CAAP. It should be noted that the CAAP is a nonbinding plan containing several

- 1 policies and implementation strategies, one of which is incorporating mitigation
2 measures into terminal leases. The response to Comment 1-10 provides
3 additional information on implementation of the CAAP.
- 4 **52-48** Comment noted. Please refer to response to Comment 52-46 for a proper
5 interpretation of the HRA results for the proposed Project in Section 3.2 of the
6 Recirculated Draft EIS/EIR.
- 7 **52-49** The comment is noted. The Port is committed to improving air quality
8 throughout the Port, and the CAAP represents an important step in accomplishing
9 that goal. The Port also recognizes the importance of job creation in the area and
10 region.
- 11 **52-50** The Port appreciates the suggestion. It should be noted that neither the proposed
12 Project nor the alternatives would result in significant environmental impacts that
13 could be mitigated by the recommended courtesy room and cultural exchange.
- 14 **52-51** The comment provides only a general reference to two mitigation proposals
15 concerning Wilmington and San Pedro but does not provide or describe any
16 project-specific mitigation. The Port recognizes that there have been numerous
17 environmental documents released for various Port projects. Chapter 4 of the
18 Recirculated Draft EIS/EIR for the proposed Project identifies the planned
19 related projects (see Table 4-1) and evaluates the anticipated cumulative impacts.
20 The commenter's opposition to the proposed Project is noted.
- 21 **52-52** The comment is noted. Please see the response to Comment 21-43.
- 22 **52-53** Regarding the suggestion for a federal quiet zone for San Pedro and Wilmington,
23 the noise environment in these City communities is a function of the land uses in
24 the area and is subject to local jurisdiction. The establishment of a federally
25 controlled quiet zone for these communities, therefore, is not appropriate.
26 Regarding noise from terminal operations, please see the responses to
27 Comments 46-42, 46-47, and 46-48. It should be noted that equipment lights are
28 highly directional, whereas the sound from horns are not. Because of this, the
29 flashing of equipment lights cannot substitute for the use of horns when safety is
30 a concern.
- 31 **52-54** The comment is noted. Please see the response to Comment 46-21.
- 32 **52-55** As a point of clarification, all waterfront property in the vicinity is located on
33 Port lands within the boundaries of the Port. Although residents at nearby
34 locations may have had lines of sights to Inner Harbor waters, the residences are
35 not considered to be waterfront properties. The commenter's description of the
36 conditions represent the existing environmental conditions upon which the
37 Project and cumulative impacts are evaluated in the Recirculated Draft EIS/EIR.
- 38 **52-56** Please see the responses to Comments 46-1 and 46-2 regarding the comment
39 about the proximity of the Project site to the Alameda Corridor. Please see the
40 response to Comment 46-26 regarding the comment that I-110 was not built to
41 handle container terminal traffic.

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