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Environment/Preservation

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April 8, 2009

Geraldine Knatz, PhD, Executive Director
President David S. Freeman
and Members of the Board of Harbor Commissioners
Port of Los Angeles
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via email to Michael Cham, Harbor Planner and Economic Analyst
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San Pedro, CA 90731
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Subject: SEIS/SEIR Main Channel Deepening Project

Dear Directors Knatz and Appy, President Freeman, and Harbor Commissioners:

On behalf of the Los Angeles Conservancy, I am submitting these comments regarding the Final SEIS/SEIR for the Main Channel Deepening Project. As you may recall, I wrote to the Port in December 2008 regarding the inadequacy of environmental review for the then-proposed demolition of the historic Pan-Pacific Fisheries Cannery Buildings. The Conservancy is now concerned that the proposed infill of two slipways at the Southwest Marine Shipyard will nullify the site's historic function as a shipbuilding and repair facility, creating impacts on historic resources and their uses that require further environmental review and the adoption of feasible alternatives.

In particular, the Conservancy has the following comments:

1. Artificial division of the shipyard into three parcels precludes consideration of project impacts on the historic district.

The two slipways slated for infill have been artificially split away from the Southwest Marine Shipyard complex and renamed Berths 243-245 specifically for this SEIS/SEIR. This contrivance improperly limits the scope of environmental review to evaluate potential impacts on the slipways themselves rather than the historic shipyard complex as a whole.

The Harbor Commission has taken no official action to subdivide the property and should not draw new boundaries simply for the purposes of this project review and approval. Although the entire Southwest Marine Shipyard has been known as Berth 240 since its inception, the SEIS/SEIR for the Main Channel Deepening Project arbitrarily divides the site into three separate berths – Berth 240 (historic buildings) and Berths 243-245 (slipways). As recently as September 2006, the Draft EIR for the Southwest Marine Demolition Project included the slipways within the boundaries of Berth 240 and the historic district;¹ to this day, the Port's online map of Berth 240 identifies both slipways as part of the shipyard, with no mention of Berths 243-245.² Please correct this artificial division in the SEIS/SEIR.

2. The slipways are within the boundaries of the historic district and are integral to the shipyard's historic uses.

The Southwest Marine Shipyard, including the slipways proposed to be filled with contaminated dredge spoils, is the last remaining link to Terminal Island's significant role in the World War II emergency shipbuilding program. The original shipyard infrastructure is remarkably intact today, with 13 of the 16 buildings deemed eligible for the National Register, including everything from the original hospital building and warehouses to a transformer shed and machine shops used during WWII emergency shipbuilding operations. There are also six pre-1945 gantry cranes that contribute to the significance of the historic district.

A comparable collection of shipyard buildings and waterside features can

¹ See www.portoflosangeles.org/EIR/SWM/DEIR/deir_swm.asp, at 3.4-8.

² See www.laporthistory.org/images/Berth240/240sitephoto.html.

be found at Bethlehem Steel's sister facility at Pier 70 in San Francisco, which is slated for reuse by the Port of San Francisco. The State Office of Historic Preservation has determined that the site's approximately 30 historic buildings, structures, and waterside features are eligible for the National Register collectively as contributors to a Pier 70 historic district. It is particularly noteworthy that the Pier 70 historic district includes altered and filled-in slipways within its boundaries, albeit as non-contributing elements. The inclusion of the Pier 70 slipways and other waterside features within district boundaries, despite major alterations after the period of significance, is in recognition of their integral role in the site's overall historic context: "Pier 70's unique qualities go beyond the diverse architectural character of the individual buildings. The relationship of buildings and spaces to the Bay and the pattern of slipways, dry docks and piers underline the maritime significance of the complex."³ Certainly, the same is true for Pier 70's sister facility on Terminal Island at the Southwest Marine Shipyard.

3. The SEIS/SEIR fails to analyze the project's adverse impacts on the shipyard's ability to continue its historic function, contrary to the *Secretary of the Interior's Standards for Rehabilitation*.

Despite being modified in 1959, the remain essential to maintaining the site's historic uses as a shipbuilding and repair facility.⁴ (Because the modifications were now made fifty years ago, the period of significance for the Southwest Marine Shipyard should be reevaluated to determine if it should be revised to include Cold War-related activities, including Bethlehem's Cold War improvement program. See www.laporthistory.org/level3/berth_2403.html.) The potential adverse impacts of filling the slipways must be considered as part of the

³ Informational briefing on the status of the Pier 70 Master Planning Process to San Francisco Port Commission, August 7, 2008.

⁴ Although the Final SEIS/SEIR states, "The USACE has determined that the wharves at Berths 243-245...no longer retain integrity from their period of significance and are not contributors to the Southwest Marine National Register of Historic Places district and that use of the berths as a disposal site...would not have an adverse effect on the district," the State Office of Historic Preservation has not concurred with this finding. Nor does the Final SEIS/SEIR include the "updated memorandum from [Jones] & [Stokes]" referenced in the letter from the Corps to the State Historic Preservation Officer initiating Section 106 consultation, dated March 16, 2009.

proposed Main Channel Deepening Project in the SEIS/SEIR. If the slipways are filled in, the proposed project will foreclose opportunities to return the former Southwest Marine Shipyard to its historic use as a shipbuilding and/or ship repair facility.

The *Secretary of the Interior's Standards for Rehabilitation*, Standard 1, states that **"a property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships."** Filling in the slipways will not only destroy the shipyard's historic function, but will forever alter its "distinctive materials, features, spaces, and spatial relationships" that define it as a shipyard. Simply put, options for reuse of the Southwest Marine Shipyard would be severely limited without the slipways.

Although the original slipways were altered in 1959, they remain integral to the site's continued viability as a shipyard. As a result, the proposed project will have significant adverse impacts on the adjacent shipyard buildings, which have been determined eligible for the National Register of Historic Places. Those buildings will be rendered unusable for maritime-related functions, thereby hastening their abandonment and demolition. Since the Port has stated its intent to demolish the Southwest Marine Shipyard, we can only surmise that it is pursuing infill of the slips to forestall reasonable preservation alternatives for the site. The SEIS/SEIR for the Main Channel Deepening Project must consider impacts on the shipyard's historic uses and "distinctive materials, features, spaces, and spatial relationships," and evaluate alternatives that lessen or avoid such impacts. It has not yet done so.

4. The SEIS/SEIR should consider a proposal submitted by Gambol Marine Center to partially fill one of the slipways and reuse them for ship repair uses.

The Gambol proposal for reuse of the Southwest Marine Shipyard to provide much-needed ship repair facilities, among other uses, should be among the alternatives evaluated in the SEIS/SEIR. Significantly, the Gambol proposal would allow for partial infill of one slipway with 170,000 cubic yards of contaminated dredge spoils, as required for the Proposed Action. The proposal would also minimize impacts on historic resources by stipulating to maintain the

eligibility of the historic district, resuming the shipyard's historic function *and* indemnifying the Port against potential liability for contamination under the buildings.

5. The slipways at Berths 243-245 have greater capacity than needed to dispose of all the contaminated dredge spoils from the Main Channel Deepening Project, and need not be completely filled to meet objectives.

In the SEIS/SEIR, the Army Corps of Engineers estimates the available fill capacity at Berths 243-245 to be 368,000 cubic yards, not including the dredging to form the dike foundation. The EIS/EIR estimates "that the volume of contaminated sediments to be removed as part of the Proposed Action is approximately 0.08 mcy," or 80,000 cubic yards (see Section 2.3.3). In addition, the Corps estimates that 90,000 cubic yards of dredging is needed to form the dike foundation trench that would keep the dredge spoils from seeping into the channel.⁵ Thus, there is a total of 80,000 cubic yards of existing contaminated sediments to be dredged, plus 90,000 yards of newly-dredged contaminated sediments within the Southwest Marine slipways, for a total of 170,000 cubic yards of contaminated dredge spoils to be placed within Berths 243-245. This leaves an unexplained excess volume of 198,000 cubic yards of excess capacity within the slips.

6. Section 106 review should inform the SEIS/SEIR analysis.

As requested in our January 8, 2009 letter on the Draft Port Master Plan Amendment for Main Channel Deepening Project, the Los Angeles Conservancy would like to participate in the review process as a "consulting party" under Section 106 of the National Historic Preservation Act (NHPA), pursuant to 36 C.F.R. § 800.2(c)(6). Over the past two years, the Conservancy has submitted many comment letters on projects affecting historic resources at the Port, including the proposed Southwest Marine Buildings Demolition Project and the Pan-Pacific Fisheries Cannery Buildings Demolition Project. With regard to the Main Channel Deepening Project, the Conservancy is disappointed that Section 106 consultation has just recently been initiated at this late stage in the environmental review process. Certainly, the State Office of Historic Preservation is able to provide valuable guidance as to whether Berths 243-245 should be

⁵ Draft SEIS/SEIR, Table 2.4, p. 2-39.

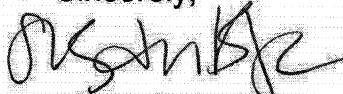
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included within the boundaries of Southwest Marine National Register-eligible historic district and in assessing the project's impacts on historic resources.

The Conservancy incorporates by reference its prior comment letters on the Pan-Pacific Fisheries Cannery Demolition Project and the Southwest Marine Buildings Demolition Project and EIR, which address many of the same legal issues and inadequacies of environmental review. If approved, these projects together would demonstrate an unlawful "pattern and practice" of needlessly demolishing historic resources without consideration of feasible alternatives and while segmenting critical project components. (See *Californians for Native Salmon and Steelhead v. Dept. of Forestry* (1990) 221 Cal.App.3d 1419 re pattern and practice.)

Thank you for your attention to these concerns regarding the inadequacy of environmental review for the Main Channel Deepening Project.

Sincerely,



Susan Brandt-Hawley

cc: Mark Beason, Staff Historian II, California Office of Historic Preservation,
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Megan Wong, US Army Corps of Engineers