14. COMMENTS AND RESPONSES ON THE DRAFT SEIS/SEIR

14.1 Comments on the Draft SEIS/SEIR

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 analysis 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 decisionmaking body.

The USACE and LAHD received 21 comment letters on the Draft SEIS/SEIR during the public review period. Table 14-1 presents a list of those agencies, organizations, and individuals who provided comment on the Draft SEIS/SEIR.

Table 14-1 Public Comments Received on the Draft SEIS/SEIR

Letter Code	Date	Individual/Organization	Page
Federal Government			
USEPA	8/29/2008	United States Environmental Protection Agency	14-3
NMFS	9/02/2008	National Marine Fisheries Service	14-15
DOI	8/25/2008	Department of Interior	14-20
State Government			
CCC	8/15/2008	California Coastal Commission	14-21
OPRSC	9/02/2008	Office of Planning and Research	14-22
Regional/Local Government			
SCAQMD	8/29/2008	South Coast Air Quality Management District	14-24
LACDRP	8/14/2008	Los Angeles County Department of Regional Planning	14-33
CRPV	8/13/2008	City of Rancho Palos Verdes, Planning , Building , & Code Enforcement	14-65
Local Organizations			
NRDC	8/29/2008	National Resources Defense Council	14-67
CBYC	8/29/2008	Cabrillo Beach Yacht Club	14-110
Business/Labor Groups			
WBOA	9/04/2008	Wilmington Boat Owners Association	14-113

Letter Code	Date	Individual/Organization	Page
San Pedro/Wilmington Community Groups			
PCAC	8/28/2008	Port of Los Angeles, Community Advisory Committee EIR/Aesthetic Mitigation Subcommittee	14-115
SPPHC	8/31/2008	San Pedro & Peninsula Homeowners Coalition	14-132
Individuals			
WM	8/06/2008	Donna Ethington	14-136
DN	8/06/2008	David Nichol	14-139
KWJM	8/29/2008	Kathleen Woodfield and John Miller	14-142
RP	8/06/2008	Robert Perel	14-150
JO	8/06/2008	John O' Connor	14-151
CS	8/06/2008	Carrie Scorrillo	14-152
KW	8/06/2008	Kathleen Woodfield	14-153
TP	8/06/2008	Tony Polltee	14-154
PH	8/06/2008	Public Hearing	14-155

14.2 Responses to Comments

In accordance with CEQA (Guidelines Section 15088) and NEPA (23 CFR Part 771), the USACE and the Port 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 analysis contained in the Draft SEIS/SEIR. In specific compliance with Section 15088(b) of the CEQA Guidelines and implementing regulations 23 CFR Part 771 of the 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 Proposed Action is provided. In each case, USACE and the Port have expended a good faith effort, supported by reasoned analysis, to respond to comments.

This section includes responses to comments at the public hearing on the Draft SEIS/SEIR and written comments received during the 45-day public review period of the Draft SEIS/SEIR. Where responses have resulted in changes to the text of the Draft SEIS/SEIR, these changes are referenced, and are illustrated in Chapter 3. A copy of each comment letter is provided with responses to each comment presented next to each comment.

Comment Set USEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

August 29, 2008

Ms. Joy Jaiswal, Chief
Ecosystem Planning Section
U.S. Army Corps of Engineers
Los Angeles District
Attn: Regulatory Division
P.O. Box 532711
Los Angeles, California 90053-2325

Subject: Draft Supplemental Environmental Impact Statement (DSEIS) for the Port of Los Angeles Channel Deepening Project (Project) in the Port of Los Angeles, California (CEQ # 20080272)

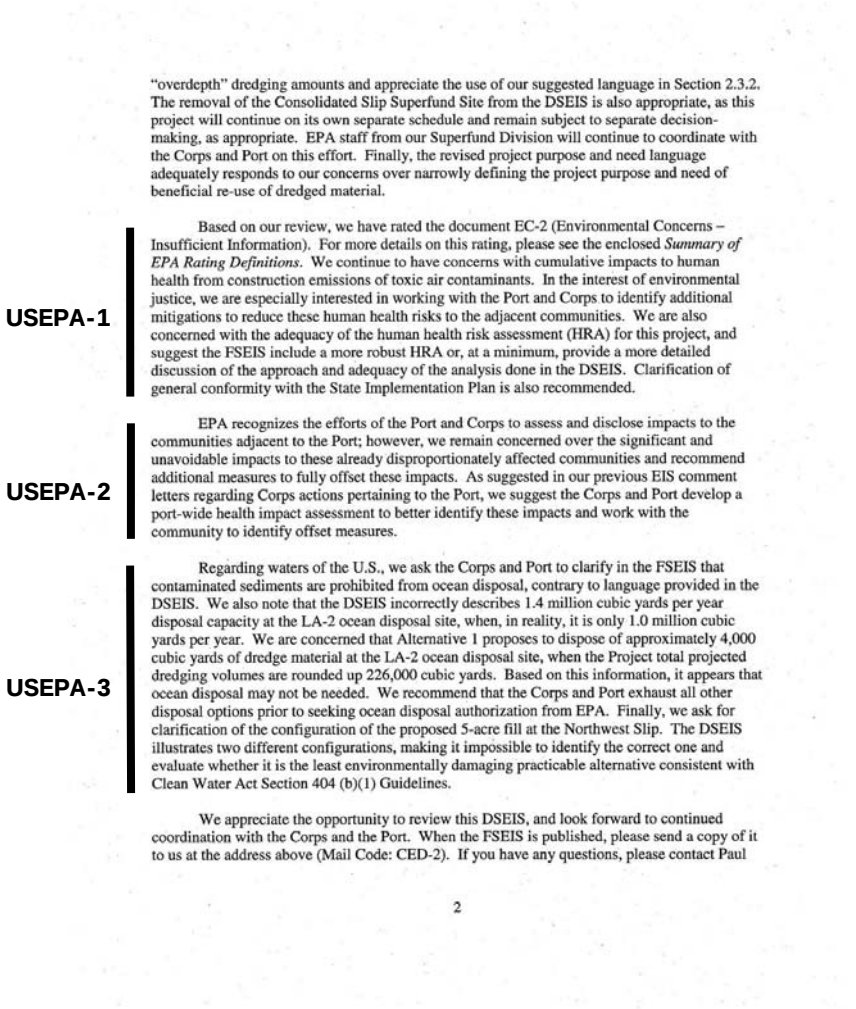
Dear Ms. Jaiswal:

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.

Over the past few years, EPA has coordinated with the U.S. Army Corps of Engineers (Corps) and Port of Los Angeles (Port) to provide our input towards the development of the Project, including our review and comments on the Administrative DSEIS. We also provided detailed scoping comments dated January 13, and November 21, 2005. We acknowledge and appreciate the effort that the Corps and Port have made to solicit our input and to incorporate our comments into this DSEIS. In particular, removal of the additional Pier 300 fill area and the tern nesting island fill has addressed our concerns regarding impacts to existing habitats from fill at these locations. We also recognize the inclusion of more appropriate language concerning

Printed on Recycled Paper

Comment Set USEPA, continued



"overdepth" dredging amounts and appreciate the use of our suggested language in Section 2.3.2. The removal of the Consolidated Slip Superfund Site from the DSEIS is also appropriate, as this project will continue on its own separate schedule and remain subject to separate decision-making, as appropriate. EPA staff from our Superfund Division will continue to coordinate with the Corps and Port on this effort. Finally, the revised project purpose and need language adequately responds to our concerns over narrowly defining the project purpose and need of beneficial re-use of dredged material.

USEPA-1

Based on our review, we have rated the document EC-2 (Environmental Concerns – Insufficient Information). For more details on this rating, please see the enclosed *Summary of EPA Rating Definitions*. We continue to have concerns with cumulative impacts to human health from construction emissions of toxic air contaminants. In the interest of environmental justice, we are especially interested in working with the Port and Corps to identify additional mitigations to reduce these human health risks to the adjacent communities. We are also concerned with the adequacy of the human health risk assessment (HRA) for this project, and suggest the FSEIS include a more robust HRA or, at a minimum, provide a more detailed discussion of the approach and adequacy of the analysis done in the DSEIS. Clarification of general conformity with the State Implementation Plan is also recommended.

USEPA-2

EPA recognizes the efforts of the Port and Corps to assess and disclose impacts to the communities adjacent to the Port; however, we remain concerned over the significant and unavoidable impacts to these already disproportionately affected communities and recommend additional measures to fully offset these impacts. As suggested in our previous EIS comment letters regarding Corps actions pertaining to the Port, we suggest the Corps and Port develop a port-wide health impact assessment to better identify these impacts and work with the community to identify offset measures.

USEPA-3

Regarding waters of the U.S., we ask the Corps and Port to clarify in the FSEIS that contaminated sediments are prohibited from ocean disposal, contrary to language provided in the DSEIS. We also note that the DSEIS incorrectly describes 1.4 million cubic yards per year disposal capacity at the LA-2 ocean disposal site, when, in reality, it is only 1.0 million cubic yards per year. We are concerned that Alternative 1 proposes to dispose of approximately 4,000 cubic yards of dredge material at the LA-2 ocean disposal site, when the Project total projected dredging volumes are rounded up 226,000 cubic yards. Based on this information, it appears that ocean disposal may not be needed. We recommend that the Corps and Port exhaust all other disposal options prior to seeking ocean disposal authorization from EPA. Finally, we ask for clarification of the configuration of the proposed 5-acre fill at the Northwest Slip. The DSEIS illustrates two different configurations, making it impossible to identify the correct one and evaluate whether it is the least environmentally damaging practicable alternative consistent with Clean Water Act Section 404 (b)(1) Guidelines.

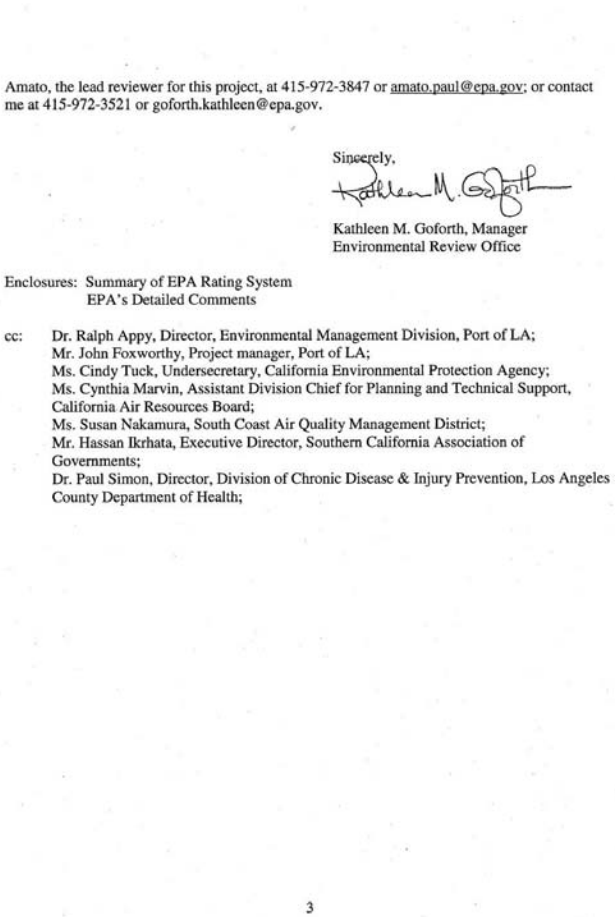
We appreciate the opportunity to review this DSEIS, and look forward to continued coordination with the Corps and the Port. When the FSEIS is published, please send a copy of it to us at the address above (Mail Code: CED-2). If you have any questions, please contact Paul

2

USEPA-1 The comment is noted. With regard to the HRA analysis, please see the response to Comment USEPA-5. With regard to conformity, Section 3.2 has been updated to include the following information. On November 30, 1993, USEPA promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered under transportation conformity. On September 14, 1994, South Coast Air Quality Management District (SCAQMD) adopted these regulations by reference as part of Rule 1901. The general conformity regulations apply to a proposed federal action in a nonattainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutants caused by the proposed action equal or exceed certain de minimis amounts, thus requiring the federal agency to make a determination of general conformity. Regardless of the proposed action's exceedance of de minimis amounts, if this total represents 10 percent or more of the area's total emissions of that pollutant, the action is considered regionally significant, and the federal agency must make a determination of general conformity. By requiring an analysis of direct and indirect emissions, USEPA intended the regulating federal agency to make sure that only those emissions that are reasonably foreseeable and that the federal agency can practicably control subject to that agency's continuing program responsibility will be addressed. The general conformity regulations incorporate a stepwise process, beginning with an applicability analysis.

According to USEPA guidance (USEPA, 1994), before any approval is given for a proposed action to go forward, the regulating federal agency must apply the applicability requirements found at 40 CFR 93.153(b) to the proposed action and/or determine the regional significance of the proposed action to evaluate whether, on a pollutant-by-pollutant basis, a determination of general conformity is required. The guidance states that the applicability analysis can be (but is not required to be) completed concurrently with any analysis required under NEPA. If the regulating

Comment Set USEPA, continued



Amato, the lead reviewer for this project, at 415-972-3847 or amato.paul@epa.gov; or contact me at 415-972-3521 or goforth.kathleen@epa.gov.

Sincerely,

Kathleen M. 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;
Mr. John Foxworthy, Project manager, Port of LA;
Ms. Cindy Tuck, Undersecretary, California Environmental Protection Agency;
Ms. Cynthia Marvin, Assistant Division Chief for Planning and Technical Support, California Air Resources Board;
Ms. Susan Nakamura, South Coast Air Quality Management District;
Mr. Hassan Ikrhata, Executive Director, Southern California Association of Governments;
Dr. Paul Simon, Director, Division of Chronic Disease & Injury Prevention, Los Angeles County Department of Health;

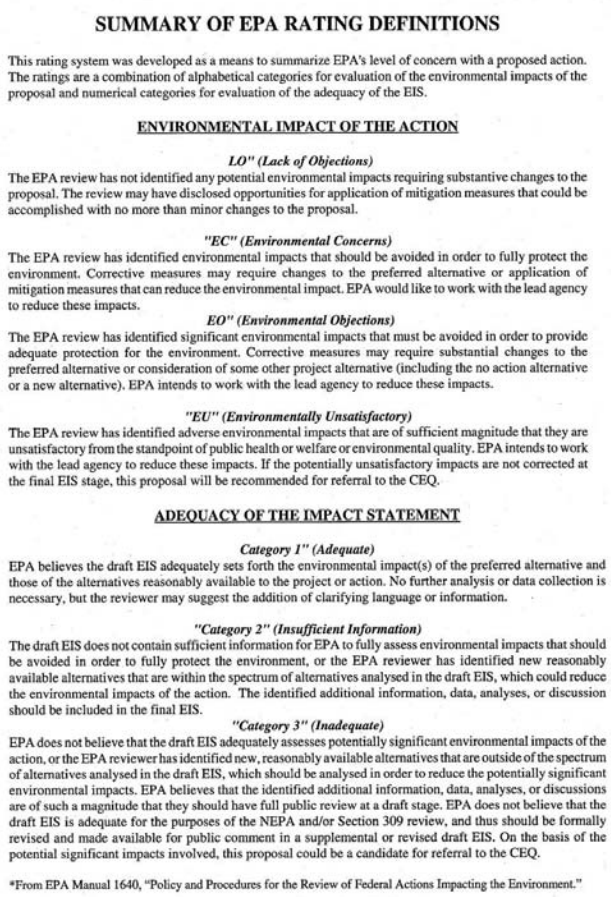
3

federal agency determines that the general conformity regulations do not apply to the proposed action, no further analysis or documentation is required. If the general conformity regulations do apply to the proposed action, the regulating federal agency must next conduct a conformity evaluation in accord with the criteria and procedures in the implementing regulations, publish a draft determination of general conformity for public review, and then publish the final determination of general conformity.

A general conformity determination will be necessary for the proposed federal action. The Draft Conformity Determination has been prepared and is included as Appendix M of this Final SEIS/SEIR, and Section 3.2.3.1 (Conformity Statement) has been updated to reflect this. The Draft Conformity Determination concludes that both Alternatives 1 and 2 would conform to the most recent federally-approved SIP.

USEPA-2 The comment suggests conducting a port-wide Health Impact Assessment (HIA). According to the World Health Organization (WHO), a Health Impact Assessment (HIA) is "*A combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population*". Recommendations are produced for decision makers and stakeholders, with the aim of maximizing the proposal's positive health effects and minimizing the negative health effects. Because the Draft SEIS/SEIR discloses the environmental impacts, including health risk impacts, of the Proposed Action, the Draft SEIS/SEIR is not required to additionally include a separate, full-blown HIA. Nevertheless the Draft SEIS/SEIR included a number of health assessment tools to accomplish many of the goals of an HIA. These tools include criteria pollutant modeling, health risk discussions, an Environmental Justice analysis, and a Socioeconomic analysis. These analyses are presented in the Final SEIS/SEIR for the Proposed Action alternatives (including the No Action Alternative), allowing the reader, and subsequently the Board and USACE (the decision makers) to compare and contrast the benefits and costs among all proposals.

Comment Set USEPA, continued



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."

The USACE and Port are committed to mitigating disproportionate effects to the extent feasible. The Port's primary means of mitigating the disproportionate effects of air quality impacts is to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the Sustainable Construction Guidelines, and the proposed CAAP San Pedro Bay [Health] Standards. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Port of Los Angeles and the Port of Long Beach that will include a quantitative estimate of health risk impacts from Diesel Particulate Matter (DPM) emissions of the Ports' overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards. The Port is also developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. GHG emissions at the Port are largely a function of diesel combustion and thereby addressing these emissions will not only help address potential climate change effects but also local health issues from diesel sources.

In addition, recently, as part of comments on the Berth 97-109 [China Shipping] Final EIS/EIR, the USEPA has approached the Port and the USACE to suggest a HIA may be more applicable in a Port-wide analysis such as through the TraPac Memorandum of Understanding (MOU) (discussed below). The Port agreed to this approach and will support such efforts. The Port will commit to working with the USEPA and the Appellant Group established by the MOU, on a Port-wide HIA as part of the MOU.

Through an MOU, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-port impacts created by Port operations. 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 examining aesthetics, light and

Comment Set USEPA, continued

ENVIRONMENTAL PROTECTION AGENCY'S DETAILED COMMENTS ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS) FOR THE CHANNEL DEEPENING PROJECT IN THE PORT OF LOS ANGELES, AUGUST 29, 2008

Air Comments

USEPA-4

Commit in the FSEIS and Record of Decision (ROD) to fully implement mitigations that will reduce health risks. The DSEIS cumulative impacts analysis describes cumulatively considerable and unavoidable contributions to health impacts within the Project region, due to toxic air contaminants (TACs) from Alternative 1 construction (p. 6-24). EPA is concerned that the Project would increase cancer risks and both chronic and acute non-cancer health impacts in the Port region. As described in the document, the South Coast Air Quality Management District's (SCAQMD) Multiple Air Toxics Exposure Study III (MATES III) estimates diesel emissions produced about 84 percent of cancer risks in the South Coast Air Basin (SCAB). California Air Resources Board (CARB) studies also found that elevated cancer risks around the ports could be attributed to port operations. The cumulative impacts analysis concludes that "there are no feasible measures that would further reduce toxic air contaminants emissions and resulting health impacts from construction of Alternative 1." While we recognize efforts of the Port to reduce construction emissions from the Project, we remain concerned with cumulative impacts to human health resulting from Alternative 1. The Corps and Port should work with EPA, CARB, and the SCAQMD to identify additional measures to reduce construction emissions and further reduce human health impacts in the port region.

Recommendation:
The Port and Corps should commit, in the FSEIS, to working with EPA, CARB, and SCAQMD to identify additional measures to reduce construction emissions and further reduce human health impacts in the port region.

USEPA-5

The FEIS should include a more robust Health Risk Assessment (HRA) or clarify why the assessment in the DSEIS is adequate. The DSEIS states that Alternative 1 would produce less than significant cancer risk, and less than significant chronic and acute non-cancer effects to all receptor types in the Project area (pp. 3.2-38 & 39). These results are based on multiplying the ratio of Alternative 1 construction emissions and operational emissions of the Berths 136-147 Container Terminal Project (TraPac) 1 to the results of the TraPac HRA. While we recognize that this approach may be appropriate for determining direct health risk to sensitive receptors near the TraPac Terminal, we remain concerned that impacts to sensitive receptors near other Alternative 1 activities may not be adequately accounted for. Previous Port HRAs included proximity analyses and dispersion modeling that took into account impacts to sensitive receptors exposed to project emission sources. We suggest the FSEIS include an expanded analysis and discussion of potential health risks to sensitive receptors exposed to emissions from Project construction elements beyond the TraPac Project area. At a minimum, the FSEIS should clarify why the approach taken in the DSEIS was taken and why the Port and Corps consider it an adequate HRA for cancer risk, chronic and acute non-cancer effects.

Recommendation:
The FSEIS should include a more robust HRA that includes a proximity analysis and dispersion modeling to assess emission exposure to sensitive receptors. At a minimum,

glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As discussed above, the Port will support USEPA and Appellant group efforts to complete an HIA as a way of studying off-Port impacts. The off-Port community benefits of the MOU are designed to offset cumulative effects of Port operations. While the MOU is not related to this Proposed Action and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

USEPA-3 In response to your comment, Section 2.4.2 of the SEIS/SEIR has been revised to clarify that ocean disposal of contaminated sediments is prohibited by law. Section 2.4.2 of the SEIS/SEIR has been revised to clarify that the annual disposal capacity at LA-2 is 1.0 million cubic yards (mcy). Additionally, because the Eelgrass Habitat Area has been eliminated as a disposal option under Alternative 1 of the Proposed Action, the volume of dredge material that would be disposed at LA-2 would be approximately 0.804 mcy. Additionally, Figure 2-2 has been revised to depict the correct configuration of the Northwest Slip.

USEPA-4 The Final SEIS/SEIR includes all feasible measures to mitigate health impacts from proposed construction sources. While the USACE Final SEIS discloses and discusses various construction and operational impacts and mitigation measures for the Proposed Action, most of the mitigation measures identified in the SEIS/SEIR would be implemented, maintained, and monitored by the Port of Los Angeles as the local agency with continuing program control and responsibility. The mitigation measures would be implemented as specifications in construction contracts.

Comment Set USEPA, continued

USEPA-5 Cont.

the FSEIS should clarify why this level of analysis was not considered necessary and how the DSEIS analysis adequately assesses health risk to sensitive receptors exposed to all Project emission sources.

USEPA-6

Use equipment meeting Tier 3 or greater engine standards and commit to the best available emissions control technology. Mitigation Measure AQ-2.1: Fleet Modernization for Construction Equipment commits to meeting Tier 2 emission standards and California Air Resources Board (CARB)-certified Level 3 diesel emissions control devices for construction equipment diesel engines greater than 50 horse power (p. 3.2-30). This mitigation measure would force an early turnover of existing construction equipment to lower emitting models. Tier 3 engine standards are currently available; Tier 4 will be available in the 2009-model year and should be used for Project construction equipment to the maximum extent feasible. Lacking availability of non-road construction equipment that meets Tier 3 or greater engine standards, the Corps and Port should commit to using the best available emissions control technologies on all equipment.

Recommendation:
The Corps and Port should commit in the FSEIS and ROD to using construction equipment meeting Tier 3 or greater engine standards to the maximum extent feasible, and to using the best available emissions control technologies on all equipment.

USEPA-7

Describe the likelihood that mitigation measure exceptions will occur and how this will affect air quality. Mitigation Measures AQ-2.1: Fleet Modernization for Construction Equipment, and AQ-2.2: Fleet Modernization for On-Road Trucks both include circumstances that would result in the contractor not having to meet these measures. Based on the DSEIS, the mitigated air quality assumed that both of these mitigation measures would be fully implemented. While EPA understands that there may be certain circumstances that prevent the full implementation of these measures, we remain concerned that full implementation was assumed in the air analysis without at least a qualitative discussion of the potential for anything less. Given that exceptions to these measures have been provided, it is assumed that there is some degree of potential for them to be needed.

Recommendation:
The FEIS should describe the likelihood that exceptions to Mitigations Measures AQ-2.1 and 2.2 will be needed. To the extent feasible, this should be based on experience with recent projects using similar equipment. In the event that these exceptions are likely to occur and result in greater than mitigated emission levels, the FEIS should describe what additional mitigations will be implemented to reduce construction emissions.

USEPA-8

Revise the attainment status for carbon monoxide (CO) in the SCAB. The DSEIS section on criteria pollutants incorrectly states that the SCAB is designated a serious nonattainment area for CO by the EPA (p. 3.2-5). This is followed by the correct statement that the EPA has reclassified the SCAB as an attainment area for CO. The two statements are contradictory and should be corrected to avoid confusion. The next paragraph describes California Ambient Air Quality Standards (CAAQS) and incorrectly states that the SCAB is designated severe nonattainment for CO and fails to mention that the CARB has designated the SCAB as nonattainment for $PM_{2.5}$.

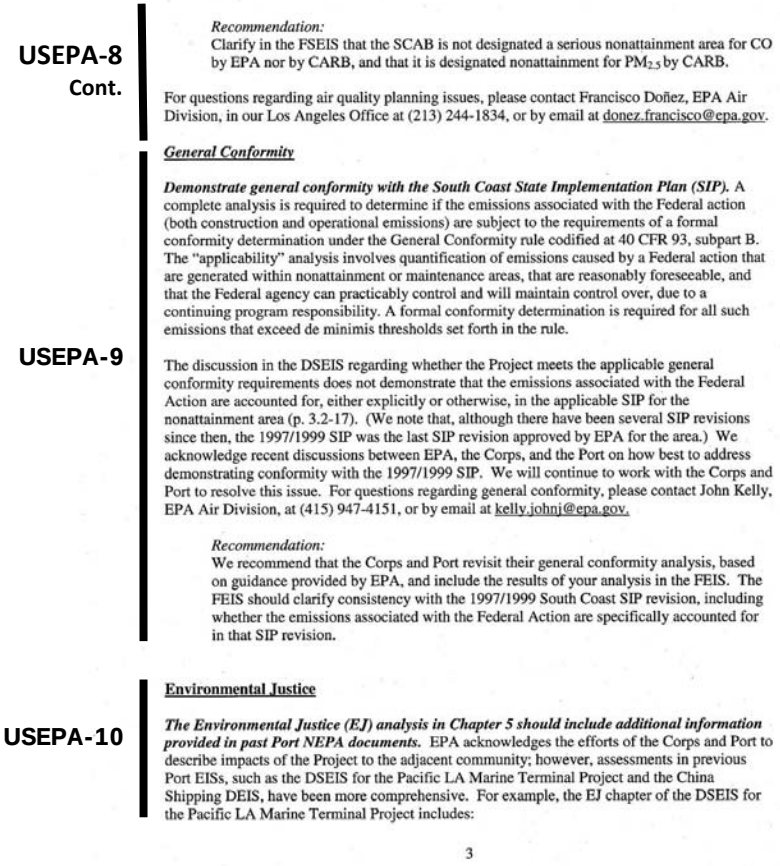
2

In addition, the Port is continually working to identify measures to reduce proposed construction emissions and human health impacts in the Port region. As such, the construction contractor will be required to submit an Environmental Compliance Plan for work completed as part of the Proposed Action. The Environmental Compliance Plan will be developed by the contractor and must:

- Identify the overall construction area
- Identify work hours and days
- Describe the overall construction scope of work
- Identify all construction equipment to be used to complete the project
- Identify all applicable mitigation measures depending on scope of work and construction equipment list
- Develop a plan to adhere to all applicable mitigation measures
- Develop a record-keeping system to track mitigation and any pertinent permits and/or verification documents such as equipment specifications, equipment logs, and receipts
- Develop a tracking system to ensure mitigation is completed within the specified plan
- Identify one lead person, plus one back-up person to be responsible for environmental compliance
- Identify additional measures, practices or project elements to further reduce environmental impacts.

The Environmental Compliance Plan must be submitted to the Port of Los Angeles and USACE for review prior to commencing construction.

Comment Set USEPA, continued



Recommendation:
Clarify in the FSEIS that the SCAB is not designated a serious nonattainment area for CO by EPA nor by CARB, and that it is designated nonattainment for $PM_{2.5}$ by CARB.

For questions regarding air quality planning issues, please contact Francisco Doñez, EPA Air Division, in our Los Angeles Office at (213) 244-1834, or by email at donez.francisco@epa.gov.

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.

The discussion in the DSEIS regarding whether the Project meets the applicable general conformity requirements does not demonstrate that the emissions associated with the Federal Action are accounted for, either explicitly or otherwise, in the applicable SIP for the nonattainment area (p. 3.2-17). (We note that, although there have been several SIP revisions since then, the 1997/1999 SIP was the last SIP revision approved by EPA for the area.) We acknowledge recent discussions between EPA, the Corps, and the Port on how best to address demonstrating conformity with the 1997/1999 SIP. We will continue to work with the Corps and Port to resolve this issue. For questions regarding general conformity, please contact John Kelly, EPA Air Division, at (415) 947-4151, or by email at kelly.johnj@epa.gov.

Recommendation:
We recommend that the Corps and Port revisit their general conformity analysis, based on guidance provided by EPA, and include the results of your analysis in the FEIS. The FEIS should clarify consistency with the 1997/1999 South Coast SIP revision, including whether the emissions associated with the Federal Action are specifically accounted for in that SIP revision.

Environmental Justice

The Environmental Justice (EJ) analysis in Chapter 5 should include additional information provided in past Port NEPA documents. EPA acknowledges the efforts of the Corps and Port to describe impacts of the Project to the adjacent community; however, assessments in previous Port EISs, such as the DSEIS for the Pacific LA Marine Terminal Project and the China Shipping DEIS, have been more comprehensive. For example, the EJ chapter of the DSEIS for the Pacific LA Marine Terminal Project includes:

3

USEPA-8 Cont.

USEPA-9

USEPA-10

USEPA-5 The discussion under impact topic AQ-5 has been revised to more clearly explain the reasoning for the HRA approach taken in the SEIS/SEIR. The Proposed Action only includes construction emissions over a two year period (spanning three calendar years) and as shown in the Table 3.2-11, total PM emissions will not exceed daily thresholds. Due to the relative short-term nature of the Proposed Action (at the Port, full HRAs have been completed for projects with 3-5 years of construction and 30 years of operation), and the low levels of PM, a full HRA was not completed for this Project. Instead, the analysis used the Berth 136-147 [TraPac] Container Terminal HRA as a surrogate to show that Proposed Action emissions would not exceed those of the TraPac Project, which was shown to be below the 10 in a million health risk threshold.

There are a few sensitive receptors that are closer to Alternative 1 sources than those evaluated for the TraPac project. Individuals that live aboard vessels in the Cabrillo Marina may be as close as 500 feet to the CSHW construction activities. However, since the magnitude and density of air emissions associated with the unmitigated CSHW construction activities are so much lower than the TraPac emissions scenario, as identified above, cancer risks produced by unmitigated Alternative 1 construction activities would be substantially less than 0.4 per million ($0.4 \times 10\text{-}6$) at any of these locations. As a result, unmitigated cancer risks produced from Alternative 1 to all receptor types would be less than significant.

With regard to the revision to the TraPac DPM emission rate used in the Project cancer risk analysis, please see the response to Comment SCAQMD-11.

USEPA-6 Per the LAHD Sustainable Construction Guidelines for Reducing Air Emissions, all off-road diesel-powered construction equipment greater than 50 hp, except derrick barges and marine vessels, shall meet Tier 2 emission off-road standards prior to December 31, 2011. Beginning January 1, 2012 to December 31, 2014, all off-road

Comment Set USEPA, continued

USEPA-10 Cont.

- Consideration of the high cost of living in Southern California and factoring that into the low income calculations (p. 5-3).
- Summary of the concerns expressed in public comments (p. 5-19).
- A table displaying a summary of EJ impacts (p. 5-43).

Recommendation:
Consistent with previous Port project EJ analyses, we recommend the Corps and Port revise the FSEIS to include factoring the high cost of living into the low income calculations, a summary of concerns expressed in public comments, and a summary table of EJ impacts.

USEPA-11

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 are other communities.[1] As discussed in EPA's *Framework for Cumulative Risk*[2] and the *National Environmental Justice Advisory Council's Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts*[3], disadvantaged, underserved, and overburdened communities are likely to come 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. Thus, certain subpopulations may be more likely to be adversely affected by a given stressor than is the general population.

Low-income and minority communities are potentially experiencing more health impacts than would be predicted using traditional risk assessments. 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. HIAs also explicitly focus on health benefits and the distribution of health impacts within a population. HIAs strive to anticipate potential impacts for decision-makers and to deliver a set of concrete recommendations targeted at minimizing health risks and maximizing benefits.[4]

A helpful resource for examples of HIAs is the Dannenberg et al (2008)[5] 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

[1] 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.

[2] Available at: http://cfpub.epa.gov/ncea/raf/recordisplay.cfm?deid=54944

[3] Available at: http://www.epa.gov/environmentaljustice/nejac/past-nejac-meet.html

[4] Bhatia, Rajiv and Wernham, Aaron. Integrating Human Health into Environmental Impact Assessment: An Unrealized Opportunity for Environmental Helth and Justice. Environmental Health Perspectives. Available on-line April 16, 2008.

[5] 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).

4

diesel-powered construction equipment greater than 50 hp, except ships and barges and marine vessels, shall meet Tier 3 emission off-road standards. Based on the current estimated construction schedule, under which construction would be completed prior to December 31, 2011, the air quality modeling analysis assumes off-road diesel-powered construction equipment would meet Tier 2 emission off-road standards. However, if construction is delayed for any reason and part or all of the construction occurs on or after January 1, 2012, the construction equipment would meet Tier 3 emission off-road standards, consistent with Port policy. As stated above, this measure would be incorporated through bid specifications in the construction contracts.

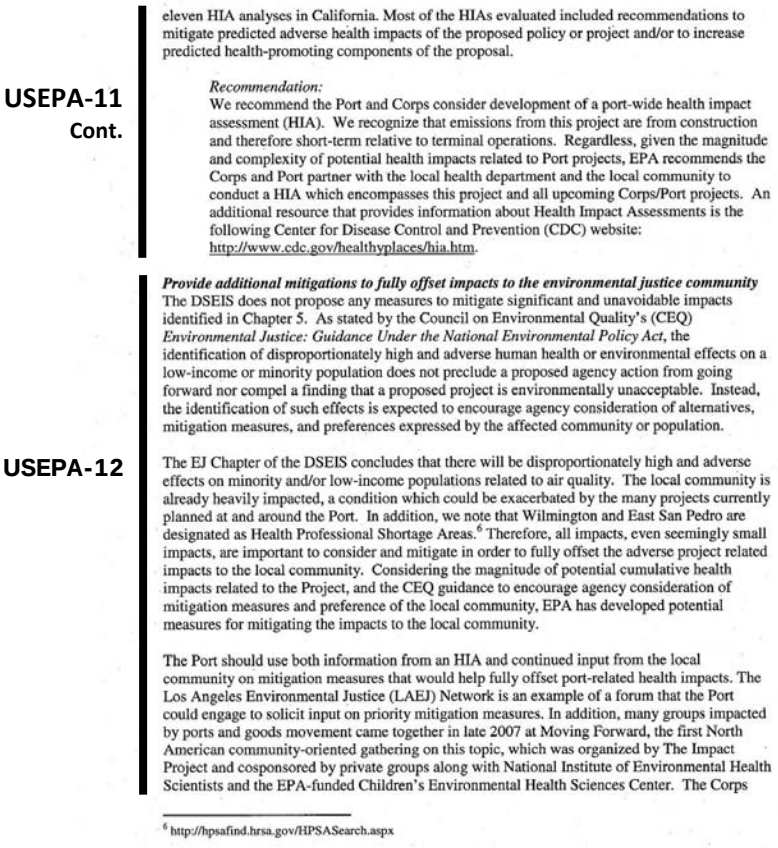
USEPA-7 The SEIS/SEIR assessed and provided emission calculations for both mitigated and unmitigated scenarios. The likelihood that exceptions included in AQ MM 2.1 and 2.2 will be applicable is quite small because the construction timeline is short (22 months) and specific equipment analyzed for the air quality modeling is currently available. All mitigation measures would become part of the Mitigation Monitoring Reporting Program which would be incorporated through bid specifications in construction contracts.

USEPA-8 In response to your comment, the SEIS/SEIR has been revised to state that the SCAB attains the NAAQS for CO and that it does not attain the NAAQS for PM2.5.

USEPA-9 The comment is noted. Please see response to comment USEPA-1.

USEPA-10 In response to your comment, the analysis for environmental justice has been revised to reflect the high cost of living in southern California. The revised analysis parallels the method used for the Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (SEIS/SEIR) for the Pacific L.A. Marine Terminal LLC Crude Oil Terminal Project. The revised analysis concludes that low income populations would be affected by both Alternative 1 (Port Development and Environmental Enhancement) and Alternative 2 (Environmental Enhancement and Ocean Disposal).

Comment Set USEPA, continued



eleven 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.

USEPA-11 Cont.

Recommendation:
We recommend the Port and Corps consider development of a port-wide health impact assessment (HIA). We recognize that emissions from this project are from construction and therefore short-term relative to terminal operations. Regardless, 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 a 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 DSEIS does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5. As stated by the Council on Environmental Quality's (CEQ) *Environmental Justice: Guidance Under the National Environmental Policy Act*, the identification of disproportionately high and adverse human health or environmental effects on a low-income or minority population does not preclude a proposed agency action from going forward nor 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.

USEPA-12

The EJ Chapter of the DSEIS concludes that there will be disproportionately high and adverse effects on minority and/or low-income populations related to air quality. The local community is already heavily impacted, a condition 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.[6] 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. 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.

The Port should use both information from an HIA and continued input from the local community on 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 the EPA-funded Children's Environmental Health Sciences Center. The Corps

[6] http://hpsafind.hrsa.gov/HPSASearch.aspx

5

The environmental justice analysis for the Pacific L.A. Marine Terminal LLC Crude Oil Terminal Project concludes that impacts to minority and low income populations would include Air Quality, Risk of Upset and Hazardous Materials, Noise and Recreation. As such, the benefit of the side-by-side impact summary table contained in the Pacific LA Marine Terminal LLC Crude Oil Terminal Project analysis is understood.

However, the environmental justice analysis presented in the Final SEIS/SEIR for the Proposed Action is limited to Air Quality because only Air Quality impacts remain significant and unavoidable. Consequently, the use of a side-by-side impact summary table does not appear to provide additional benefit because only one issue-area is addressed. It is noted, however, that Table 5-7 of the analysis lists each impact identified for each alternative, along with the significance of that impact.

A summary of public comments and concerns has been added to the end of Section 5.5 (Public Outreach). It is noted, however, that such a discussion was provided in Section 1 (Introduction) of the Draft SEIS/SEIR.

USEPA-11 The comment is noted, USEPA's suggestions are appreciated. Regarding the recommendation to perform an HIA, please see response to comment USEPA-2.

USEPA-12 The comment is noted. Regarding the recommendation to perform an HIA, please see response to comment USEPA-2. The remainder of this response addresses the individual mitigations suggested in the comment. Regarding the suggestion to engage in proactive efforts to hire local workers and the suggestion to provide public education programs, the Port has an on-going set of mechanisms to promote inclusion of small, minority, woman-owned and similar business enterprises, many of which are located in the local area, in its contracting. In addition, job training targeted to Harbor Area .

Comment Set USEPA, continued

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.

Furthermore, the Corps and Port should contact those involved with the mitigation trust fund associated with the expansion of the TraPac 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 the Corps to assist in the identification of mitigation measures to reduce the impacts on the affected communities for this and future projects.

USEPA-12 Cont.

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

- Engage in proactive efforts to hire local residents and train them to do work associated with the project 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;
- 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.

For further coordination with EPA on EJ issues, please contact Zoe Heller at (415) 972-3074 or by email at heller.zoe@epa.gov. You can also contact Steven John, Director of the Los Angeles Office at (213) 244-1804, or by email at john.steven@epa.gov.

USEPA-13

Waters of the U.S.

Clarify that ocean disposal is not an option for disposal of contaminated sediments. Section 2.3.3, Contaminated Sediments, describes the Los Angeles Contaminated Sediment Long Term Management Strategy goal of 100 percent beneficial reuse of contaminated dredged material. The document then describes ocean disposal as a last option for contaminated sediment. EPA prohibits the disposal of contaminated sediments at ocean disposal sites; therefore, the FSEIS should be revised to this effect.

6

communities is provided by economic development organizations, the City of Los Angeles, and other entities. The Port provides outreach to the community in the form of meetings with the PCAC and other community groups and individuals and provides community education information on its website, in newsletters that are available in English and Spanish, through outreach at community events and festivals, and by other means.

Related to the suggestion of establishing Environmental Management Systems, the Port has developed and is implementing an award-winning Environmental Management System (briefly summarized in Section 1.9 of the SEIS/SEIR) that improves efficiency and reduces environmental impacts from Harbor Department operations.

Related to the suggestion to improve access to healthy food by establishing markets on Port lands, most of the land administered by LAHD is zoned to allow for coastal dependent cargo transport activities and related facilities. Also, the Port is operated and managed under a State Tidelands Trust that grants local municipalities jurisdiction over ports and stipulates that activities must be related to commerce, navigation and fisheries. Thus, although some of the land administered by LAHD is zoned in such a way that it could accommodate a retail or commercial use, establishing a retail outlet or farmer's market would not be consistent with LAHD's central purpose.

Finally, related to the suggestion to continue expansion and improvements to the local community's parks and recreation system: As described above, the Port Community Mitigation Trust Fund will fund a study of off-port impacts, including recreation and other topics. In addition, the Port's proposed San Pedro Waterfront and Wilmington Waterfront projects, if approved, would provide open space, recreation and pedestrian amenities.

USEPA-13 In response to your comment, Section 2.4.2 of the SEIS/SEIR has been modified to clarify that ocean disposal is not an option for contaminated sediments.

Comment Set USEPA, continued

USEPA-13 Cont.

Recommendation:
The FSEIS should be revised to clarify that ocean disposal is not an option for contaminated sediments.

USEPA-14

The FSEIS should clearly justify the need for disposal of 4,000 cubic yards of dredging material at the LA-2 ocean disposal site. The DSEIS includes an estimate of approximately 4,000 cubic yards of dredging material to be disposed of at the LA-2 ocean disposal site (p. 2-32). We note that this amount of fill is a fraction of the 226,000 cubic yards of material accounted for by rounding up to 3.0 million cubic yards of total project dredging in Table 2-1. Based on this information, it is questionable whether ocean disposal will even be necessary for Alternative 1. Furthermore, EPA will only concur on ocean disposal once the Corps and Port have adequately demonstrated that other reuse opportunities have been exhausted. One possible option that has not been considered in this DSEIS is the Port of Long Beach Middle Harbor Project, if it proceeds with an alternative that requires additional sediment sources.

Recommendation:
The FSEIS should demonstrate that all reuse opportunities for approximately 4,000 cubic yards of material from Alternative 1 have been exhausted. The FSEIS should also mention that EPA will not approve ocean disposal until these conditions have been adequately met.

USEPA-15

The FSEIS should clarify the viable disposal options for dredging material. Section 2.4.2, Viable Disposal Options, incorrectly states that the EPA-designated LA-2 ocean disposal site can accept up to 1.4 million cubic yards of material per year. The correct annual limit on disposal at LA-2 is 1.0 million cubic yards per year (40 CFR 228.15(l), and 70 FR 53729). This section should also note that excess material from this project could, subject to EPA concurrence, also be directed to the EPA-designated LA-3 ocean disposal site off Newport Beach. Figure 2-8 should be updated to include this site.

Recommendation:
The FSEIS should be updated to clarify that LA-2 can accept up to 1.0 million cubic yards of material per year, and include LA-3 as another potential ocean dumping site.

USEPA-16

Clarify the configuration of the proposed fill at the Northwest Slip. Section 2.4.2, Viable Disposal Options, Figure 2-5 is inconsistent with other figures in the DSEIS (e.g., Fig. S-2 on p. S-7 and Fig. 2-11 on p. 2-29) regarding configuration of the 5 acres of fill proposed at Northwest Slip. Specifically, the rock dike and fill shown on Figure 2-5 appear to significantly constrict navigation into and out of the unfilled areas of Northwest Slip, including Berths 130-131. In contrast, the other figures show that the fill in Northwest Slip would result in a straight line extending from behind the tip of the existing wharf that would not further restrict the width of entry into the slip. Based on the existing information shown in the DSEIS, it is not possible to reasonably evaluate exactly what configuration is proposed for the proposed fill, nor whether it represents the least environmentally damaging practicable alternative (LEDPA) consistent with the Guidelines. The FSEIS should provide more detail on the proposed fill at Northwest Slip, including land use atop the fill that influences its shape.

7

USEPA-14 Because the Eelgrass Habitat Area has been eliminated as a disposal option under Alternative 1 of the Proposed Action, the volume of dredge material that would be disposed at LA-2 would be approximately 0.804 mcy. No other feasible opportunities for reuse of this material have been identified. As described in Section 2.4 of the SEIS/SEIR, USACE and the Port have considered multiple options for beneficial reuse of the remaining dredge material. Other beneficial reuses previously considered included using fill to: create a 40-acre expansion of the Pier 300, a 20-acre Eelgrass Restoration Area in the Seaplane Lagoon, cap contaminated sediments at the Consolidated Slip, create a 40-acre Eelgrass Habitat Area at Cabrillo Shallow Water Habitat (CSWH), create a least tern nesting island at the CSWH, raise the existing depth of the Western Channel, and to create additional land at Pier 400. However, these disposal options have been determined to be infeasible for various reasons as explained in Section 2.4.3 of the SEIS/SEIR.

USEPA-15 In response to your comment, Section 2.4.2 of the SEIS/SEIR has been revised to clarify that the annual disposal capacity at LA-2 is 1.0 million cubic yards (mcy). Additionally, LA-3 has been added as a disposal site under Alternative 2.

USEPA-16 In response to your comment, Figure 2-2 has been revised to clarify the configuration of the NW Slip fill.

Comment Set USEPA, continued

USEPA-16 Cont.

Recommendation:
The FSEIS should clarify the configuration of the proposed fill at the Northwest Slip and the contradicting figures in the DSEIS. The FSEIS should also clarify the operations that govern the correct configuration.

For questions regarding waters of the U.S., including dredging and fill issues, please contact Brian Ross, EPA Water Division, at (415) 972-3475, or by email at ross.brian@epa.gov.

USEPA-17

Alternatives

Remove references to project operations. Section 2.7.1 describes significant and unavoidable impacts of construction and operation of the alternatives (p. 2-45). This statement suggests that the Project includes operational activities and is inconsistent with the alternative descriptions and the purpose and need. The Final Supplemental Environmental Impact Statement (FSEIS) should remove any references to project operations, or clarify and adequately assess any that would occur.

Recommendation:
The FSEIS should remove any references to project operations, or clarify where they would occur.

8

USEPA-17 In response to your comment, Section 2.7.1 of the SEIS/SEIR has been revised to remove the erroneous reference to operation activities because the Project does not involve any operations.

Comment Set NMFS

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

SEP 2 2008

Colonel Thomas H. Magness, IV
U.S. Army Corps of Engineers
Los Angeles District
Environmental Resources Branch
c/o Megan Wong
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) Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR) for the Port of Los Angeles (POLA) Channel Deepening Project (Project). NMFS offers the following comments pursuant to section 305(b)(4)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), Marine Mammal and Protection Act (MMPA), and the Fish and Wildlife Coordination Act.

Proposed Project

Based upon the analysis within the SEIS/SEIR, Alternative 1 has been identified as the recommended alternative. NMFS does not object to this conclusion and focuses our comments on this alternative. Approximately 3.0 million cubic yards is expected to be dredged from channel and berthing areas. Disposal activities would result in a new 5-acre fill at the Northwest Slip, an 8-acre Confined Disposal Facility (CDF) at Berths 243-245, and approximately 50 acres of new Cabrillo Shallow Water Habitat (CSWH). An Eelgrass Habitat Area would be developed on approximately 16 acres of the proposed 50-acre CSWH and on approximately 24 acres of the existing CSWH. In addition, some material is also proposed to be disposed at the LA-2 offshore site.

The POLA proposes to offset the loss of marine habitat from the Eelgrass Habitat Area above-water portion of the containment dike, Berths 243-245 disposal site, and Northwest Slip site by using existing mitigation credits from the Bolsa Chica Mitigation Bank, in accordance with provisions of the Memorandum of Agreement (MOA) governing its use. Pursuant to the MOA, 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. Placement of fill at Berths 243-245 to create a CDF would result in a permanent loss of approximately 7.6 acres of Inner Harbor habitat. Construction of new land at the Northwest Slip would permanently remove approximately 4.8 acres of Inner Harbor habitat. The containment dike around the eelgrass habitat area would remove approximately 1.7 acres of Outer Harbor habitat. The loss of 12.4

Comment Set NMFS, continued

acres (5.0 ha) of Inner Harbor habitat from Berths 243-245 and the Northwest Slip would require 6.2 credits (acres). The loss of 1.7 acres (0.7 ha) of Outer Harbor habitat from the Eelgrass Habitat Area above-water portion of the containment dike would require no more than 2.6 Outer Harbor Bank credits.

Magnuson-Stevens Fishery Conservation and Management Act Comments

Action Area

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 the vicinity of estuarine and seagrass habitats, which are considered habitat areas 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.

General Comments

NMFS-1

In Section 1.12 describing resource agency coordination with NMFS, the SEIS/SEIR mentions that the Corps and Port would put approximately five feet of coarse grained material on top of the fine material for the CSWH Expansion Area and the Eelgrass Habitat Area. However, the construction details section for the CSWH and Eelgrass Habitat Area describes the use of a two foot coarse grained cover. The final SEIS/SEIR should resolve this discrepancy.

NMFS-2

The SEIS/SEIR describes the dredging operation by the volume of material to be dredged and the locations of dredging that remain to be completed (e.g. Figure 2-11). The final SEIS/SEIR should also quantify the area that will be impacted by the dredging operations. This quantification is necessary for evaluating the cumulative impact of multiple dredging operations within the region.

Effects of the Action

The adverse effects of dredging on EFH may include 1) direct removal/burial of organisms; 2) turbidity/siltation effects, including light attenuation from turbidity; 3) contaminant release and uptake, including nutrients, metals, and organics; 4) release of oxygen consuming substances; 5) entrainment; 6) noise disturbances; and 7) alteration to hydrodynamic regimes and physical habitat. Compliance with applicable water quality regulations and the implementation of various best management practices are expected to minimize many of the adverse impacts associated with dredging.

Adverse impacts to EFH from the introduction of fill material may include 1) loss of habitat function and 2) changes in hydrologic patterns. The total of 14.1 acres of EFH is expected to be

NMFS-1 Thank you for your comment. The discrepancy between Section 1.12 and the construction details presented in Chapter 2 have been resolved in the Final SEIS/SEIR. Section 1.12 of the SEIS/SEIR has been revised to indicate that the USACE and Port shall put a minimum of two feet of coarse grained material on top of the fine material at the CSWH Expansion Area. The Eelgrass Habitat Area has been removed from the project

NMFS-2 Approximately 68 acres of the Main Channel and 34 acres berthing areas remain to be dredged.

Comment Set NMFS, continued

permanently lost due to fill activities. As described in the project description, POLA intends to compensate for this permanent loss by using existing mitigation credits from the Bolsa Chica Mitigation Bank.

NMFS-3

Another potential project concern is the spread of the invasive alga *Caulerpa taxifolia* from project 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.

NMFS-4

POLA proposes that the increased biological value associated with the CSWH would be credited towards the POLA mitigation bank. NMFS is conceptually supportive of this approach, but believes additional monitoring is necessary to ensure that the newly created habitat is providing the expected habitat value. Sediment type and grain size are important determinants in the composition of benthic communities. Based upon an informal dive survey conducted in the vicinity of the most recently created CSWH, NMFS is concerned that the benthic sediment may be comprised of an overly high percentage of fine material, which may affect the biological value of the newly created habitat. To date, surveys of the CSWH have been limited to bathymetric surveys and have not fully characterized the sediment. In order to address this concern, POLA and the Corps have agreed to coordinate with NMFS prior to construction to develop an appropriate monitoring program.

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 and Pacific Groundfish FMPs. Therefore, pursuant to section 305(b)(4)(A) of the MSA, NMFS offers the following EFH conservation recommendations to avoid, minimize, mitigate, or otherwise offset the adverse effects to EFH.

NMFS-5

1. 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.

NMFS-6

2. As discussed at coordination meetings between NMFS, POLA, and the Corps, a monitoring program should be developed prior to construction to ensure that the newly created CSWH area will provide the expected increase in biological value. The results of

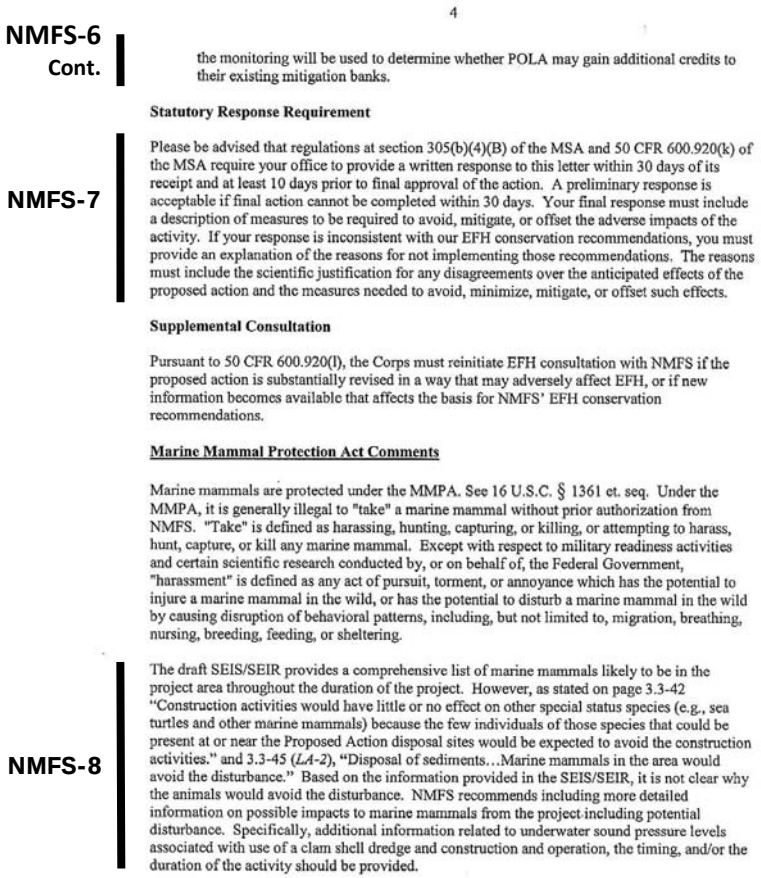
NMFS-3 As discussed in Section 3.3.2.7 of the Draft SEIS/SEIR, the Proposed Action will conform to the 2008 Caulerpa Control Protocol, which requires survey results to be submitted to NOAA and California Department of Fish and Game (CDFG) within 15 days of completion. This protocol also requires that NOAA and CDFG be notified within 24 hours if Caulerpa is identified at a permitted project site. Additionally, as described in Section 1.12 of the Final SEIS/SEIR, the USACE and POLA have agreed to perform preconstruction surveys in accordance with the Caulerpa Control Protocol (which has been included as Appendix L of the Final SEIS/SEIR).

NMFS-4 In order to address this concern, POLA and the USACE have begun to coordinate with the National Oceanic and Atmospheric Administration (NOAA) NMFS. Prior to construction of the Proposed Action, POLA and the USACE will develop an appropriate monitoring program to evaluate the success of the Cabrillo Shallow Water Habitat (CSWH) Expansion Area in increasing biological value within the harbor before any mitigation credit for this value can be obtained.

NMFS-5 As discussed in Section 3.3.2.7 of the Draft SEIS/SEIR, the Proposed Action will conform to the 2008 Caulerpa Control Protocol, which requires survey results to be submitted to NOAA and California Department of Fish and Game (CDFG) within 15 days of completion. This protocol also requires that NOAA and CDFG be notified within 24 hours if Caulerpa is identified at a permitted project site. Additionally, as described in Section 1.12 of the Final SEIS/SEIR, the USACE and POLA have agreed to perform preconstruction surveys in accordance with the Caulerpa Control Protocol (which has been included as Appendix L of the Final SEIS/SEIR).

NMFS-6 The comment is noted. Please see response to comment NMFS-4 above.

Comment Set NMFS, continued



4

NMFS-6 Cont.

the monitoring will be used to determine whether POLA may gain additional credits to their existing mitigation banks.

Statutory Response Requirement

NMFS-7

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.

Supplemental Consultation

Pursuant to 50 CFR 600.920(l), the Corps must reinitiate 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.

Marine Mammal Protection Act Comments

Marine mammals are protected under the 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.

NMFS-8

The draft SEIS/SEIR provides a comprehensive list of marine mammals likely to be in the project area throughout the duration of the project. However, as stated on page 3.3-42 "Construction activities would have little or no effect on other special status species (e.g., sea turtles and other marine mammals) because the few individuals of those species that could be present at or near the Proposed Action disposal sites would be expected to avoid the construction activities." and 3.3-45 (*LA-2*), "Disposal of sediments…Marine mammals in the area would avoid the disturbance." Based on the information provided in the SEIS/SEIR, it is not clear why the animals would avoid the disturbance. NMFS recommends including more detailed information on possible impacts to marine mammals from the project including potential disturbance. Specifically, additional information related to underwater sound pressure levels associated with use of a clam shell dredge and construction and operation, the timing, and/or the duration of the activity should be provided.

NMFS-7 The USACE provided written response to NOAA Fisheries in a letter dated March 19, 2009, which is included in Appendix J of this Final SEIS/SEIR. As discussed in Section 3.3.6.1 of the SEIS/SEIR in the discussion of Impact BIO-2, impacts of Alternative 1 to Essential Fish Habitat (EFH) would be mitigated through the use of existing mitigation credits as outlined in Mitigation Measure BIO-5. As discussed in Section 3.3.6.2 of the SEIS/SEIR in the discussion of Impact BIO-2, impacts of Alternative 1 to EFH could occur from sedimentation during disposal activities at the ARSSS would be avoided through implementation of erosion Best Management Practices required by the project's stormwater pollution prevention plan (SWPPP).

NMFS-8 The first part of the comment appears to be about the quoted statement on page 3.3-31 of the Draft SEIS/SEIR. In response to your comment, the referenced text has been clarified in the Final SEIS/SEIR to indicate that few, if any, individual marine mammals and no sea turtles would be expected near construction activities within the Harbor. As discussed in Section 3.3.6.1 under Impact BIO-1, any marine mammals present would avoid injury due to their agility and adaptation to disturbances in the Harbor. Marine mammals are expected to voluntarily move away from the area upon commencement of construction.

The statement quoted from page 3.3-45 applies to the LA-2 disposal site. The document has been revised to clarify that disposal at LA-2 would involve two barge trips per day for 200 days. A discussion of clamshell dredging noise in air on marine mammals in the Harbor (clamshell dredging would not occur outside the Harbor). Dredge equipment noise levels of 85 dBA could cause individuals near the dredging to temporarily move away due to the noise. The duration of such noise would be short, 30 days total for all three sites, and the work at each site would be in different locations and at different times.

Underwater noise from the clamshell dredging would be 150-162 dB (re 1 µPa) which is below the designated level A harassment threshold of 190 dBrms (re 1 µPa) for pinnipeds. This has been added to Section 3.3.6.1 of the Final SEIS/SEIR document as further documentation that project effects on marine mammals would be less than significant.

Comment Set NMFS, continued

5

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 associated with in-water construction 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 microPa$_{RMS}$ 190 dB re 1 microPa$_{RMS}$ 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 microPa$_{RMS}$. Harassment may occur if, for example, hauled animals flush into the water and/or move to increase their distance from dredging related activities, such as noise associated with dredging, presence of a crane barge, the presence of workers, or unfamiliar activity in proximity to the area where they are hauled out. This disturbance from acoustic and visual stimuli is the principal means of marine mammal take associated with these activities. Sudden brief noises have been shown to elicit startle reactions in some pinnipeds. Novel looming visual stimuli may induce similar startle reactions in pinnipeds. Daily engine starts and movements of the dredge bucket and vessel may induce startled and/or flight behavior in marine mammals.

NMFS-9

Based on the information provided in the SEIS/SEIR, 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. In addition, in the unlikely event of a watercraft collision with a marine mammal, officials must immediately contact the NMFS Stranding Coordinator, Mr. Joseph Cordaro at (562) 980-4017.

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

Sincerely,

for Robert S. Hoffman
Assistant Regional Administrator
for Habitat Conservation Division

NMFS-9 As noted above in response to NMFS-8 and discussed in Chapter 3.3, because construction is largely restricted to the harbor area and marine mammals are likely to avoid construction areas, collisions with a marine mammal are highly unlikely. However, in the unlikely event of a watercraft collision with a marine mammal, POLA and the USACE would contact NMFS.

Comment Set DOI

United States Department of the Interior
OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER# 08/705

Electronically

25 August 2008

Ms. Joy Jaiswal, Chief, Ecosystem Planning Section
Attn: Ms. Megan Wang
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Review of the Draft Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/SEIR), for the Port of Los Angeles Channel Deepening Project, Los Angeles County, CA

Dear Ms. Wang:

DOI-1 The Department of the Interior has received and reviewed the subject document and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC
Dr. Ralph Appy, LAHD

DOI-1 Thank you for your comment.

Comment Set CCC1

STATE OF CALIFORNIA – THE RESOURCES AGENCY
CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

Arnold Schwarzenegger, *Governor*

August 15, 2008

Josephine Axt, PhD
Chief, Planning Division
U.S. Army Corps of Engineers
ATTN: Joy Jaiswal
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Consistency Determination CD-046-08 (Completion of Channel Deepening Project, Port of Los Angeles, Los Angeles County)

Dear Dr. Axt:

CCC1-1 Pursuant to 15 CFR Section 930.41(b), I am hereby requesting the automatic 15-day extension to the 60-day time limit for Commission review of the above-referenced consistency determination. This will extend our deadline from October 13, 2008, to October 28, 2008, and allow us to complete our review of the proposed project and schedule it for the Commission's October 15-17 meeting in Ventura. Thank you for your cooperation and please contact me at (415) 904-5288 should you have any questions regarding this matter.

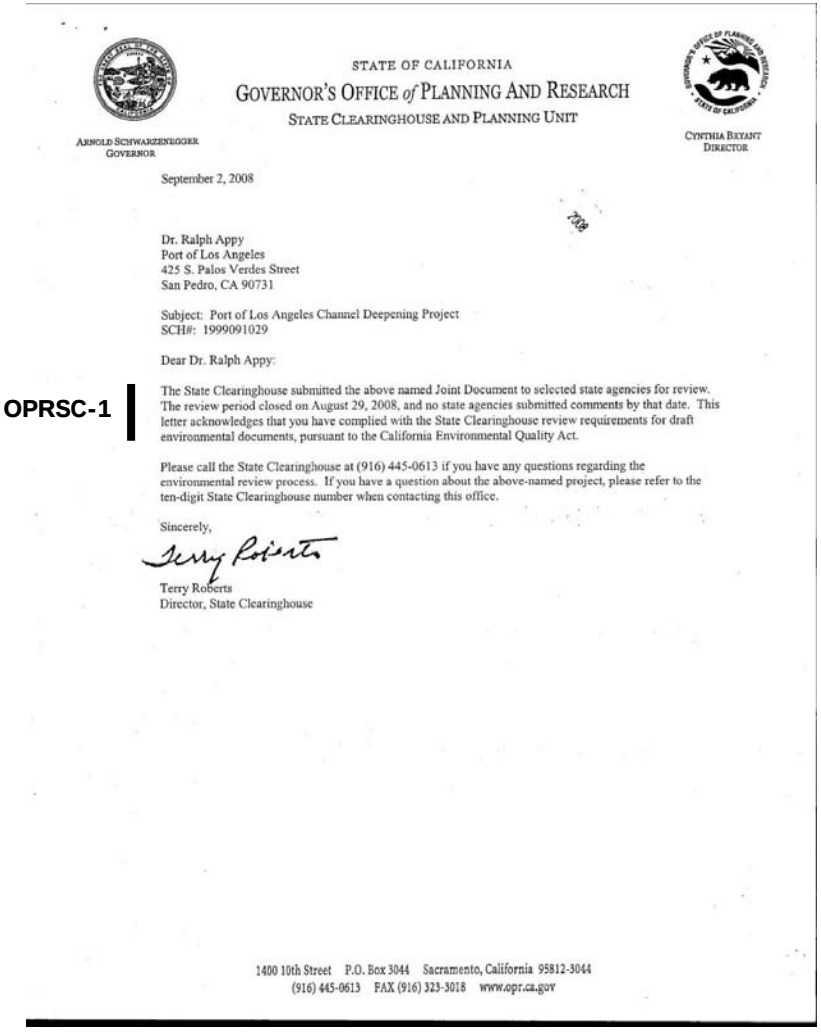
Sincerely,

Larry Simon
Federal Consistency Coordinator

cc: John Foxworthy, POLA
David Mathewson, POLA

CCC1-1 The requested extension was granted.

Comment Set OPRSC



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

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

September 2, 2008

2008

Dr. Ralph Appy
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: Port of Los Angeles Channel Deepening Project
SCH#: 1999091029

Dear Dr. Ralph Appy:

OPRSC-1 The State Clearinghouse submitted the above named Joint Document to selected state agencies for review. The review period closed on August 29, 2008, and no state agencies submitted comments by that date. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

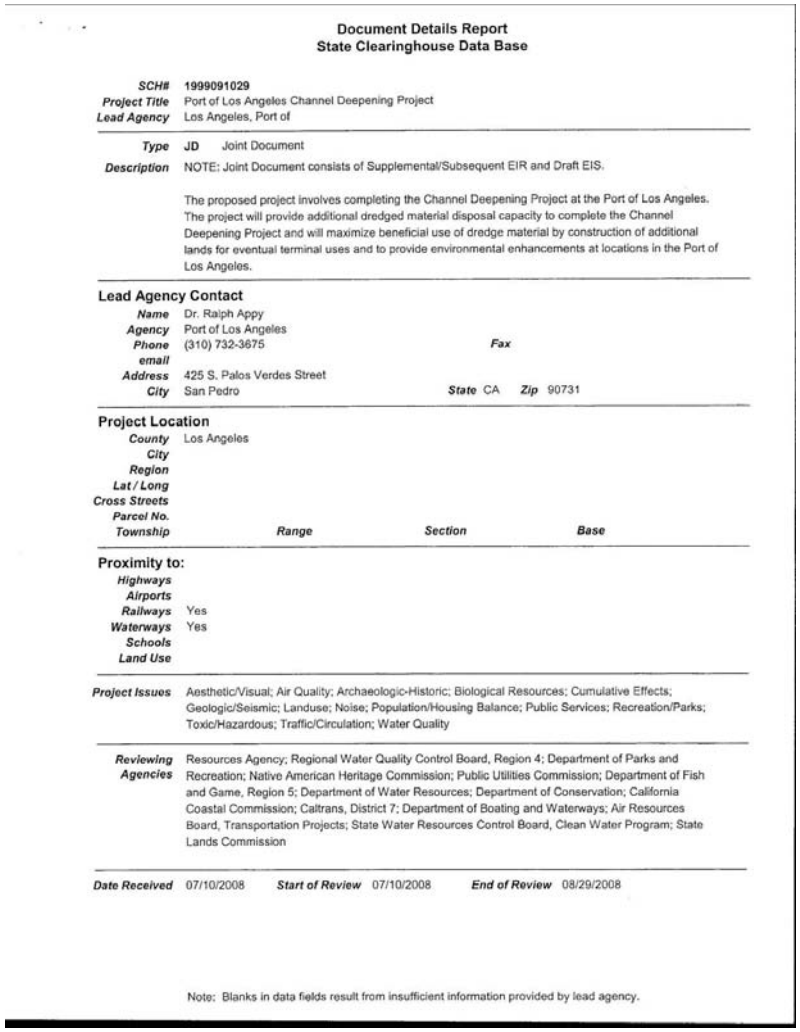
Terry Roberts

Terry Roberts
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

OPRSC-1 Thank you for your comment.

Comment Set OPRSC, continued



Document Details Report
State Clearinghouse Data Base

SCH# 1999091029
Project Title Port of Los Angeles Channel Deepening Project
Lead Agency Los Angeles, Port of

Type JD Joint Document
Description NOTE: Joint Document consists of Supplemental/Subsequent EIR and Draft EIS.

The proposed project involves completing the Channel Deepening Project at the Port of Los Angeles. The project will provide additional dredged material disposal capacity to complete the Channel Deepening Project and will maximize beneficial use of dredge material by construction of additional lands for eventual terminal uses and to provide environmental enhancements at locations in the Port of Los Angeles.

Lead Agency Contact
Name Dr. Ralph Appy
Agency Port of Los Angeles
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
Parcel No.
Township ***Range*** ***Section*** ***Base***

Proximity to:
Highways
Airports
Railways Yes
Waterways Yes
Schools
Land Use

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Geologic/Seismic; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Toxic/Hazardous; Traffic/Circulation; Water Quality

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 4; Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Fish and Game, Region 5; Department of Water Resources; Department of Conservation; California Coastal Commission; Caltrans, District 7; Department of Boating and Waterways; Air Resources Board, Transportation Projects; State Water Resources Control Board, Clean Water Program; State Lands Commission

Date Received 07/10/2008 ***Start of Review*** 07/10/2008 ***End of Review*** 08/29/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comment Set SCAQMD

South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-MAILED: August 29, 2008 August 29, 2008

U.S. Army Corps of Engineers, Los Angeles District
Environmental Resources Branch
c/o Megan Wong
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 Ms. Wong and Dr. Appy:

Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (DSEIS/SEIR) for the Port of Los Angeles Channel Deepening Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The proposed project documents several long-term beneficial effects within the Port. However, the proposed project's air quality impacts after mitigation remains significant on the surrounding harbor area communities.

As required by CEQA Guidelines §15126.4 the lead agencies must include in the SEIS/SEIR all feasible measures to avoid or substantially reduce the project's impacts below significance. The SCAQMD staff has identified additional means to feasibly strengthen mitigation measures for the proposed project in Attachment I. Examples include requiring construction equipment to meet Tier 3 NOx emission standards equipped with Level 2 or 3 CARB verified diesel emission control technology, construction on-road trucks to meet 2007 NOx emission standards, and harbor craft to meet U.S. EPA Tier 3 or cleaner marine engine emission standards.

We understand the Ports are proceeding to develop 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 emission targets for the ports, and ensure project approval is consistent with achieving those targets.

Comment Set SCAQMD, continued

Ms. Wong and Dr. Appy - 2 - August 29, 2008

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 Edward Kim at (909) 396-2323.

Sincerely,

Susan Nakamura
Planning Manager

Attachment

LAC080711-01EK
Control Number

Comment Set SCAQMD, continued

Attachment I
Additional Comments on the DSEIS/SEIR for the Port of Los Angeles Channel Deepening Project

The following includes more detailed and specific comments on the Proposed Port of Los Angeles Channel Deepening Project.

Mitigation Measures

SCAQMD-1

MM AQ-2.1: Fleet Modernization for Construction Equipment
MM AQ-2.1 requires all off-road diesel powered construction equipment greater than 50 horsepower to meet Tier 2 non-road emission standards with CARB certified Best Available Control Technology that will achieve Level 2 or 3 emissions reductions. SCAQMD staff is concerned that Tier 2 non-road emission standards are not the cleanest available construction equipment. SCAQMD staff recommends, all construction equipment be required to meet the cleanest off-road diesel emission level available, but at a minimum equipment meeting the Tier 3 NOx emission standards, and be equipped with Level 2 or 3 CARB verified diesel emission control technology. It is also recommended that these requirements apply during circumstances where a piece of compliant equipment is on order and becomes available during the time frame of construction.

SCAQMD-2

MM AQ-2.2: Fleet Modernization for On-road Trucks
MM AQ-2.2 requires all on-road heavy-duty trucks to comply with USEPA 2004 on-road emission standards for PM10 and NOx with CARB certified Best Available Control Technology that will achieve Level 3 diesel emission reductions. SCAQMD staff urges the lead agencies to require as part of this mitigation measure, use of trucks that operate on engines with the lowest certified NOx emissions levels, but must meet at a minimum the 2007 NOx emission standards. It is also recommended that these requirements apply during circumstances where a piece of compliant equipment is on order and becomes available during the time frame of construction.

SCAQMD-3

MM AQ-2.3: Electrify Dredge Equipment
MM AQ-2.3 requires all dredging equipment be electric where available. SCAQMD staff has observed that this mitigation measure is inconsistent with the commitment made in the Port of Los Angeles Construction Guidelines adopted by the Board of Harbor Commissioners in February 2008. SCAQMD staff recommends the lead agencies require all dredging equipment for the proposed project to be electric and operate on the electrical grid including all auxiliary equipment.

SCAQMD-4

MM AQ-2.4: Harbor Craft Used in Construction
MM AQ-2.4 requires harbor craft used during construction to meet U.S. EPA Tier 2 marine engine emission standards that is either category 1 or 2 marine engine. This mitigation measure does not rely on the cleanest feasible technologies. The SCAQMD staff believes that this measure should require all harbor craft used during the construction phase of the project to re-power to meet the cleanest existing marine engine emission standards or the proposed U.S. EPA Tier 3 (which are proposed to be phased-in beginning 2009) or cleaner marine engine emission standards. In addition, to the extent that harbor craft powered by engines that meet the proposed U.S. EPA Tier 4 marine engine standards are available, these harbor craft should be used.

SCAQMD-1 The comment is noted. Please see the response to comment USEPA-6 and SCAQMD-2.

SCAQMD-2 Per the LAHD Sustainable Construction Guidelines for Reducing Air Emissions, all on-road heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater shall comply with USEPA 2004 on-road emission standards for PM10 and NOx prior to December 31, 2011. Beginning January 1, 2012 on, all on-road heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater shall comply with USEPA 2007 on-road emission standards for PM10 and NOx. According to the construction schedule, construction will be completed prior to December 31, 2011. As a result, USEPA 2004 on-road emission standards have been utilized consistent with the Port's Sustainable Construction Guidelines. The Guidelines were developed based on equipment availability. The Port conducted a survey in early 2008 of construction contractors and equipment providers, including information on future equipment orders. As a result of this survey, it was found that 2007 compliant trucks would not be available in large quantities before 2012. However, as described above, the Port will encourage use of USEPA 2007 compliant trucks through the Environmental Compliance Plan required of all contractors.

The project contractor will be required to submit an Environmental Compliance Plan for work completed as part of the Proposed Action. The Environmental Compliance Plan will be developed by the contractor and must:

- Identify the overall construction area
- Identify work hours and days
- Describe the overall construction scope of work
- Identify all construction equipment to be used to complete the project
- Identify all applicable mitigation measures depending on scope of work and construction equipment list
- Develop a plan to adhere to all applicable mitigation measures
- Develop a record-keeping system to track mitigation and any pertinent permits and/or verification documents such as equipment specifications, equipment logs, and receipts
- Develop a tracking system to ensure mitigation is completed within the specified plan

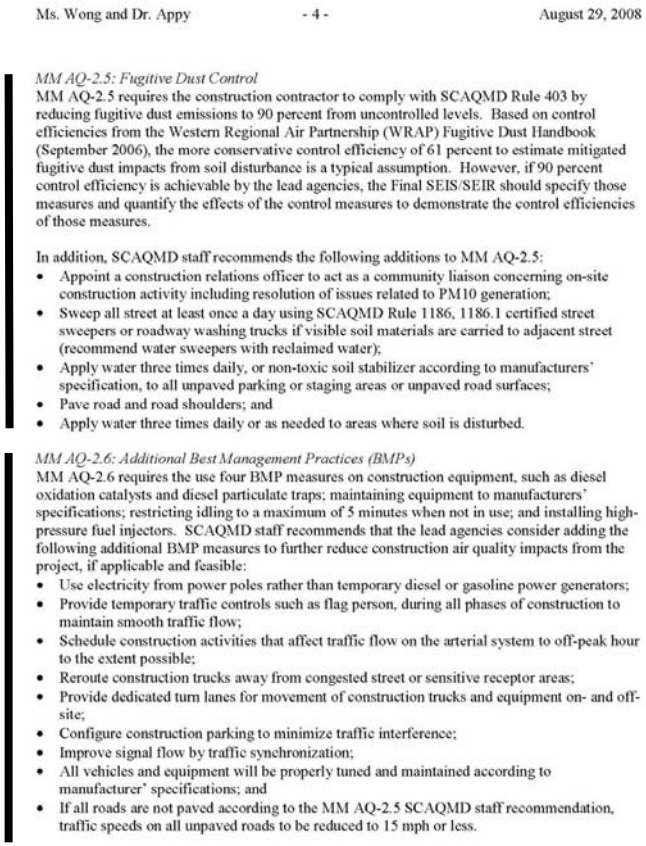
- Identify one lead person, plus one back-up person to be responsible for environmental compliance
- Identify additional measures, practices or project elements to further reduce environmental impacts

The Environmental Compliance Plan must be submitted to the Port of Los Angeles and USACE for review prior to commencing construction.

SCAQMD-3 As stated on page 3.2-22 of the Draft SEIS/SEIR, the intent of the POLA Sustainable Construction Guidelines is to implement these procedures in a practical yet aggressive manner. The practicality of electrifying all dredging equipment within the entire project area is the reason why the qualifier "where available" is included in mitigation measure (MM) AQ-2.3. Currently, there is only one company with an electric clamshell dredger. Unlike other recent Port Projects with localized dredging that could be accomplished solely with a clamshell dredger, the Channel Deepening Project will involve a greater volume of dredging using a variety of pieces of equipment. To be conservative, it was assumed that it is infeasible to electrify dredges in the outer harbor and auxiliary diesel-powered barge equipment. However, all dredging in the inner harbor could be accomplished by an electric dredge. In the case of the auxiliary diesel-powered barge equipment sources, they typically produce only about four percent of the total emissions generated from all dredge equipment, as shown in Tables C-65 through C-70 which are presented in Appendix C of the Draft SEIS/SEIR. The Port will continue to work with contractors to determine if different equipment capable of being electrified could be used for the entire Project.

SCAQMD-4 In response to your comment, MM AQ-2.4 has been revised in the Final SEIS/SEIR to state that all harbor craft used during proposed construction shall meet the USEPA Tier 2 marine engine emission standards. Additionally, where feasible and assuming such equipment is readily available, proposed harbor craft shall meet the USEPA Tier 3 (available in 2009) or cleaner marine engine emission standards. To provide a more conservative mitigated analysis, it was assumed that proposed harbor craft only would achieve the USEPA Tier 2 marine engine emission standards.

Comment Set SCAQMD, continued



Ms. Wong and Dr. Appy - 4 - August 29, 2008

MM AQ-2.5: Fugitive Dust Control
MM AQ-2.5 requires the construction contractor to comply with SCAQMD Rule 403 by reducing fugitive dust emissions to 90 percent from uncontrolled levels. Based on control efficiencies from the Western Regional Air Partnership (WRAP) Fugitive Dust Handbook (September 2006), the more conservative control efficiency of 61 percent to estimate mitigated fugitive dust impacts from soil disturbance is a typical assumption. However, if 90 percent control efficiency is achievable by the lead agencies, the Final SEIS/SEIR should specify those measures and quantify the effects of the control measures to demonstrate the control efficiencies of those measures.

SCAQMD-5

In addition, SCAQMD staff recommends the following additions to MM AQ-2.5:

- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation;
- Sweep all street at least once a day using SCAQMD Rule 1186, 1186.1 certified street sweepers or roadway washing trucks if visible soil materials are carried to adjacent street (recommend water sweepers with reclaimed water);
- Apply water three times daily, or non-toxic soil stabilizer according to manufacturers' specification, to all unpaved parking or staging areas or unpaved road surfaces;
- Pave road and road shoulders; and
- Apply water three times daily or as needed to areas where soil is disturbed.

MM AQ-2.6: Additional Best Management Practices (BMPs)
MM AQ-2.6 requires the use four BMP measures on construction equipment, such as diesel oxidation catalysts and diesel particulate traps; maintaining equipment to manufacturers' specifications; restricting idling to a maximum of 5 minutes when not in use; and installing high-pressure fuel injectors. SCAQMD staff recommends that the lead agencies consider adding the following additional BMP measures to further reduce construction air quality impacts from the project, if applicable and feasible:

SCAQMD-6

- Use electricity from power poles rather than temporary diesel or gasoline power generators;
- Provide temporary traffic controls such as flag person, during all phases of construction to maintain smooth traffic flow;
- Schedule construction activities that affect traffic flow on the arterial system to off-peak hour to the extent possible;
- Reroute construction trucks away from congested street or sensitive receptor areas;
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;
- Configure construction parking to minimize traffic interference;
- Improve signal flow by traffic synchronization;
- All vehicles and equipment will be properly tuned and maintained according to manufacturer' specifications; and
- If all roads are not paved according to the MM AQ-2.5 SCAQMD staff recommendation, traffic speeds on all unpaved roads to be reduced to 15 mph or less.

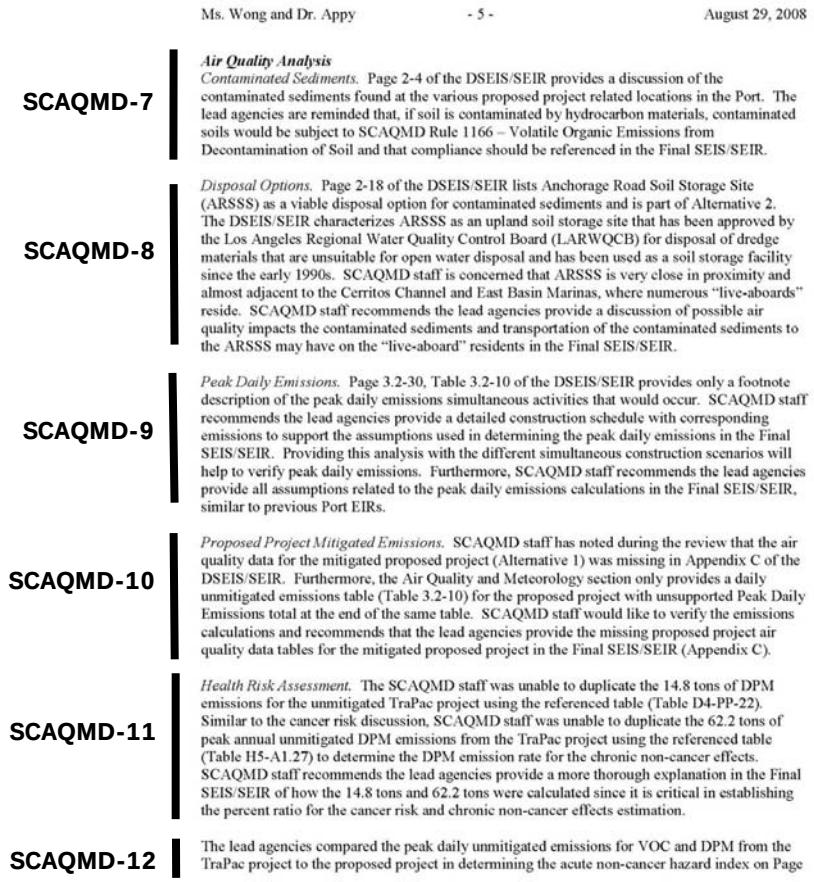
SCAQMD-5 The 90% fugitive dust control efficiency assumed in MM AQ-2.5 understates the effects of the combined dust control measures in this mitigation, as SCAQMD Rule 403 essentially prohibits emissions of fugitive dust from blowing beyond a site property line. In other words, MM AQ-2.5 essentially requires a 100% fugitive dust control efficiency. The Proposed Action construction contractor would comply with this level of fugitive dust control. MM AQ-2.5 has been revised in the Final SEIS/SEIR to include the additions requested in the comment.

SCAQMD-6 In response to your comment, MM AQ-2.6 has been revised in the Final SEIS/SEIR to include the additional Best Management Practices (BMPs) identified in the comment, as follows:

MM AQ-2.6: Additional Best Management Practices (BMPs). The following types of measures are required on construction equipment (including on-road trucks), where feasible:

1. Use of diesel oxidation catalysts and catalyzed diesel particulate traps.
2. Maintain equipment according to manufacturers' specifications.
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 on-site 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, etc.
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 off-site.
11. Use electric power in favor of diesel power where available.

Comment Set SCAQMD, continued



Ms. Wong and Dr. Appy - 5 - August 29, 2008

SCAQMD-7

Air Quality Analysis

Contaminated Sediments. Page 2-4 of the DSEIS/SEIR provides a discussion of the contaminated sediments found at the various proposed project related locations in the Port. The lead agencies are reminded that, if soil is contaminated by hydrocarbon materials, contaminated soils would be subject to SCAQMD Rule 1166 – Volatile Organic Emissions from Decontamination of Soil and that compliance should be referenced in the Final SEIS/SEIR.

SCAQMD-8

Disposal Options. Page 2-18 of the DSEIS/SEIR lists Anchorage Road Soil Storage Site (ARSSS) as a viable disposal option for contaminated sediments and is part of Alternative 2. The DSEIS/SEIR characterizes ARSSS as an upland soil storage site that has been approved by the Los Angeles Regional Water Quality Control Board (LARWQCB) for disposal of dredge materials that are unsuitable for open water disposal and has been used as a soil storage facility since the early 1990s. SCAQMD staff is concerned that ARSSS is very close in proximity and almost adjacent to the Cerritos Channel and East Basin Marinas, where numerous "live-aboards" reside. SCAQMD staff recommends the lead agencies provide a discussion of possible air quality impacts the contaminated sediments and transportation of the contaminated sediments to the ARSSS may have on the "live-aboard" residents in the Final SEIS/SEIR.

SCAQMD-9

Peak Daily Emissions. Page 3.2-30, Table 3.2-10 of the DSEIS/SEIR provides only a footnote description of the peak daily emissions simultaneous activities that would occur. SCAQMD staff recommends the lead agencies provide a detailed construction schedule with corresponding emissions to support the assumptions used in determining the peak daily emissions in the Final SEIS/SEIR. Providing this analysis with the different simultaneous construction scenarios will help to verify peak daily emissions. Furthermore, SCAQMD staff recommends the lead agencies provide all assumptions related to the peak daily emissions calculations in the Final SEIS/SEIR, similar to previous Port EIRs.

SCAQMD-10

Proposed Project Mitigated Emissions. SCAQMD staff has noted during the review that the air quality data for the mitigated proposed project (Alternative 1) was missing in Appendix C of the DSEIS/SEIR. Furthermore, the Air Quality and Meteorology section only provides a daily unmitigated emissions table (Table 3.2-10) for the proposed project with unsupported Peak Daily Emissions total at the end of the same table. SCAQMD staff would like to verify the emissions calculations and recommends that the lead agencies provide the missing proposed project air quality data tables for the mitigated proposed project in the Final SEIS/SEIR (Appendix C).

SCAQMD-11

Health Risk Assessment. The SCAQMD staff was unable to duplicate the 14.8 tons of DPM emissions for the unmitigated TraPac project using the referenced table (Table D4-PP-22). Similar to the cancer risk discussion, SCAQMD staff was unable to duplicate the 62.2 tons of peak annual unmitigated DPM emissions from the TraPac project using the referenced table (Table H5-A1.27) to determine the DPM emission rate for the chronic non-cancer effects. SCAQMD staff recommends the lead agencies provide a more thorough explanation in the Final SEIS/SEIR of how the 14.8 tons and 62.2 tons were calculated since it is critical in establishing the percent ratio for the cancer risk and chronic non-cancer effects estimation.

SCAQMD-12

The lead agencies compared the peak daily unmitigated emissions for VOC and DPM from the TraPac project to the proposed project in determining the acute non-cancer hazard index on Page

SCAQMD-7 The highest concentration of a volatile organic compounds (VOC) detected in material that would be dredged as part of the Proposed Action was 226 micrograms/kilogram (µg/kg), or 226 parts per billion (ppb), of benzo(b)fluoranthene (Kinnetic Labs & Fugro, 2007). According to SCAQMD Rule 1166, VOC contaminated soil is a soil which registers a concentration of 50 parts per million (ppm; or 50,000 ppb) or greater of volatile organic compounds. The concentration of 226 µg/kg is well below 50 ppm, therefore project-related dredge material would not be subject to Rule 1166.

SCAQMD-8 The Port has conducted environmental analyses of the Anchorage Road Soil Storage Site (ARSSS) to (1) assess the presence of contaminants in soil, sediment, and air samples from the site and (2) evaluate potential health effects of these contaminants to surrounding receptors by comparing concentrations to regulatory standards through use of a health risk assessment (HRA) (Tetra Tech 2006).

Sampling results showed that contaminant concentrations are sufficiently low and, in most cases, comparable to those found at residential sites based on the facts that a majority of the contaminants are below the residential Preliminary Remediation Goals (PRGs), California Human Health Screening Levels (CHHSLs), or regional background concentrations; with the exception of PAHs. Although most of the samples (18/20) had benzo(a)pyrene toxicity equivalent [B(a)P TE] values greater than the residential PRG and CHHSL, only less than one sixth (1/6) of the sample population exceeded the Southern California background concentrations of 0.24 mg/kg for B(a)P. Therefore, it is unlikely that the soil and dredged sediment at the ARSSS will cause any adverse health effects to onsite workers, who represent the most potentially at risk group, because workers are in closest contact to the soil and/or dredged sediment. Additionally, none of the contaminant concentrations in the soils and sediments exceeded the federal and state regulated hazardous waste levels.

The HRA was based upon air samples collected at the site to determine health impacts for the detected pollutants of endosulfan, PAHs and VOCs, regardless of whether they were detected in the soil/sediment samples. The HRA was conducted in accordance with SCAQMD risk

assessment methodologies to determine cancer risk and chronic and acute non-cancer effects to the surrounding population. The HRA predicted that these effects from the facility would be below all SCAQMD significance thresholds. A subsequent sampling and analysis effort in 2008 were consistent with these results (Tetra Tech 2008).

The air sampling program at the ARSSS identified levels of PM10 that exceeded the SCAQMD Rule 403 PM10 criterion of 50 $\mu g/m^3$. Ergo, the environmental assessment made the following recommendations, which have been adopted into this Final SEIS/SEIR under MM AQ-2.6:

1. To further reduce the risk of chemical exposure to nearby receptors, the Port should develop and implement more effective dust control measures at the ARSSS; particularly for future dredge disposal operations when the site is subject to the most vehicle traffic.

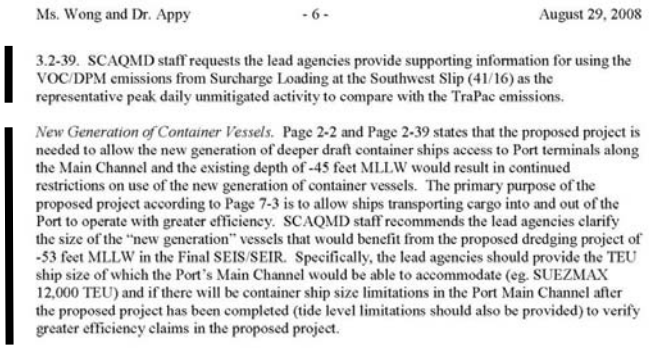
2. The Port should monitor for airborne pollutants and dust during periods of dredged material disposal operations to assess the effectiveness of dust control measures and whether additional remedies will be needed for the protection of the environment and public health.

SCAQMD-9 As stated on page 3.2-29 of the Draft SEIS/SEIR, Appendix F includes the proposed construction schedules, which show bar chart time lines for each proposed construction activity. Daily emissions estimated for each activity, as presented in Appendix C, were applied to these data to identify maximum daily emissions. In response to your comment, the discussion of Impact AQ-2 has been revised in the Final SEIS/SEIR to more clearly explain the method used to identify peak daily emissions.

SCAQMD-10 Thank you for your comment. The emission calculations for the mitigated Alternative 1 were inadvertently omitted from Appendix C of the Draft SEIS/SEIR. The Final SEIS/SEIR includes these data. The discussion for Impact AQ-2 presented in the Final SEIS/SEIR also includes separate tabulations of unmitigated and mitigated emissions due to the construction of Alternatives 1 and 2.

SCAQMD-11 Thank you for your comment. The Draft SEIS/SEIR erroneously identified the pounds per hour DPM emission rate for the

Comment Set SCAQMD, continued



Ms. Wong and Dr. Appy - 6 - August 29, 2008

SCAQMD-12 Cont.

3.2-39. SCAQMD staff requests the lead agencies provide supporting information for using the VOC/DPM emissions from Surcharge Loading at the Southwest Slip (41/16) as the representative peak daily unmitigated activity to compare with the TraPac emissions.

SCAQMD-13

New Generation of Container Vessels. Page 2-2 and Page 2-39 states that the proposed project is needed to allow the new generation of deeper draft container ships access to Port terminals along the Main Channel and the existing depth of -45 feet MLLW would result in continued restrictions on use of the new generation of container vessels. The primary purpose of the proposed project according to Page 7-3 is to allow ships transporting cargo into and out of the Port to operate with greater efficiency. SCAQMD staff recommends the lead agencies clarify the size of the "new generation" vessels that would benefit from the proposed dredging project of -53 feet MLLW in the Final SEIS/SEIR. Specifically, the lead agencies should provide the TEU ship size of which the Port's Main Channel would be able to accommodate (eg. SUEZMAX 12,000 TEU) and if there will be container ship size limitations in the Port Main Channel after the proposed project has been completed (tide level limitations should also be provided) to verify greater efficiency claims in the proposed project.

in-harbor and near-terminal TraPac sources, rather than the tons per year emission rate. The annual emission rate, as summed in Table D4-PP-22 of Appendix D4 of the TraPac FEIS/EIR is 64.7 tons of DPM and not 14.8, meaning that the cancer risk estimated for the Channel Deepening Project is lower than that identified in the Draft SEIS/SEIR. This error has been corrected in the Final SEIS/SEIR. Table H5-A1.27 in Appendix D2 of the TraPac FEIS/EIR shows the annual DPM emissions by source type used in the chronic non-cancer analysis for that project. The use of these emissions for this analysis has been clarified in the Final SEIS/SEIR.

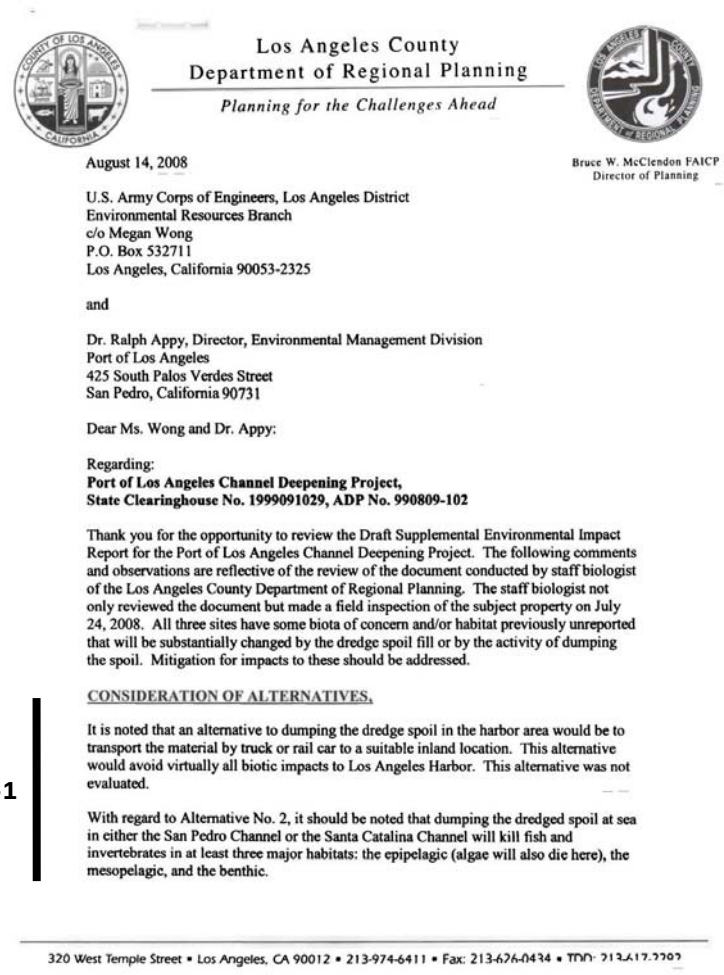
SCAQMD-12 To evaluate acute non-cancer effects of the Proposed Action, the Draft SEIS/SEIR focused on a single construction activity with the densest amount of emissions. This approach was taken to compare Project emissions to a similar scenario used in the evaluation of acute non-cancer effects from the TraPac project. Emissions evaluated for the TraPac project for the most part also occurred from a dense amount of emissions generated within and adjacent to the Berths 136-147 terminal, as shown in Appendix D2 Table D2.1-PP(2010)-37 of the TraPac FEIS/EIR.

It is probable that Proposed Action emissions from unloading surcharge material at the Northwest Slip also would partially combine with emissions from surcharge loading at the Southwest Slip, as the distance between these two locations is approximately 0.8 mile. However, this activity at the Northwest Slip would only occur for three days. The combination of daily emissions from both activities would amount to 66/25 pounds of VOC/DPM. These combined VOC/DPM emissions are approximately 12 percent of the combined VOC/DPM emissions that were used to estimate acute non-cancer effects from the TraPac project. Applying this factor of 12 percent to the maximum acute non-cancer impact estimated for the TraPac project would result in a maximum unmitigated acute non-cancer hazard index impact for Alternative 1 of about 0.56, which would not exceed the significance criterion of 1.0. Therefore, unmitigated Alternative 1 would produce less than significant acute non-cancer effects. The Final SEIS/SEIR includes these clarifications.

SCAQMD-13 There is no depth limitation for ships drafting less than 48 feet. This depth, and the project depth of -53 feet MLLW, will allow for any class container ship currently in use (or production) to offload at berths within the Port of Los Angeles once terminal-specific improvements are made to wharves, following project-specific assessments in future environmental documents.

.

Comment Set LACDRP



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead

August 14, 2008

Bruce W. McClendon FAICP
Director of Planning

U.S. Army Corps of Engineers, Los Angeles District
Environmental Resources Branch
c/o Megan Wong
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, California 90731

Dear Ms. Wong and Dr. Appy:

Regarding:
Port of Los Angeles Channel Deepening Project,
State Clearinghouse No. 1999091029, ADP No. 990809-102

Thank you for the opportunity to review the Draft Supplemental Environmental Impact Report for the Port of Los Angeles Channel Deepening Project. The following comments and observations are reflective of the review of the document conducted by staff biologist of the Los Angeles County Department of Regional Planning. The staff biologist not only reviewed the document but made a field inspection of the subject property on July 24, 2008. All three sites have some biota of concern and/or habitat previously unreported that will be substantially changed by the dredge spoil fill or by the activity of dumping the spoil. Mitigation for impacts to these should be addressed.

CONSIDERATION OF ALTERNATIVES.

It is noted that an alternative to dumping the dredge spoil in the harbor area would be to transport the material by truck or rail car to a suitable inland location. This alternative would avoid virtually all biotic impacts to Los Angeles Harbor. This alternative was not evaluated.

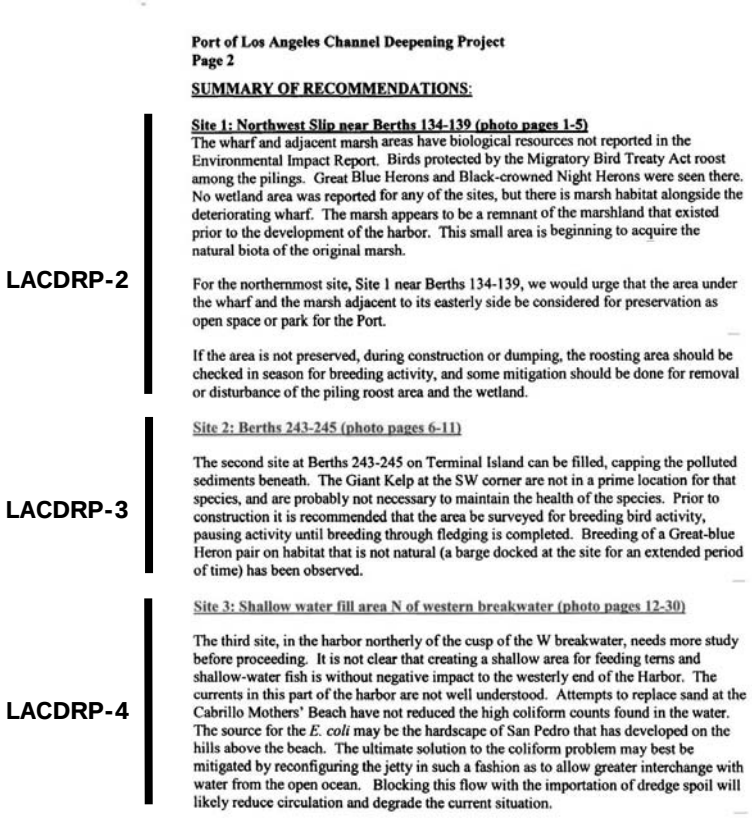
With regard to Alternative No. 2, it should be noted that dumping the dredged spoil at sea in either the San Pedro Channel or the Santa Catalina Channel will kill fish and invertebrates in at least three major habitats: the epipelagic (algae will also die here), the mesopelagic, and the benthic.

320 West Temple Street • Los Angeles, CA 90012 • 213-974-6411 • Fax: 213-626-0434 • TDD: 213-617-2292

LACDRP-1

LACDRP-1 Upland disposal outside the Port was not considered because of cost, traffic and air quality impacts related to transport. As discussed in the *Draft Environmental Impact Statement Proposed Site Designation of the LA-3 Ocean Dredged Material Disposal Site off Newport Bay, Orange County, California* prepared by USEPA and USACE in 2004, potential effects to fishes in the epipelagic and pelagic zones from disposal operations at LA-2 and LA-3 include contact with the disposal plume, altered seafloor habitat, impaired visibility and/or feeding, and a reduction and/or change in prey items. Information on effects of dredged material disposal on nearshore fishes is limited. Northern anchovy, one of the most abundant pelagic species in southern California, actively avoided clouds of sediments from Los Angeles Harbor in laboratory experiments and would presumably avoid a turbid disposal plume if possible. This is likely true of other coastal pelagic species including jack mackerel, Pacific mackerel, and Pacific sardine, which are commonly landed by the commercial fishery in areas surrounding both LA-3 and LA-2. While some organisms would likely be smothered in the benthic zone, because LA-2 is an approved disposal site that has previously been disturbed, impacts are considered to be less than significant.

Comment Set LACDRP, continued



Port of Los Angeles Channel Deepening Project
Page 2

SUMMARY OF RECOMMENDATIONS:

LACDRP-2

Site 1: Northwest Slip near Berths 134-139 (photo pages 1-5)
The wharf and adjacent marsh areas have biological resources not reported in the Environmental Impact Report. Birds protected by the Migratory Bird Treaty Act roost among the pilings. Great Blue Herons and Black-crowned Night Herons were seen there. No wetland area was reported for any of the sites, but there is marsh habitat alongside the deteriorating wharf. The marsh appears to be a remnant of the marshland that existed prior to the development of the harbor. This small area is beginning to acquire the natural biota of the original marsh.

For the northernmost site, Site 1 near Berths 134-139, we would urge that the area under the wharf and the marsh adjacent to its easterly side be considered for preservation as open space or park for the Port.

If the area is not preserved, during construction or dumping, the roosting area should be checked in season for breeding activity, and some mitigation should be done for removal or disturbance of the piling roost area and the wetland.

LACDRP-3

Site 2: Berths 243-245 (photo pages 6-11)

The second site at Berths 243-245 on Terminal Island can be filled, capping the polluted sediments beneath. The Giant Kelp at the SW corner are not in a prime location for that species, and are probably not necessary to maintain the health of the species. Prior to construction it is recommended that the area be surveyed for breeding bird activity, pausing activity until breeding through fledging is completed. Breeding of a Great-blue Heron pair on habitat that is not natural (a barge docked at the site for an extended period of time) has been observed.

LACDRP-4

Site 3: Shallow water fill area N of western breakwater (photo pages 12-30)

The third site, in the harbor northerly of the cusp of the W breakwater, needs more study before proceeding. It is not clear that creating a shallow area for feeding terns and shallow-water fish is without negative impact to the westerly end of the Harbor. The currents in this part of the harbor are not well understood. Attempts to replace sand at the Cabrillo Mothers' Beach have not reduced the high coliform counts found in the water. The source for the *E. coli* may be the hardscape of San Pedro that has developed on the hills above the beach. The ultimate solution to the coliform problem may best be mitigated by reconfiguring the jetty in such a fashion as to allow greater interchange with water from the open ocean. Blocking this flow with the importation of dredge spoil will likely reduce circulation and degrade the current situation.

LACDRP-2 In response to your comment, the presence of pickleweed, between the abandoned wharf and the concrete lined shore has been added to the Final SEIS/SEIR in Section 3.3.2.10 Wetlands and Other Special Habitats, under Wetlands. The constructed shoreline of the landfill is assumed to have been new concrete and riprap when built with no soil or soft sediment remaining. Currently, however, patches of soft sediment, that are assumed to have been deposited from storm drain runoff (large storm drain from Machado Lake area discharges in the northeast corner of Northwest Slip), are present along the shoreline. Pickleweed and several other species have colonized the deposited soft sediment patches in the basins (Weston Solutions, 2008). The area covered by pickleweed is approximately 0.042 acre (0.017 ha) in the northern basin with only one plant in the middle basin and none in the southern basin. Plant cover appears to be sparse to moderate, and high tides carry trash into this area. Concrete rubble is also present. The area supporting pickleweed meets the criteria for a USACE jurisdictional wetland, but the wetland functions of this area are minimal due to the small size and isolated location. The impacts of fill placement in this area under Alternative 1 have been addressed in Impact BIO-2 and were found to be significant but mitigable. A new mitigation measure requiring transplanting of the pickleweed to another area has been added to offset the loss of the salt marsh as follows:

Mitigation Measure BIO-4: Transplant Pickleweed. Pickleweed in areas to be filled at the Northwest Slip shall be salvaged prior to filling and replanted at a 1:1 mitigation ratio in suitable habitat in the harbor or off site. A final mitigation plan consistent with USACE habitat mitigation and monitoring guidelines will be prepared prior to permit issuance and the Record of Decision for the Proposed Action.

Additionally, although no bird breeding activity has been observed in this area previously, construction will be performed in accordance with the Migratory Bird Treaty Act. Nesting surveys would be conducted if

Comment Set LACDRP, continued

Port of Los Angeles Channel Deepening Project
Page 3

We have attached printouts of aerial photos from GoogleEarth and photographs taken at the sites of proposed dumping for dredge spoils, and these are referenced in the sections for each site above.

If you have any questions regarding this matter, please contact my staff biologist, Dr. Shirley Imsand, at (213) 974-6461 Monday through Thursday between the hours of 7:30 a.m. and 6:00 p.m. Our offices are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning

Paul D. McCarthy, Supervising Regional Planner
Impact Analysis Section

PMC:SI:si

Attachments

construction would take place during the breeding seasons (February 15 through September 1). If active nests are found, a 100-foot radius would be established around the active nests to prohibit construction activities in this area. Thus, no individuals would be lost and their populations would not be adversely affected by construction activities.

LACDRP-3 As discussed under Impact BIO-1 in Section 3.3.6.1 of the SEIS/SEIR, breeding activity has not been observed in this area. Although no bird breeding activity has been observed in this area previously, Proposed Action construction, like all other Port construction projects, will be performed in accordance with the Migratory Bird Treaty Act (MBTA). Consistent with the MBTA, if active nests are found, a 100-foot radius would be established around the active nests to prohibit construction activities in this area. Thus, no individuals would be lost and their populations would not be adversely affected by construction activities.

LACDRP-4 The water circulation study cited in the SEIS/SEIR has been prepared and reviewed by qualified engineers and is found to be acceptable *Circulation and Water Quality Modeling in Support of Deepening the Port of Los Angeles: Alternative Disposal Sites* (2008), prepared by the USACE.) This study determined that construction of the CSWH Expansion Area would not substantially affect water circulation in this area. Therefore, as discussed in the SEIS/SEIR, significant impacts related to water circulation are not anticipated and therefore mitigation addressing water circulation is not required. Please also see Response to Comment SPPHC-7.

Comment Set LACDRP, continued

LA Harbor FieldReport Page 1 of 30

PortLAberths136-139, Site 1

This GoogleEarth aerial view shows Site 1 on the Northwest Slip. The proposed dump site is the wharf running the length of the right side of the basin. The marsh areas are three green narrow linear areas on the right border of the wharf. The colored boxes are parked shipping containers.

Los Angeles City Port, San Pedro, CA
unknown date
Photo by: GoogleEarth

Comment Set LACDRP, continued

LA Harbor FieldReport Page 2 of 30

Site 1

Deteriorating pier in the fill site north of berths 136-139, Site 1.
A number of birds that are protected by the Migratory Bird Treaty Act roost among the pilings of this wharf. The water depth ranges from about 30ft. on this W side (USGS Torrance topo) to about 1 ft. on the E side. The channel (out of view to the left) is about 35 ft. according to USGS topo.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

LACDRP-5

LACDRP-5 Please see the response to comment number LACDRP-2.

Comment Set LACDRP, continued

LA Harbor FieldReport Page 3 of 30

Site 1 marsh

E side of the pier north of berths 136-139, Site 1. The vegetation at the top of the concrete retaining wall is a **mix of** introduced and native vegetation. The vegetation at **the water** edge is native Pickleweed (Salicornia virginica) with an understory of marsh vegetation, mostly native. The pools **have typical** brackish-water native algae and invertebrates **such as grapsid crabs. The protective wall covering** this side **of the pilings has barnacles and other encrusting** organisms. **This area has accumulated lots of trash.**

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

LACDRP-6

LACDRP-6 Please see the response to comment number LACDRP-2.

Comment Set LACDRP, continued

LA Harbor FieldReport

Page 4 of 30

Site 1 pool and wharf pilings

LACDRP-7

E side of the wharf north of berths 136-139 at a break in the facing wall. The pilings and rip-rap bottom rocks have encrusting oysters, sponges, and other invertebrates.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

LACDRP-7 Please see the response to comment number LACDRP-2.

Comment Set LACDRP, continued

LA Harbor FieldReport Page 5 of 30

Site 1 mud mound

E side of the pier north of berths 136-139. This mud mound is possibly made by a colony of crabs.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

LACDRP-8

LACDRP-8 Your opinion is noted. Please see the response to comment number LACDRP-2.

Comment Set LACDRP, continued

LA Harbor FieldReport Page 6 of 30

PortLAberths243-245, Site 2

This aerial view shows the dump area for dredge spoil that will cap sediments with contamination of heavy metals and toxic organic compounds. Giant Kelp (Macrocystis pyrifera) is growing in the SE corner of the shorter berth area.

Los Angeles City Port, San Pedro, CA
unknown date
Photo by: GoogleEarth

LACDRP-9

LACDRP-9 As the commenter notes in comment LACDRP-2, the southwest corner of the Berths 243-245 site is not a prime location for Giant Kelp and is not likely necessary to maintain the health of the species.

Comment Set LACDRP, continued

Site 2 memorial

Memorial to Japanese residents of Terminal Island who were relocated at the beginning of World War II. This memorial is E of berths 243-245.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

Comment Set LACDRP, continued

LA Harbor FieldReport Page 8 of 30

Site 2

Terminal Island area next to the fill site at berths 243-245, Most of area is former Southwest Marine docks. A chain-link fence protects much of the area, but there is an entry gate.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

Comment Set LACDRP, continued

LA Harbor FieldReport Page 9 of 30

Site 2

N dock at fill site of berths 243-245

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

Comment Set LACDRP, continued

LA Harbor FieldReport Page 10 of 30

Site 2

South dock at fill area of berths 243-245

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

Comment Set LACDRP, continued

LA Harbor FieldReport Page 11 of 30

Site 2

Giant Kelp (Macrocystis pyrifera) are in the SE corner of the fill site at berths 243-245. This is pretty amazing to have this alga in an interior site like this. It is usually found in open coast sites with good water flow for nutrient uptake. These individual plants had some encrusting organisms, but surprisingly few, given their location. The Cabrillo Aquarium director, Michael Schaadt remarked that it shows how successful the Port clean-up effort has been.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

LACDRP-10

LACDRP-10 Comment noted.

Comment Set LACDRP, continued

LA Harbor FieldReport Page 12 of 30

Site 3, aerial view of PortLAbreakwater

Los Angeles City Port, San Pedro, CA
unknown date
Photo by: GoogleEarth

In this GoogleEarth image of the Port of LA W breakwater, (N is at the top) one can see multiple bands of water color in the water. When one looks closer, it does not seem to be an artifact of photography. The edges of these bands look like vortices one might expect at the edges of parallel currents (sediment plumes) moving at different rates. One can see that the Cabrillo Mothers' Beach appears to be an area where sediments have settled--relatively reduced cloudiness. (Mothers' Beach is white area inside the Harbor at the W end of the breakwater.) The proposed shallow-water dump site is near the pale blue box N of the bend in the western breakwater.

LACDRP-11

LACDRP-11 Your opinion is noted. Please see response to comment number LACDRP-4.

Comment Set LACDRP, continued

Site 3, W end of Western Breakwater

Cabrillo Mothers' Beach near Cabrillo Aquarium. The palm trees in the distance are at the W end of the western breakwater of the harbor. This beach is popular: several hundred people were there when I visited on Thursday. It is more crowded on the summer weekends. The director of the Cabrillo Aquarium told me that a consistent problem for the beach is high coliform counts. It is closed at least once a year because of this problem.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

LACDRP-12

LACDRP-12 Please see response to comment number LACDRP-4.

Comment Set LACDRP, continued

LA Harbor FieldReport Page 14 of 30

Site 3, County beach

Los Angeles County beach on the seaward side of the W breakwater of Port of Los Angeles. (This area is the other side of the palm trees in the previous photo.) It always has good water quality and surf, so it is not as popular as the Cabrillo Mothers' Beach. Pt. Vicente is a short distance W of the San Pedro headland in the distance.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

LACDRP-13

LACDRP-13 Your comment is noted.

Comment Set LACDRP, continued

LA Harbor FieldReport Page 15 of 30

Site 3

Photo of the W breakwater looking E from access to Fishermen's Pier. Sand has filled in from the County beach on this ocean side of the breakwater. A groin was built into the ocean from the breakwater to facilitate sand capture for the beach. Evidently the County beach had diminished sand for a time. The Fishermen's Pier is the concrete pier extending from left of photo to about photo center.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

LACDRP-14

LACDRP-14 Your opinion is noted.

Comment Set LACDRP, continued

LA Harbor FieldReport Page 16 of 30

Site 3, Fishermen's Pier Sign

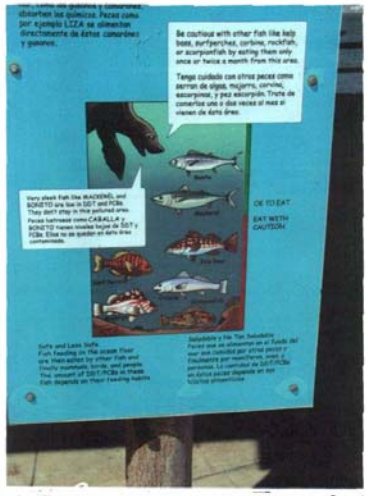
Sign on the Fishermen's Pier.. White Croaker feed chiefly or bottom organisms.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

Comment Set LACDRP, continued

LA Harbor FieldReport Page 17 of 30

Site 3, Fishermen's Pier Sign



Sign on Fishermen's Pier illustrating that bottom-feeding fish are more likely to be contaminated.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

Comment Set LACDRP, continued

LA Harbor FieldReport Page 18 of 30

Site 3, Fishermen's Pier sign

Sign on Fishermen's Pier warning about health hazards of some fish caught at the pier.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

omment Set LACDRP, continued

LA Harbor FieldReport Page 19 of 30

Site 3, Fishemen's Pier

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

LACDRP-15

There were approximately 60 fishermen on the Fishermen's Pier the Thursday afternoon I visited. I queried some about what they catch, and they reported fish typical of shallow sand bottoms (worth fishing–good to eat. The White Croaker would be too if not contaminated). Much of the Fishermen's Pier has Feather-boa Kelp (Egregia menziesii). I think this is an indication of the amount of water exchange. Macrocystis is usually found in areas with great flow–open ocean coast. Feather-boa Kelp is more tolerant of reduced flow (and shallow situations).

LACDRP-15 Your opinion is noted.

Comment Set LACDRP, continued

LA Harbor FieldReport Page 20 of 30

Site 3, western breakwater from end of Fishermen's Pier

Kelp. All of the small kelp beds inside the breakwater had accumulated a coating of trash.

Los Angeles City Port, San Pedro, CA

Imsand

Comment Set LACDRP, continued

Site 3, western breakwater

The breakwater is constructed for the most part with these flat-topped quarried rocks so that one can walk it fairly easily. I don't know if this was to promote walking or is a good design for less damage by storm wave action. There is some hiking problem with exposure to waves. One would not want to walk there with high surf. The Fishermen's Pier is on the left side of the photo.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

Comment Set LACDRP, continued

LA Harbor FieldReport

Page 22 of 30

Site 3, western breakwater

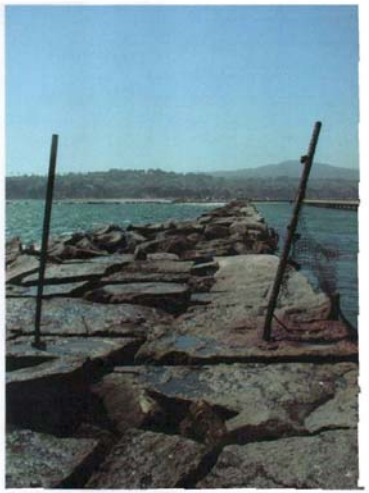
Some pools in the indentations on the flat-topped breakwater rocks have developed microhabitats of saline-tolerant algae, perhaps with concomitant invertebrate fauna also. There is a rind of salt crystals surrounding these pools.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

Comment Set LACDRP, continued

LA Harbor FieldReport Page 23 of 30

Site 3, western breakwater



This was the only erected barrier to walking the jetty, now deteriorated. (The photo is taken looking W back towards San Pedro. One can see the sand fill on the S side of the breakwater and the Fishermen's Pier on the right side of the photo.) A short distance E of this point is one of the areas in the jetty that has huge rip-rap (difficult to traverse) instead of the flat-topped quarry rocks. One can notice, however, that the flow through the rocks of the breakwater was substantially greater here than in areas closer to the W end.

Los Angeles City Port, San Pedro, CA Thursday, July 24, 200 Photo by: Shirley Imsand

file://C:\Documents and Settings\...

Comment Set LACDRP, continued

LA Harbor FieldReport Page 24 of 30

Site 3, western breakwater

One of the kelp beds E beyond the Fishermen's Pier. It also has quite a bit of accumulated trash, though it does not show well here. Gulls on the breakwater were chiefly Western Gulls, but also Heerman's Gull was common. I also saw a pair of Black Oystercatchers, many terns.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

Comment Set LACDRP, continued

LA Harbor FieldReport Page 25 of 30

Site 3, western breakwater

Some breakwater rocks were places where birds congregate. These areas had abundant mussel shell pieces (Mytilus californicus). I also saw this in the Terminal Island area, both at Site 1 (berths 136-139) and at Site 2 (berths 243-245). (Former photos happened to capture the shell litter.) I think the gulls bring mussels here (and to Terminal Island docks) from tidepool areas where they are abundant and break them up on the rocks to open them for consuming. I don't think it's all from fishermen, as the fishermen would have to bring them from a longer distance than the gulls.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

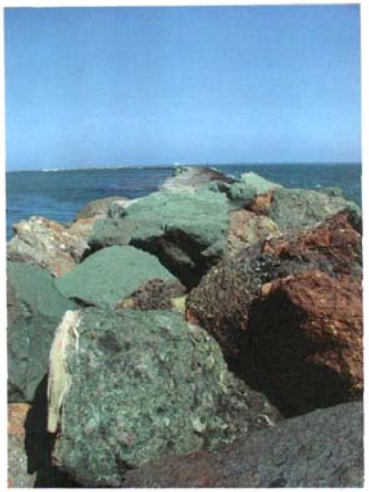
LACDRP-16

LACDRP-16 Your opinion is noted.

Comment Set LACDRP, continued

LA Harbor FieldReport Page 26 of 30

Site 3, western breakwater



This shows one of the rip-rap areas in the breakwater The boulders are often 6 ft. in diameter or larger.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

Comment Set LACDRP, continued

LA Harbor FieldReport Page 27 of 30

Site 3, western breakwater

This photo is looking N from the cusp of the breakwater towards the area where dredge fill will be placed to create a shallow-water environment for eelgrass. A small interior rock dike will be used to keep the fill in place. The currents inside the harbor are possibly not well understood. It is hard to see, but one part of the photo has water with a different, more cloudy color than the water adjacent to the breakwater. I could also see such an effect in the GoogleEarth aerial photo of this area.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

file://C:\Documents ... LS.htm

LACDRP-17

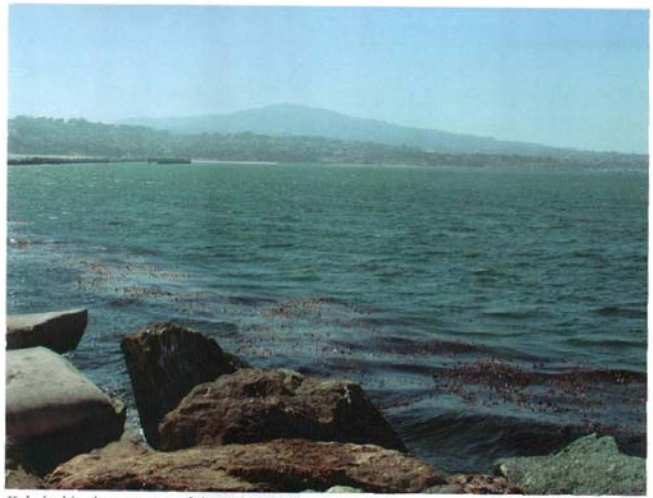
LACDRP-17 Your opinion is noted. Regarding water circulation, please see the response to comment LACDRP-4. As discussed in detail in the response to comment PCAC-7, the Eelgrass Habitat Area has been eliminated from further consideration as part of the current Proposed Action.

Comment Set LACDRP, continued

LA Harbor FieldReport

Page 28 of 30

Site 3, western breakwater



Kelp bed in the cusp area of the W breakwater, looking W towards San Pedro. All of the kelp beds E of the Fishermen's Pier were dominated by Giant Kelp (Macrocystis pyrifera), a species typical of open-water coasts. All of the kelp beds in the Fishermen's Pier area were dominated by Feather-boa Kelp (Egregia menziesii), which might indicate less circulation in that area.

Los Angeles City Port, San Pedro, CA
Thursday, July 24, 2008
Photo by: Shirley Imsand

LACDRP-18

LACDRP-18 Your opinion is noted. Please see the response to comment LACDRP-4.

Comment Set LACDRP, continued

LA Harbor FieldReport Page 29 of 30

Site 3, PortLAWBreakwaterCusp

Looking closer at the W edge of a water band from the previous photo, one can see the vortex-like structure of the sediment band at the left edge. The area near the interior wall (linear angled feature towards left center of photo) is the area proposed for shallow eelgrass bed construction.

Los Angeles City Port, San Pedro, CA
unknown date
Photo by: GoogleEarth

LACDRP-19

LACDRP-19 Your opinion is noted. Please see the response to comment LACDRP-4.

Comment Set CRPV

CITY OF RANCHO PALOS VERDES

PLANNING, BUILDING, & CODE ENFORCEMENT

13 August 2008

U.S. Army Corps of Engineers, Los Angeles Dist.
Environmental Resources Branch
% Megan Wong
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 Draft Supplemental Environmental Impact Statement/Supplemental Environmental (SEIS/SEIR) Impact Report for the Port of Los Angeles Channel Deepening Project

Dear Ms. Wong and Dr. Appy:

The City of Rancho Palos Verdes is in receipt of the Notice of Availability for the above-mentioned project. The following are our comments on the Draft SEIS/SEIR:

CRPV-1

1. With respect to Air Quality, we note that the proposed Alternative 2 (Environmental Enhancement and Ocean Disposal) appears to involve lower exposures of nearby residents to particulate matter (PM_{10} and $PM_{2.5}$) and nitrous oxides (NOx) than does Alternative 1 (Port Development and Environmental Enhancement). The increasing development within the Port of Los Angeles over the past few years has lead to deteriorating air quality for our residents, especially those who reside in the neighborhoods along Western Avenue. As such, we are inclined to support Alternative 2. However, the City of Rancho Palos Verdes is also concerned about the surface disposal of contaminated dredging spoils within the harbor area at the Anchorage Road site. Has the Port considered alternative locations for the disposal of such material that would be located further from the most populated areas near the Port? We encourage the Port to explore all feasible options before introducing this new use to the harbor area.

CRPV-2

2. With respect to Ground Transportation, we note that Alternative 2 appears to generate less off-site traffic than does Alternative 1. The City of Rancho Palos Verdes shares the concerns of many Port-area communities regarding increased traffic congestion due to Port-related activities. As such, we support Alternative 2's reduced trip generation. Also, related to our previous comments about alternative off-Port disposal sites for contaminated dredging spoils, is the use of rail transportation feasible to remove these materials from the harbor area? It seems possible to us that the use of rail rather than trucks for this purpose would both reduce traffic congestion and vehicle emissions.

30940 HAWTHORNE BLVD. / RANCHO PALOS VERDES, CA 90275-5391

CRPV-1 The ARSSS has been approved by the LARWQCB since the early 1990s for disposal of dredge materials that are unsuitable (contaminated) for open water disposal. As discussed in Section 2.4.3 of the SEIS/SEIR, the lead agencies have evaluated numerous disposal options, disposal sites, and alternatives at which to dispose such material. The disposal options and alternatives presented in the SEIS/SEIR represent the most feasible locations and methodologies available. It should be noted, and as discussed in Section 2.3.3, the dredge material being considered for ARSSS is not considered toxic under state and federal guidelines.

CRPV-2 Your opinion regarding traffic congestion is noted. With regard to rail traffic, because there is adequate capacity within the Port (including LA-2) to dispose all the material, it is therefore not feasible to transport material to upland disposal outside the Port.

Comment Set CRPV, continued

U.S. Army Corps of Engineers/Port of Los Angeles
13 August 2008
Page 2

3. As you may be aware, the Los Angeles County Sanitation Districts are considering a project to construct a new joint outfall pipeline (i.e., the "Clearwater Program"). The Sanitation Districts' existing outfall pipelines run under residential neighborhoods on the east side of our City, and the Sanitation Districts own property in Rancho Palos Verdes (currently leased to the City for use as Eastview Park) that includes access shafts for these pipelines. Among the alternatives for the construction of the new joint outfall pipelines would be the use of the Eastview Park property as a staging area for tunneling operations, a lengthy and disruptive process that would adversely affect the quality of life for nearby residents in Rancho Palos Verdes and San Pedro. However, an alternative pipeline alignment that is under consideration would place the staging area for the tunneling operations at the site of the former LAXT facility on Terminal Island (i.e., "Potential Shaft Site No. 6"). The City of Rancho Palos Verdes is supportive of this alternative because it would place the most disruptive surface elements of the construction process as far as possible from surrounding residents. However, we note that the proposed dredging in the East Basin Channel could occur in the same general location as the City's preferred joint outfall pipeline alignment. The City encourages the Port to consider the impact of the proposed channel deepening activities upon possible future tunneling activities in the area of the East Basin Channel. The City would not be supportive of project alternatives that might foreclose the possible future development of a joint outfall pipeline alignment through the harbor area. Additional information about the Sanitation Districts' Clearwater Program is available at *http://www.clearwaterprogram.org/clearwater/*.

Thank you for the opportunity to comment 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 *kitf@rpv.com*.

Sincerely,

Kit Fox, AICP
Associate Planner

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

M:\Border Issues\Channel Deepening Project\20080813_ACOE-POLA_SEIS-SEIRComments.doc

CRPV-3 The Clearwater Program is analyzed in the Cumulative Impacts chapter of the SEIR/SEIS, (Section 6.0). Construction of the Clearwater Program is not scheduled to begin until 2012 at the earliest. (See http://www.clearwaterprogram.org/clearwater/frequently_asked_questions.asp.) Dredging activities in the East Basin Channel associated with the Proposed Action are expected to be complete by December 2011. The Proposed Action is therefore not expected to overlap with the commencement of construction on the Clearwater Program. Nor is the Proposed Action expected to preclude potential future construction projects in the East Basin.

Comment Set NRDC

NRDC
THE EARTH'S BEST DEFENSE

NATURAL RESOURCES DEFENSE COUNCIL

August 29, 2008

VIA U.S. MAIL & EMAIL

U.S. Army Corps of Engineers, Los Angeles District
Environmental Resources Branch
c/o Megan Wong
P.O. Box 532711
Los Angeles, CA 90053-2325
jyotsna.i.jaiswal@usace.army.mil
megan.t.wong@usace.army.mil

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

Re: Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report for the Port of Los Angeles Channel Deepening Project

Dear Ms. Wong and Dr. Appy:

We submit these comments on the Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report ("SEIS/SEIR") for the Port of Los Angeles Channel Deepening Project on behalf of the Natural Resources Defense Council ("NRDC"). The U.S. Army Corps of Engineers ("Corps") and Los Angeles Harbor Department ("Port") have not analyzed all of the environmental impacts associated with the proposed action in the SEIS/SEIR or in the previous EIS/EIR and thus, have left numerous environmental impacts unmitigated. This major deficiency and others articulated below amount to serious violations of the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA").

NRDC-1

I. The Port And Corps Must Ensure That All "Upland" Impacts Have Been Disclosed.

First, this SEIS/SEIR should look at all of the environmental impacts that this project will enable. NEPA has twin aims. "First, it places upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action. Second, it

www.nrdc.org 1314 Second Street
Santa Monica, CA 90401
TEL 310 434-2300 FAX 310 434-2399

NEW YORK • WASHINGTON, DC • SAN FRANCISCO

NRDC-1 Please see response to Comment SCAQMD-13. Impacts associated with throughput related to larger container ships were evaluated in the 2000 SEIS/SEIR. As discussed in Section 1, the Proposed Action is to dispose of 3.0 mcy of dredge material and would not result in increased throughput at the Port; therefore upland activities associated with increased throughput were not assessed. The overall purpose for the Proposed Action is to provide approximately 3.0 million cubic yards (mcy) of additional disposal capacity for the dredge material to complete the previously approved Channel Deepening Project and to beneficially reuse the dredge material in the Port of Los Angeles and optimize disposal of the dredge material. Additional disposal sites are needed because disposal sites developed for dredge material identified in the 2000 SEIS/SEIR have been found to be inadequate for the total volume of sediments that require removal from the Main Channel and adjacent berth areas to complete the project. USACE and the LAHD prepared this SEIS/SEIR to address impacts associated with required additional disposal sites to complete the Channel Deepening Project authorized by the WRDA 2000. All other impacts associated with the Channel Deepening Project and past modifications to the project assessed in previous documents (USACE 2004, USACE 2003, USACE 2002, USACE and LAHD 2000). As discussed in Section 1, these documents are incorporated by reference and are summarized where applicable within the Draft SEIS/SEIR. Dredging is restricted to the Main Channel and does not extend to individual berths. Therefore, larger ships will not be able to berth at individual terminals as a result of the Proposed Action.

Comment Set NRDC, continued

NRDC-1 cont

ensures that the agency will inform the public that it has indeed considered environmental concerns in its decisionmaking process." *Baltimore Gas & Electric Co., v. NRDC*, 462 U.S. 87, 97 (1983); *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349-50 (1989) (an EIS serves an "informational role" and provides a "spring board for public comment"). Similarly, the basic purpose of an EIR under CEQA "is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made." Citizens *of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 564 (1990).

Of particular relevance here, the Corps' own regulations require that an EIS/EIR assess the "upland impacts" from a project that has sufficient cumulative federal involvement. These are situations where the environmental consequences of the upland area are essentially products of the Corps' project. For instance, 33 C.F.R. section 325, Appendix B, § 7(b)(3) states:

> [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 to include the upland portions of the facility.

Courts have construed this regulation as requiring the Corps to consider the impacts of development on an island in granting a permit for modifications to a bridge that made access to the island possible. *Arkansas Nature Alliance v. Army Corps*, 266 F. Supp. 2d 876, 891-92 (E.D. Ark. 2003); *see also Friends of the Earth v. Army Corps of Engineers*, 109 F. Supp. 2d 30, 40-41 (D.D.C. 2000) (applying shipping terminal example to require Corps to expand scope of review for "floating casinos" to include upland impacts from hotels, parking garages and other related developments because these developments result from and are entirely conditional on the Corps' project).

CEQA similarly requires that all direct and indirect impacts be assessed in the EIR.[1] Under CEQA, indirect impacts are "effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable."[2] Indirect impacts may include "growth-inducing effects and other effects related to induced changes in the pattern of land use… or growth rate, and related effects on air and water and other natural systems."[3]

Here, the dredging and disposing of 3.0 mcy of dredged material will enable the Port to create new land, and deepen navigation channels to accommodate anticipated cargo and larger vessels. Moreover, the addition of larger vessels will require more trucks, trains, harbor-craft, and cargo-handling equipment to move the additional cargo coming through

[1] 14 CAL. CODE REG. §§ 15358, 15126.
[2] *Id.* § 15358(a)(2).
[3] *Id.*

Comment Set NRDC, continued

NRDC-1 cont

the ports on these larger vessels. Accordingly, the SEIS/SEIR must analyze the environmental impacts resulting from the increased cargo throughput that this project will enable. The SEIS/SEIR however, appears to analyze only a very limited number of impacts associated with the disposal of 3.0 mcy of dredged material (i.e., the construction emissions associated with disposing 3.0 mcy of dredged material). We urge the Port and Corps to cure this deficiency.

NRDC-2

Second, the Port and Corps must also ensure that all of the *upland* environmental impacts associated with completing the *entire* Channel Deepening Project are adequately identified and analyzed. For instance, pursuant to the CEQA, "[w]hen an agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091[4] shall be made for each significant effect shown in the previous EIR as revised." CEQA Guidelines § 15163(e). Consequently, while the scope of the impacts examined within the SEIS/SEIR may be narrower than those analyzed in the previous EIS/EIR, the previous EIR must nonetheless be considered before the SEIS/SEIR may be approved. Further, the only way "findings" made under Section 15091 can be based on substantial evidence, is if the environmental effects discussed in the previous SEIS/SEIR were adequate.

As discussed above, the impacts associated with the Channel Deepening Project include any and all upland impacts created by the dredging of the Port's channels. To the extent that these impacts were not adequately discussed in the previous EIS/EIR, they must be

[4] CEQA Guidelines Section 15091 states:
(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

NRDC-2 Please see response to Comment NRDC-1. As discussed in Section 1 of the Draft SEIS/SEIR, all other impacts associated with the Channel Deepening Project and past modifications to the project were adequately assessed in previous documents (USACE 2004, USACE 2003, USACE 2002, USACE and LAHD 2000).

The proposed Action covers impacts associated with disposing of 3.0 million cubic yards (mcy) of additional disposal capacity for the dredge material. As discussed in Section 2 of the Draft SEIS/SEIR, the proposed Action would use the 3.0 mcy to create five acres of land at the Northwest Slip to enhance terminal efficiency and safety; expand the Cabrillo Shallow Water Habitat (CSWH) to enhance shallow water habitat in the outer harbor area, and place the contaminated dredged material associated with the Channel Deepening Project at Berths 243-245 to create a CDF. The only new potential upland impacts would be associated with the eight acres of new land at Berths 243-245. Potential impacts related to future development of the eight acres of new that would be created at Berths 243-245 have been addressed in Section 3.14.2 of the SEIS/SEIR. As discussed in Section 3.14.3 of the SEIS/SEIR, Alternative 1 of the Proposed Action would result in construction of a new 5-acre land area at the Northwest Slip. If Alternative 1 is approved and constructed, the new 5-acre land area at this site would be developed in the future to realign the wharf roadway at Berths 136-139 as part of Phase I of the Berth 136-147 Container Terminal Project. The realigned wharf roadway would facilitate safer and more efficient truck and equipment movement. Both development of the five acres of new land as backlands and operation of the five acres in conjunction with the rest of the Berth 136-147 Terminal have been assessed in the Berth 136-147 [TraPac] Container Terminal Project EIS/EIR.

Comment Set NRDC, continued

NRDC-2, Cont.

NRDC-3

analyzed now in order for the Port to make adequate findings under CEQA Guidelines Sections 15163(e) and 15091.

II. The Cumulative Impacts Analysis Violates CEQA.

CEQA requires that an EIR address cumulative impacts "when the project's incremental effect is cumulatively considerable."[5] The SEIS/SEIR concedes that it will have many cumulatively considerable impacts under both CEQA and NEPA.[6] However, although there is some discussion of the incremental impact that the Channel Deepening 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.

This lack of analysis violates CEQA. CEQA Guideline Section 15130(b)(4) provides that the following element (among others) 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 decision makers 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 air that is affected by numerous projects in the region, not just by the Channel Deepening Project. At some point, the decision makers 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 California Air Resources Board's ("CARB") updated study of the number of goods movement-related deaths in California each year.[7]

Of the list of projects on pages 6-4 to 6-13 of the SEIS/SEIR, many have already commenced the formal planning process, and have CEQA-related documents in existence. Thus, there is sufficient data 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 Channel Deepening project is completed.[8]

[5] CEQA Guidelines § 15130; *see also* CEQA Guidelines § 15355.
[6] SEIS/SEIR, at 6-22.
[7] CARB, Methodology for Estimating Premature Deaths Associated with Long-Term Exposures to Fine Airborne Particulate Matter in California Draft Staff Report (May 22, 2008).
[8] For example, there are existing EIRs, Notices of Preparation or other environmental planning documents that can be consulted for the following 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 the following Long Beach projects: Middle

NRDC-3 The Draft SEIS/SEIR includes a full cumulative analysis consistent with both CEQA and NEPA. The Draft SEIS/SEIR identifies Cumulative impacts and substantial mitigation that will be applied to the selected alternative to address Project-level impacts. As a result of these mitigation measures, only NOx emissions remain significant and unavoidable. These mitigation measures would also minimize the contribution of the Project (or alternative) to cumulative impacts.

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

The primary purpose of the proposed 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 health risk 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 standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to

attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The Proposed Action is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards.

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

In addition, through a Memorandum of Understanding (MOU), the Port previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of 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

Comment Set NRDC, continued

III. The General Conformity Statement Does Not Comply With The Clean Air Act.

The General Conformity Statement does not comply with federal law because it fails to include an analysis of the increased emissions from marine vessels, trucks, trains and other vehicles and equipment that will be facilitated through this project. Congress has made clear that "[I]nterpreting the statutory intent for the [General Conformity Rule], EPA believes it is helpful to consider the guidance provided by Congress on transportation conformity…Congress clearly intended the transportation conformity rule to cover the indirect emissions from vehicles that would travel to and on highways constructed with Federal support. Thus, the conformity review does not focus on emissions associated with only the construction of the highway project, but includes emissions from vehicles that later travel to and on that highway." 58 Fed. Reg. 63218. Similar to a highway project, the General Conformity Statement must include an analysis from the increased vessel emissions (and other emissions) that will occur as a result of this project.

NRDC-4

Moreover, we do not understand how this is a valid conformity statement because it is clear that the South Coast Air Basin will not attain the one-hour ozone standard by 2010. Thus, the additional NOx emissions from the project will increase the severity of an existing violation and delay timely attainment of a standard. As such, the project cannot show that it will conform with the latest EPA approved SIP.

IV. The Port And Army Corps Must Ensure That The Upland Impacts Are Adequately Mitigated.

Given that this project will enable port growth at a number of facilities, this project provides a unique opportunity for the Port to adopt mitigation that will simultaneously reduce emissions at a number of terminals. Below, we focus on mitigation that should be considered to reduce upland air quality impacts.

Low Sulfur Fuel for Ocean Going Vessels

The Port should adopt a port wide rule requiring ocean going vessels to use cleaner low sulfur fuels in their main and auxiliary engines. We are aware that the Port has adopted an incentive program to encourage shipping tenants to use cleaner fuels. However, this program may terminate in one year. A port wide rule would yield greater emissions reductions.

NRDC-5

The Maersk commitment to cleaner fuel, information provided by marine engine manufacturers, and compliance with CARB's Auxiliary Engine Regulation provides substantial evidence that any technological concerns regarding the use of cleaner fuels in

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.

Proposed Action 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.

Despite identification of all feasible mitigation measures, as required by CEQA, significant unavoidable adverse impacts will remain after implementation of the mitigation measures (under both CEQA and NEPA). The Environmental Justice evaluation bases its identification of high and adverse impacts to minority and low-income population upon these significant unavoidable adverse NEPA impacts. Regarding the comment that the SEIS/SEIR does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5, all feasible mitigation measures have been identified for each environmental resource topic addressed in the SEIS/SEIR and would be implemented and tracked via the MMRP required under CEQA. Please see the response to comment USEPA-2.

NRDC-4 The comment is noted. Please see response to comment USEPA-1.

NRDC-5 Please see the response to comment NRDC-1. The current Proposed Action is to dispose of 3.0 mcy of dredge material and would not result in increased throughput at the Port and would therefore not result in any increased automobile, truck, or train traffic.

Comment Set NRDC, continued

NRDC-5, Cont.

auxiliary engines and main engines have been addressed. At a recent 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 achieving significant emission reductions in a cost-effective manner.[9] 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 1,000 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 <.1% sulfur fuel.[10]

We recommend that the SEIS/SEIR require the following as a port wide rule, applicable to all ships that call at the port:

- Require 100% of ships to use 2,000 ppm sulfur fuel in their main and auxiliary engines immediately;

- By January 1, 2010, require 100% of ships to use 1,000 ppm sulfur fuel in their main and auxiliary engines (interim deadlines should include a 50% requirement by 2009).

Main Engine Controls for New Vessel Builds and Existing Vessels

NRDC-6

To encourage construction of ships with the cleanest available technology, the port should require, through a port wide rule, that the shipping fleet calling at the port meet a 30% reduction of NOx and particulates by 2014, and a 70% reduction of NOx and 50% reduction of particulates by 2023.[11] In order to meet these standards, ships will need to incorporate Best Available Control Technology ("BACT"). Currently, the Port does not require new vessels calling at the Port to be built with advanced emission controls. An enormous number of ships are now on order for construction. Once those vessels are built and in the water, the economic and technical challenges to retrofit advanced controls such as Selective Catalytic Reduction ("SCR") will grow dramatically. 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

[9] 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.
[10] SCAQMD, Mitigation Measure Examples: Ocean Going Vessels, *available at* http://www.aqmd.gov/CEQA/handbook/mitigation/oge/TableIX.doc.
[11] The State Implementation Plan approved by SCAQMD and CARB assumes that vessels will meet fleet average emission reductions through a combination of advanced controls for new vessel builds and retrofits of existing vessels. 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. Such reductions are feasible and needed to ensure consistency.

.

NRDC-6 Please see the response to comment NRDC-1. The comment is noted. This comment encourages construction of ships with the cleanest available technology through implementation of a port-wide rule that the shipping fleet calling at the port meet certain reductions for NOx and particulate matter by a certain date. However, as discussed in Section 2.4, the current Proposed Action is to dispose of 3.0 mcy of dredge material and would not result in increased throughput at the Port; therefore, this comment is not directly applicable to the Proposed Action.

Comment Set NRDC, continued

NRDC-6, Cont.

NRDC-7

NRDC-8

Megan Wong
Dr. Ralph Appy
August 29, 2008
Page 7 of 7

of the International Maritime Organization to establish increasingly stringent marine vessel emissions limits. Thus, we must take advantage of current market opportunities to encourage a cleaner shipping fleet.

Mitigation for Rail Emissions

The port should seek to expeditiously transfer to electrified rail. While the Port has undertaken studies to examine the feasibility of a number of clean cargo-transport technologies, it has yet to devise a comprehensive program aimed at implementing one of those technologies. Electrifying the rail will also aid in reducing greenhouse gases ("GHG") from the proposed project.

Greenhouse Gas Mitigation

Noticeably absent from the SEIS/SEIR is any mitigation of the increase in GHG emmissions that will occur from this project. We find this exceptionally disappointing in light of the great need to curb GHG emissions to meet AB 32 goals. For a list of GHG mitigation that the Port and Corps should consider, please see page 19 *et seq.* of the attached comments provided by NRDC on the TraPac expansion project.

V. Conclusion.

We appreciate your consideration of our comments, and we look forward to further dialogue on how to cure the deficiencies in this SEIS/SEIR.

Sincerely,

Melissa Lin Perrella
Senior Project Attorney
Natural Resources Defense Council

Enclosure

NRDC-7 Please see the response to comment NRDC-1. As discussed in Section 2.4, the current Proposed Action is to dispose of 3.0 mcy of dredge material and would not result in increased throughput at the Port and would therefore not result in any increased automobile, truck, or train traffic.

NRDC-8 The concluding sentence in the analysis of Cumulative Impact AQ-6 contained a typographical error, which has been corrected in the Final SEIS/SEIR. It should read "…there are no other feasible measures…", as MM AQ-2.3 would reduce GHG emissions from proposed construction activities. Electrification is one of the few techniques that can reduce emissions from construction activities, due to the transient and often remote nature of operation of construction equipment.

In developing mitigation measures to address GHG emissions, the USACE and the Port reviewed the GHG emission reduction measures proposed by AB 32 to determine if any could feasibly reduce GHG emissions from proposed construction activities. In addition the Port and USACE reviewed the *Climate Action Team Report to Governor Schwarzenegger* and *the California Legislature* (State of California, 2006) and the CARB *Proposed Early Actions to Mitigate Climate Change in California* (CARB,40 2007). Mitigation measures such as electrifying construction equipment, and reducing idling are consistent with state guidance.

Comment Set NRDC, continued

NATURAL RESOURCES DEFENSE COUNCIL
AMERICAN LUNG ASSOCIATION OF CALIFORNIA
CALIFORNIA SAFE SCHOOLS ♦ CHANGE TO WIN
COLITION FOR CLEAN AIR ♦ COALITION FOR A SAFE ENVIRONMENT
COMMUNITIES FOR A BETTER ENVIRONMENT
COMMUNITIES FOR CLEAN PORTS ♦ ENVIRONMENT NOW
HARBOR WATTS ECONOMIC DEVELOPMENT CORPORATION
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
LONG BEACH ALLIANCE FOR CHILDREN WITH ASTHMA
LOS ANGELES ALLIANCE FOR A NEW ECONOMY
SAN PEDRO AND PENINSULA HOMEOWNER'S COALITION
SAN PEDRO-PENINSULA HOMEOWNER'S UNITED
SIERRA CLUB ANGELES CHAPTER –
GLOBAL WARMING, ENERGY & AIR QUALITY COMMITTEE
SIERRA CLUB HARBOR VISION TASKFORCE

September 26, 2007

Via Email and Facsimile

Dr. Spencer D. MacNeil, Commander
U.S. Army Corps of Engineers, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325
Fax: (805) 585-2154

Dr. Ralph G. Appy, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731
Fax: (310) 547-4643
Eceqacomments@portla.org

Re: Berths 136-147 [TraPac] Container Terminal Project
(Corps File Number 2003-01142-SDM)

Dear Dr. MacNeil and Dr. Appy:

On behalf of the undersigned organizations, we write to provide comments on the Berths 136-147 Container Terminal Draft Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) ("DEIS/DEIR"). We appreciate the opportunity to provide comments on the DEIS/DEIR. While this DEIS/DEIR shows improvement in certain aspects compared to previous environmental review documents produced by the Port of Los Angeles ("Port"), we still have several concerns about the project itself and the environmental documents accompanying this proposed expansion project. Like the proposed China Shipping expansion plans, this project will expand port operations,

Comment Set NRDC, continued

creating numerous impacts on residents in the Harbor area. From an air quality perspective, this project has special relevance in that this is the first major EIS/EIR released since the Board of Harbor Commissioners ("Board") unanimously voted to adopt the San Pedro Bay Ports Clean Air Action Plan ("CAAP"). Thus, it is critical that the Port makes sure all impacts are adequately studied and truly mitigated in order that this project will result in minimal impact to residents near the Port. Moreover, the Project has many impacts beyond air quality that will affect residents and we are concerned that the Port has not adequately mitigated these impacts.

At the outset, it is important to provide perspective on the magnitude of this project. At full build out, just the projected increase in throughput at this terminal is the equivalent of inserting the Port of Houston into the Harbor area.[1] Also, the projected final throughput for the project, 2,389,000 Twenty-foot Equivalent Units ("TEUs"), is approximately the container throughput of the current operations of the Port of Oakland, the fourth busiest container port in the nation.[2] Thus, this one project, part of a long list of container expansion projects in the Harbor area,[3] will undoubtedly impact port-adjacent communities and the region in general. Without an expanded suite of mitigation measures, this terminal expansion will have a harsh impact on the land, water and air.

I. The Proposed Project will have an indelible impact on port-adjacent communities and the region in general.

The health impacts and regional air quality impacts from port activities are well documented. Of all listed TACs identified by the California Air Resources Board ("CARB"), diesel particulate matter ("DPM") is known to present the greatest health risks to Californians.[4] Dozens of studies have shown adverse impacts from DPM and NO_x including respiratory disease, cardiovascular mortality, cancer, and reproductive effects as well as an increase in regional smog and water contamination. CARB has determined that diesel exhaust is responsible for over 70% of the risk from breathing our air statewide and in the South Coast Air Basin ("SCAB").[5] Further, the South Coast Air Quality Management District ("SCAQMD") in the Multiple Air Toxics Exposure Study II ("MATES II") identified the communities of San Pedro and Wilmington as having among the highest cancer risks in the South Coast.[6] The MATES II study identified mobile sources, i.e. trucks, trains, ships, etc., to be the primary sources of toxic diesel particulate

[1] Compare projected throughput increase from TraPac terminal, to 2006 throughput at the Port of Houston. Data from American Association of Port Authorities website. Accessed 9/18/07. Available at http://aapa.files.cms-plus.com/PDFs/2006_North_American_Container_Traffic.pdf
[2] *Id.*
[3] DEIS/DEIR, at Figure 4-1.
[4] CARB, Emissions Reduction Plan for Ports and Goods Movement in California at 7 (2006)(hereinafter "ERP").
[5] ERP, at 7.
[6] SCAQMD, Multiple Air Toxics Exposure Study in the South Coast Air Basin, at ES-5 (hereinafter "MATES II").

Comment Set NRDC, continued

emissions.[7] Statewide, 2,400 premature deaths annually are linked to goods movement, mostly from particulate pollution and 50% of these deaths are in the SCAB.[8]

Residents of San Pedro, Wilmington, and Ranchos Palos Verdes will undoubtedly face additional health risks due to the increased pollution from this project. For sensitive populations, such as children and the elderly, and for those who live and work in close proximity to these major sources of diesel exhaust, the risk will be even higher. In our Supplemental Notice of Preparation Comments ("SNOP"), we attached several important documents for the record. To conserve resources, we are not resubmitting these documents again.

Moreover, in addition to the huge impacts on residents and workers closest to the sources of emissions, port operations pose a particularly acute threat to regional air quality. The SCAB, where the Port of Los Angeles is located, consistently ranks as the region in the nation with the worst air pollution problems. Freight transport, including the operations at the Port, greatly contributes to the persistent failure of the SCAB to meet clean air standards established by the Environmental Protection Agency. In fact, the SCAQMD has determined that the ports of Los Angeles and Long Beach are the single largest fixed-source of air pollution in Southern California. Pollution from the ports is responsible for more than 100 tons per day of smog and cancer-causing nitrogen oxides, more than the daily emissions from all 6 million cars in the region.[9] Without all feasible mitigation, the South Coast Air Basin could fail to achieve the federal annual PM2.5 standard by 2014.

This project proposes to add additional pollution that would not have occurred if the project was not built. Against this backdrop, there are several deficiencies in the DEIR/DEIS that must be addressed.

II. The TraPac Project Does Not Exhibit All the Elements of Truly "Green Growth."

We remain especially concerned that the environmental documentation reads more like CAAP provides the ceiling for mitigation, when it was our understanding throughout the CAAP comment period that CAAP would be the launching point for environmental mitigation. In fact, there are several portions of the DEIS/DEIR that do not even appear to comply with the CAAP, which is a terrible precedent to set. Given the intractable air quality problems within our region and the acute toxic risk posed by port operations on residents adjacent to trade corridors, it is incumbent upon the Port to provide more stringent mitigation measures. While there are several mitigation measures that we are pleased to see in the DEIR/DEIR, there are still additional mitigation measures we would like to see adopted.

[7] MATES II, at ES-3, ES-9.
[8] ERP, What's New-1 at 4.
[9] 2007 Air Quality Management Plan ("AQMP"), at IV-A-146.

Comment Set NRDC, continued

At the outset of these comments, it is important to note that compliance with the CAAP does not necessarily mean compliance with the California Environmental Quality Act's (CEQA) mandate that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects."[10] There are feasible mitigation measures that exist beyond the CAAP as we outline below, and the Ports are required under the law to include these measures to mitigate significant impacts. By not even complying with the CAAP, the Port has clearly violated CEQA. Thus, we encourage the Port to cure deficiencies in this DEIR/DEIS.

III. The DEIS/DEIR Utilizes an Inflated Baseline.

Initially, we want to express our concern over the history of land use at the TraPac terminal over the past twenty years. Pursuant to a Public Records Act ("PRA") request sent on June 22, 2004, the NRDC has examined numerous documents provided pertaining to the TraPac terminal. These documents indicate a long history of expansion without CEQA review.[11] Many times the Port relied on exceptions to CEQA for the gradual/or piecemeal, but altogether significant, expansion of use of these terminals.

For example, on October 24, 2001, the Port relied on Article III, Section 2(i) to exempt an amendment to Permit 552, which added *41.64 acres* to the Trapac's existing terminal at Berths 131-142. The EIR relied on was the West Basin Transportation Improvements Program EIR that was adopted on September 10, 1997.[12] As the Port is well aware, this is the very EIR that the court of appeal ruled was outdated and insufficient to support the China Shipping Project. As the court made clear regarding that project:

> Before us, the Port argues that the 1997 EIR and the 2000 SEIS/SEIR are sufficient to cover all phases of the Project. The Port's position is supported neither factually nor legally…. There is no evidence that any site-specific environmental issues related to the China Shipping project were addressed in either the 1997 EIR or the 2000 SEIS/SEIR.[13]

The court's opinion is equally applicable to the TraPac expansion and the Port's improper reliance on the 1997 EIR to exempt this 41 acre project from CEQA review. The Port's failure to prepare an environmental review relevant to that expansion therefore violated CEQA. At the very least, we assumed that the impacts of this prior illegal expansion will **not** be included in the baseline for the proposed project and will, instead, be fully analyzed as part of the proposed project. Much to our dismay, this illegal expansion and other equally suspect piecemeal expansions appear to be included in the baseline for this project.

---

[10] Cal. Public Res. Code, § 21002 (hereinafter "CEQA"). Through this statement, we are not contending that the TraPac project as outlined in the DEIR/DEIS complies with the CAAP. In fact, as outlined in sections below, we have found several places where it does not comply with CAAP.
[11] Relevant documents were attached to our SNOP comments.
[12] *Id.*
[13] *NRDC v. Port of Los Angeles*, 103 Cal.App.4th 268, 281 (2nd Dist. 2002).

Comment Set NRDC, continued

We remind the Port that the segmentation of a project in this manner, in order to avoid finding and rectifying significant impacts, is a violation of CEQA and NEPA. *See, e.g. NRDC*, 103 Cal.App.4th 268; *Bozung v. Local Agency Formation Comm'n*, 13 Cal.3d 263, 283-84 (1975).

In addition, the emissions estimates for the baseline are inflated. The DEIS/DEIR erroneously compares peak daily emissions level in 2003 to projected peak emissions in the future horizon years.[14] This approach erroneously assumes a peak daily emissions estimate is the appropriate baseline to measure significance for CEQA and NEPA purposes. In fact, the more appropriate baseline for emissions should be the emissions levels articulated in Table 3.2-4, average daily emission from baseline operations in year 2003.[15] The estimates of peak future conditions have no bearing on what happened in 2003, and thus, the Port appears to be using an inflated measuring stick to assess the air quality impacts from this project. By using an inflated baseline—namely 1,977 lbs/day VOC, 6,935 lbs/day CO, 23,010 lbs/day NOx, 3,851 lbs/day SOx, 1,607 lbs/day PM10, and 1,329 lbs/day PM2.5—the DEIS/DEIR obscures the actual impacts from the Project and may have resulted in findings of insignificance when significance should have been found. Thus, we recommend that the DEIS/DEIR use the average daily emissions in 2003 as the baseline for the purpose of the air quality analysis. Further, we request a clarification on whether the greenhouse gas analysis assumed peak daily emissions when assessing the baseline conditions from the project.

IV. Air Quality: The DEIS/DEIR Underestimates Air Quality Impacts and Fails to Consider All Feasible Mitigation as Required Under CEQA.

The air quality section severely underestimates emissions from the proposed project by understating the pollution generated by the vast numbers of ships, harbor craft, yard equipment, trucks, and trains that will service the project. Given that accurately disclosing air quality impacts is crucial to the agencies' ability to fulfill their legal obligations under NEPA and CEQA, the Port and Corps must resolve these issues in subsequent versions of the DEIS/DEIR. At the outset, we recommend that subsequent drafts of the environmental documentation provide the emissions calculations for the horizon year 2010, given that the DEIS/DEIR projects this to be the year with the highest emissions.[16]

a. Emissions Assumptions:

i. The DEIS/DEIR Underestimates throughput at the Project Site.

Tucked away in the traffic analysis, the Port provides details regarding its assumptions about the hours of future activity at the Ports. The DEIS/DEIR notes the assumption that in 2015 there will be a breakdown of 80% of cargo moves during the dayshift, 10% during

[14] DEIS/DEIR, at 3.2-77 - 78.
[15] DEIS/DEIR, at 3-2.14.
[16] DEIS/DEIR, at 3.2-79

Comment Set NRDC, continued

the night shift, and 10% during the hoot shift.[17] The DEIS/DEIR also assumes that in 2038, the breakdown will be 60% (day), 20% (night), and 20% (hoot).[18] These assumptions appear to grossly understate increases in throughput during the day shift, which has a direct impact on the air quality analysis. Under the Port's assumption, the amount of cargo moved during the day shift will be 139,800,000 TEUs in 2015 (80% of 1,747,500 TEUs) and 1,433,400 TEUs in 2038 (60% of 2,389,000). When compared to the explosive growth during the night and hoot shift, this indicates relatively modest growth during the daytime shift, even in light of greater capacity at the terminal. The Port has not provided sufficient rational for why this type of growth would not occur in the day shift as well.

Our skepticism of the DEIS/DEIR estimates of the throughput at the terminal is compounded by the fact that the Port does not believe that "individual terminals [can] handle more than the port-wide averages of market demand by operating at higher levels of efficiency than other terminals."[19] The Port rationalizes this assumption by arguing that "[f]or a terminal to handle a greater number of container per acre than its competitor, it could compromise service and in general would require additional labor costs, longer operating hours, that would result in higher expenses to operate the terminal."[20] Beyond the fact that the DEIS/DEIR admits that there will be longer operating hours, it is unclear why the Port provides no persuasive rationale for discounting the ability of a terminal to make efficiency improvements that when incorporating labor and other operating costs would result in a net profit allowing the terminal to exceed port-wide averages. As has been articulated in previous meetings, we encourage the Port to assess a fee for container throughput that exceeds the estimates within the DEIS/DEIR in the horizon years. This was a provision of the China Shipping Amended Stipulated Judgment, and it should be extended to this expansion project.

Another issue that is quite confusing is the fact that the Port assumes that the throughput with or without the additional 15 acres of fill[21] will be the same as the Proposed Project.[22] In fact, the Port has not provided any rationale for the nonsequeter conclusion that the Project without an additional 15 acres is more efficient measured by TEU throughput per acre than the Project as proposed in the years 2025 and beyond (10,300 TEUs/acre with out fill compared to 9,800 TEUs/acre with fill).[23] It is unclear why this increased level of efficiency would not be applied to the project with the additional 15 acres. Thus, if it is true that the proposed project is less efficient with the additional 15 acres, we suggest that

[17] DEIS/DEIR, at 3.10-23.
[18] *Id.*
[19] DEIS/DEIR, App. I at 3.
[20] *Id.*
[21] In a meeting on September 24, 2007 with Port Staff, the staff indicated that the 15 acres was actually an error and should be 10 acres. Thus, in the subsequent versions, please confirm whether it is the it should be 15 acres or 10 acres.
[22] *Id.* at Figure 5.
[23] Id. (Compare Projected Throughput of 9,800 TEUs per acre for Proposed Project and 10,300 TEUs per acre for Proposed Project without 15 acre fill).

Comment Set NRDC, continued

this portion of the project be excluded. In the alternative, the Port should assume the 10,300 TEU/acre throughput levels in calculating total project throughput.

ii. The DEIS/DEIR Underestimates Locomotive Emissions.

The DEIS/DEIR has shifted its assumptions on idling times for rail from 1.9 hours to 1.0 hours to account for idling restrictions within the Rail MOU.[24] While the 2005 CARB/Railroad Statewide Agreement contains a measure on idling restrictions, exceptions abound within the agreement. Thus, we recommend that the Port revert to the old assumption of 1.9 hours unless the Port and Army Corps intend to incorporate a mitigation measure to ensure locomotives don't idle for more than 1.0 hour.

iii. The DEIS/DEIR Underestimates Truck Emissions.

The DEIS/DEIR utilizes an overly optimistic estimate that on-terminal truck idling would only be 15 minutes in future years.[25] There does not appear to be support for this in the record. If the Port is going to assume this approach, it should provide a 15 minute on terminal idling limit.

iv. The Geographic Scope of Emissions Analysis is Understated.

The Port limits the geographic scope of emissions to 90 miles for in bound trains[26] and 106 miles for outbound trains.[27] Under CEQA and NEPA, an agency should examine the impacts throughout California and not simply limit its analysis of impacts to the South Coast Air Basin.

b. The DEIS/DEIR's Measures for Mitigating Construction Impacts are Insufficient.

We are deeply concerned that construction of the proposed project, including mitigation, would exceed SCAQMD emission thresholds for NO_x, SO_x, PM_{10}, and $PM_{2.5}$ and that offsite ambient concentrations of NO_2, PM_{10}, and $PM_{2.5}$ would all exceed SCAQMD thresholds of significance.[28]

These emissions must be mitigated to the maximum extent possible as outlined below. In particular, mitigation measures AQ1–AQ5 and AQ-18A for project construction do not achieve enough emission reductions to keep construction-related emissions below the significance thresholds. We propose that these measures must be improved per the following:

[24] DEIS/DEIR, at 3.2-46.
[25] DEIS/DEIR, at 3.2-45.
[26] DEIS/DEIR, at 3.2-45.
[27] DEIS/DEIR, at 3.2-46.
[28] DEIS/DEIR, at 3.2-53-54

Comment Set NRDC, continued

Construction Equipment
Equipment[29] greater than 25 horsepower must:
(1) Meet current emission standards[30] *and*
(2) Be equipped with Best Available Control Technology (BACT)[31] for emissions reductions of PM and NOx, *or*
(3) Use an alternative fuel such as natural gas or biodiesel.[32]

Diesel Trucks
On-road trucks used at construction sites, such as dump trucks, must:
(1) Meet current emission standards, *or*
(2) Be equipped with BACT[33] for emissions reductions of PM and NOx, *and*
(3) Any trucks hauling materials such as debris or fill, must be fully covered while operating off-site (i.e. in transit to or from the site).

Generators
Where access to the power grid is limited, on-site generators must:
(1) Meet the equivalent current off-road standards for NOx, *and*
(2) Meet a 0.01 gram per brake-horsepower-hour standard for PM, *or*
(3) Be equipped with Best Available Control Technology (BACT) for emissions reductions of PM.

Special Precautions near Sensitive Sites
All equipment operating on construction sites within 1,000 feet of a sensitive receptor site (such as schools, daycares, playgrounds and hospitals)[34] would either:
(1) Meet US EPA Tier IV emission standards *or*
(2) Install ARB Verified "Level 3" controls (85% or better PM reductions), and
(3) Notify each of those sites of the project, in writing, at least 30 days before construction activities begin.[35]

---

[29] Equipment refers to vehicles such as excavators, backhoes, bulldozers propelled by an off-road diesel internal combustion engine.
[30] These standards are described in Division 3 Chapter 9, Article 4, Section 2423(b)(1)(A) of Title 13 of the California Code of Regulations, as amended. An explanation of current and past engine standards can also be accessed at http://www.dieselnet.com/standards/. Currently all new equipment are meeting the US EPA Tier II standards and most equipment also meets Tier III standards (all 100HP to 750HP equipment). Note that Tier IV standards would automatically meet the BACT requirement.
[31] Here BACT refers to the "Most effective verified diesel emission control strategy" (VDECS) which is a device, system or strategy that is verified pursuant to Division 3 Chapter 14 of Title 13 of the California Code of Regulations to achieve the highest level of pollution control from an off-road vehicle.
[32] Biodiesel is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, meeting the requirements of ASTM D 6751.
[33] Here BACT also refers to most effective VDECS as defined by the California Air Resources Board (CARB).
[34] Sensitive sites are defined and described in the CARB Air Quality and Land Use Planning Guidelines, 2005; http://www.arb.ca.gov/ch/landuse.htm.
[35] Notification shall include the name of the project, location, extent (acreage, number of pieces of equipment operating and duration), any special considerations (such as contaminated waste removal or other hazards), and contact information for a community liaison who can answer any questions.

Comment Set NRDC, continued

Recommendations to Limit Global Warming Pollution from Construction:

(1) Prohibit all non-essential idling of equipment and vehicles onsite.
(2) Use the lowest carbon fuels possible (such as biodiesel or other alternative fuels).
(3) Electrify operations to the maximum extent possible. Where access to the power grid is possible, this measure should be established instead of using stationary or mobile power generators. All cranes, forklifts and equipment that can be electrified, should be.
(4) All constructed buildings should meet the Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ including the use of locally sourced materials, where possible.[36]

c. Operational

i. The Mitigation Measures Provided in the DEIS/DEIR Need to be Greatly Improved.

As a global concern, the Port needs a more aggressive implementation schedule for mitigation measures in the early years of the project given that the highest levels of emissions occur in 2010.

MM AQ-1 (Expanded VSR)

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, 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. Further, all marine operations that can be fully electrified, such as dredging, must be electrified.

Any VSR program must be rigorously enforced in order to count on reductions from it. A compliance rate of no more than 80 percent should be factored into the emission reduction calculations.

MM AQ-2 (Fleet Modernization for On-Road Trucks)

This mitigation measure needs to be strengthened to require that all on-road heavy-duty vehicles used in this construction project must be the most current model year available.

MM AQ-3 (Fleet Modernization for Construction Equipment)

[36] For information on LEED standards, see the U.S. Green Building Council: http://www.usgbc.org/DisplayPage.aspx?CategoryID=19

Comment Set NRDC, continued

All new equipment between 100 and 750 horsepower, which comprises the vast majority of all construction equipment, currently meets EPA tier 3 standards. The mitigation measure should be strengthened to require that all construction equipment meet the most recent EPA emission standard that applies to each horsepower class, for both phase 1 and 2. Additionally, use of "Level 3" CARB-verified diesel emission control systems (VDECS) achieving 85 percent or greater PM reductions should be required for any pre-tier 4 equipment, rather than in lieu of meeting EPA emission standards.

MM AQ-4 (Best Management Practices)

The requirements of this measure are too vague; BMPs should be fully articulated and committed to within this EIR. The first suggested BMP is redundant to the requirements in MM AQ-3. The proposed idling limit of 10 minutes for all construction equipment would violate the newly adopted CARB off-road regulation limiting off-road equipment idling to 5 minutes.[37] This element should be removed, as it is slated to be required by law imminently. The BMPs should call for a manager on-site to verify compliance with all mitigation measures and best practices.

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. Where access to the power grid is limited, on-site generators must meet the equivalent current off-road standards for NOx, *and* meet a 0.01 gram per brake-horsepower-hour standard for PM, *or* be equipped with Level 3 VDECS.

MM AQ-5 (Additional Fugitive Dust Controls)

We support the elements of this measure. However, trucks hauling dirt or other materials must be covered at all times during transit to and from the site regardless of freeboard space.

MM AQ-6 Alternative Maritime Power (AMP)

We remain convinced that one of the most effective strategies to reducing marine vessel pollution while vessels are docked is AMP. This is an especially important mitigation measure because of its benefits to protecting public health, attaining federal air quality standards, and reducing GHG emissions.[38] While the schedule outlined in MM AQ-6 appears to technically comply with CAAP, this does not comply with the Port's duty to adopt all feasible mitigation. The DEIS/DEIR should include a schedule to require 70% to 80% of all ships—both frequent and non-frequent visitors—to use shore-side power at every terminal by 2010 as exemplified by the China Shipping terminal and the RFP for Berths 206-209 at the Port of Los Angeles.

---

[37] CARB Off-Road Regulation at: http://www.arb.ca.gov/regact/2007/ordiesl07/appa.pdf
[38] "[A] hoteling ship using AMP would reduce its auxiliary power GHG emissions by about 47 percent compared to a ship using its auxiliary engines for power" DEIS/DEIR, at 3.2-104

Comment Set NRDC, continued

MM AQ-7 Yard Tractors

This measure is written such that it merely complies with existing regulations, requiring that new on-road registered yard tractors meet on-road emission standards (a 0.01 g PM /bhp-hr standard, slightly more stringent than proposed in the DEIS/DEIR) and that all other new yard tractors meet tier 4 off-road standards.[39] Further, the proposed measure only applies to new yard tractors, repeating the new yard tractor requirements (likely an error). These measures must make clear that by January 1, 2007 all *existing* and future yard tractors must run on alternative fuels and meet tier 4 on-road standards. To this end, the Ports should eliminate the "loop-hole" in MM AQ-7 which allows use of either cleanest available alternative-fueled engines or cleanest available diesel engines meeting 0.015 gm/hp-hr. This loop-hole allows for diesel engines even if alternative-fueled engines are the cleanest available option. The Port should require Cleanest Available Technology (or Best Available Control Technology (BACT)) standards for yard tractors.

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.

MM AQ-8 (Low NOx and low-PM emissions standards for top picks, forklifts, reach stackers, RTGs, and straddle carriers)

Similar to MM AQ-7, this mitigation measure should remove the loop-hole which allows for diesel engines even if alternative-fueled engines are the cleanest available option. The Port should require Cleanest Available Technology (or Best Available Control Technology (BACT)) standards for top picks, forklifts, reach stackers, RTGs, and straddle carriers.

This measure should also require idling limits, which would save fuel and cut pollution from these terminals, as well as reduce a significant source of worker exposure to diesel fumes.

MM AQ-9 (Fleet Modernization for On-Road Trucks)

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.[40]

---

[39] CARB Cargo Handling Equipment Rule at: http://www.arb.ca.gov/regact/cargo2005/revfro.pdf.
[40] *See supra* Section I.

Comment Set NRDC, continued

Although we are pleased to see that the DEIS/DEIR includes mitigation for on-road trucks, we are concerned that there is a lengthy phase-in for modernizing the fleet of drayage trucks servicing this terminal. We also remain exceptionally concerned that the DEIS/DEIR does not outline any requirements that a certain percentage of the trucks servicing the TraPac terminal be alternative fueled trucks as the CAAP envisioned.[41] Moreover, the Port needs to require a certain percentage of the fleet to meet the 2010 USEPA standards given that these trucks will definitely be available in 2010, and at least one engine has been certified to meet the 2010 standard right now.[42] We also recommend that the Port require the same 50/50 mix of alternative-fueled and diesel-fueled trucks as proposed by the CAAP. Provided the significant NOx benefit from the 2010 standards, it is incumbent upon the Port to ensure these significantly cleaner trucks penetrate the drayage fleet as soon as possible. Finally, all trucks serving this terminal should comply with EPA 2010 standards for PM and NOx by 2015.

Based on these comments, we are providing the following chart that compares the mitigation from MM AQ-9 to our suggested mitigation structure.

	DEIS/DEIR MM AQ-9 Proposal	Coalition Recommendation
2007	15% (US EPA 2007)	25% (2007 USEPA)
2008	30% (2007 USEPA)	40% (2007 USEPA); 10% (2010 USEPA)[43]
2009	50% (2007 USEPA)	55% (2007 USEPA); 20% (2010 USEPA)
2010	70% (2007 USEPA)	55% (2007 USEPA); 45% (2010 USEPA)
2011	90% (2007 USEPA)	Same as above
2012	100% (2007 USEPA)	Same as above
2015	N/A	100% (2010 USEPA)

The structure outlined above will provide a more viable approach to mitigating the significant impacts from pollution stemming from this project during the peak year of emissions, 2010.[44]

---

[41] CAAP TR, at 62 ("The budget scenario currently under consideration is Budget Scenario 7, which is based on a 50/50 mix between alternative fueled and cleaner diesel replacements, as well as retrofits.").
[42] Cummins Westport First Off the Mark – 2010 EPA Certification for 2007 ISL G Natural Gas Engine, *available at* http://www.ngvglobal.com/technology/cummins-westport-first-off-the-mark-2010-epa-certification-for-2007-isl-g-natural-gas-e-2.html (July 9, 2007).
[43] If the Port is concerned about having sufficient numbers to comply with the percentages outlined in this measure, it can write the mitigation measure to be based on availability.
[44] DEIS/DEIR, at 3.2-79 ("The analysis focused on year 2010 as Project operational sources would produce the highest amount of daily and annual emissions during this year within and adjacent to the Berths 136-147 terminal. In other words, the scenario would produce the highest Project ambient impacts within the Port region, even in comparison to years 2007 through 2009 and 2015, when Project construction emissions would combine and overlap with operational emissions.")

Comment Set NRDC, continued

MM AQ-11 (Ship Auxiliary Engine, Main Engine, and Boiler Fuel Improvement Program)

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 PM_{10} 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, and CARB's Auxiliary Engine Regulation now provide substantial evidence that any technological concerns regarding the use of cleaner fuels in auxiliary engines and main engines have been addressed. At a recent 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.[45] 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 <.1% sulfur fuel.[46]

Given the substantial shortfall that exists to achieve the CEQA significance thresholds in the short-term horizon years, it is imperative that the DEIS/DEIR pursue the cleanest lower sulfur distillate fuels in both auxiliary and main engines for all ships visiting Berths 136-147. Additionally, CARB announced at their September 25, 2007 marine regulation workshops that emissions from boilers are ten times higher than previously calculated. The resulting SOx, NOx 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 PM2.5 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

[45] 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.
[46] SCAQMD, Mitigation Measure Examples: Ocean Going Vessels, *available at* http://www.aqmd.gov/CEQA/handbook/mitigation/ogv/TableIX.doc.

Comment Set NRDC, continued

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.[47]

• 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.

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)

We support the use of slide valves on main engines; however, additional emissions-control devices must be included in this measure. For example, we support the installation of emissions control devices such as SCRs on 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 (New Vessel Builds)

We strongly support incorporation of the cleanest exhaust control technology into all new vessel design specifications.

MM AQ-14 (Clean Railyard Standards)

It is unclear why this mitigation measure does not apply to the relocated Pier A railyard. Relocating the Pier A railyard triggers the RL3 because this falls under the CAAP definition of a "new and redeveloped rail facilities." At a minimum, the DEIS/DEIR needs to be recalibrated to include mitigation consistent with the requirements of RL-3. Thus, both the railyards associated with this project should "incorporate the cleanest locomotive technologies/measures…include[ing] diesel-electric hybrids, multiple engine generator sets, use of alternative fuels, DPFs, SCR, idling shut-off devices, and idling exhaust hoods."[48]

[47] DEIS/DEIR, at 3.2-79.
[48] DEIS/DEIR, at 3.2-69.

Comment Set NRDC, continued

MM AQ -15 (Reroute Cleanest Ships)

Due to the minimal NO_x benefit and the lack of PM benefits from MARPOL Annex VI compliant ships, this measure must be more aggressive. We agree that the DEIS/DEIR can encourage the cleanest ships to frequent the terminal; however, the measure must aggressively pursue additional emission reductions from the visiting shipping fleets. Hundreds of new vessels are slated to come on line every year. New vessels provide a significant opportunity to ensure accommodation of the cleanest technologies, including cleaner engines and emissions-control devices such as SCR. The DEIS/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 recommend the following explicit standards and timeline for ships serving Berths 136 – 147:
• 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).
• 100% of OGVs must meet Blue Sky Series standards by 2020 (OEM or add-on).

MM AQ -16 (Truck Idling Enforcement Measures)

Limiting truck idling is a feasible approach to reducing emissions at the docks. This measure must ensure enforcement of idling rules as well as anti-idling legislation currently aimed at reducing idling times. These issues remain problematic as reports of violations of these rules persist. In conjunction with recordkeeping and enforcement, this measure should also include a 30 minute limit on truck turnaround time. Additionally, at least one full time staff person should be designated to ensure that idling rules are followed and that trucks are moving through gates and terminals as efficiently as possible.

MM AQ-17 (Periodic Review of New Technology and Regulations) and MM AQ-18B (General Mitigation Measure)

We generally support these measures and recommend a quarterly update on the progress of technologies under development and demonstration. Upon successful demonstration, we recommend that the DEIS/DEIR be revised to include any updated requirements within 60 days.

ii. The DEIS/DEIR Must Include Mitigation Measures for Harbor Craft, Create Funding for Demonstration Projects, Increase its Commitment to On-dock Rail, and Provide for Sensitive Site Mitigation.

Comment Set NRDC, continued

Harbor Craft

The DEIS/DEIR noticeably omitted measures specific to harbor craft. The DEIS/DEIR should include a measure specifying that within one year only harbor craft equipped with Tier 2 engines may be utilized at the terminal. Furthermore, the measure should also prioritize the most effective verified NO_x and PM emission reduction standards, and phase these in to supplement the Tier 2 engine requirement so that within four years, all harbor craft are at a minimum using Tier 2 engines and are retrofitted with the best available VDECS. We suggest the following timetable for ensuring harbor craft are equipped with the most effective emission reduction NO_x and PM technologies: within 2 years – 25%; within 3 years - 50%; and within 4 years – 100%.

Similarly, when Tier 3 engines become available, the measure should require specific phase-in requirements for these engines, as suggested above, building up to 100% within 4 years of their initial availability.

In order to facilitate the utilization of retrofit technologies, this measure should require technology demonstration tests for retrofit technologies on harbor craft within one year of project approval. Specifically, the Port should work in conjunction with ARB to ensure that the results and subsequent validation facilitate statewide efforts.

Finally, the DEIR/DEIS should include a mitigation measure requiring the Port to provide, within one year of project approval, an AMP staging area and require tugs servicing the terminal to plug into shoreside power when not in use.

Funding for Demonstration Projects

The Port and Corps should also consider as mitigation for project impacts, requiring the tenant to contribute a certain percentage of its profits or revenues into a fund that would pay for demonstration projects at the terminal or other terminals. The Technology Advancement Program could oversee how these funds are spent. It is clear that mitigating project impacts will rely in large part on implementation of emerging technologies. In fact, the DEIS/DEIR appears to acknowledge this fact in proposing MMAQ-17, which requires the tenant to periodically review new technology and implement such technologies as they become feasible.[49] Requiring that monies actually be set aside to fund demonstration projects would encourage testing of innovative technologies as well as implementation of feasible measures reviewed under MMAQ-17. Further, we note that CAAP indicates that the Ports of Los Angeles and Long Beach plan to contribute merely $3 million per year towards its Technology Advancement Program. While we applaud this contribution, it is clear that significant additional funds need to be created to truly advance emerging technologies. We strongly encourage the agencies to consider and adopt this measure.

[49] DEIS/DEIR, at 3.2-73-.74.

Comment Set NRDC, continued

The Ports Need to Commit to More Use of More On-dock Rail

In a section articulating why an off-site backland alternative is not desirable, the Port admits that "[d]raying containers between the terminal and the off-site facility would add truck trips to the Port road system. The additional truck trips and the additional handling cycle by terminal equipment would add air emissions… Consolidation results in reduced traffic within the Port and reduced air emissions per TEU."[50] This point also holds true to the use of on-dock rail versus near-dock rail. Given the Port's contention that reducing truck trips results in reduced air emissions, it is imperative that the Port maximize the use of on-dock rail at this terminal. As currently drafted, the DEIS/DEIR commits to shipping 31.6 % of TEUs in 2015 via on-dock rail and 29.3% of TEUs via on-dock rail in 2038.[51] Although the argument laid out in Figure 1-4 of the DEIS/DEIR seems to erroneously suggest that shipment via truck is as efficient as shipment via clean rail, the Port contends that "[a] terminal which is designed with equal capacity components makes the most efficient use of its land and its resource."[52]

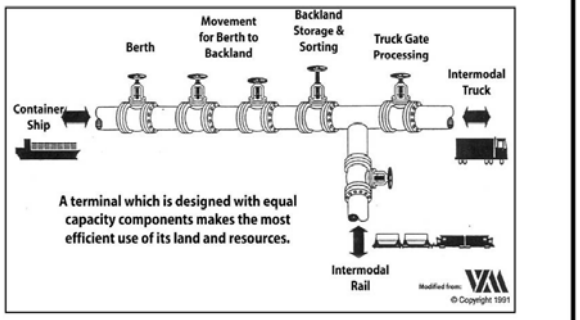


Fig 1-4. Flow of Containers through a Marine Cargo Terminal

[50] DEIS/DEIR, at 2-51.
[51] DEIS/DEIR, at 2-3.
[52] DEIS/DEIR, at 1-7 (DEIS/DEIR diagram pasted into the text).

Comment Set NRDC, continued

Under the Port's theory, it is not making the most efficient use of its land because in the future it relies on less than 50% on-dock rail. Given that the Port claims that one of the project's purposes is to "maximize the efficiency and capacity of the terminals while raising environmental standards through application of all feasible mitigation measures,"[53] the Port needs to amend the project by requiring that a minimum of 50% of its shipments take place via on-dock rail. We suggest that the actual percentage should be even greater—more on the order of 70% or more[54]—because clean rail is a more efficient means to transport the additional cargo generated from this project rather than adding more drayage trucks to transport containers to off-dock rail facilities. This mitigation will also provide benefits in mitigating the Greenhouse Gas emissions from the project.

The Port Needs to Commit to Sensitive Site Mitigation

The sensitive site analysis is lacking because it fails to point out that the Los Angeles Housing Authority commenced construction on the Dana Strand project along C street between Hawaiian Avenue and Wilmington Blvd. in 2005.[55] This project includes such features as a childcare facility that will be within the zone of impact from the construction emissions and operational emissions from this project. For this reason, we suggest the use of on-site mitigation for all sensitive sites identified. On-site mitigation should include tools suggested by CARB, such as High efficiency particulate arrestor (HEPA) filters, which are most effective at removing particles from outdoor air as it is brought indoors.[56] HEPA filters can easily be added to Heating, Ventilation and Air Conditioning (HVAC) systems, which should be quiet (fewer than 45 decibels) and well maintained. It is also our understanding that there are several other sensitive sites close to the facility that have not been analyzed in the DEIS/DEIR that could be benefited from this type of mitigation. Other on-site mitigation that should be considered includes the use of vegetative material such as trees or shrubs as a buffer.

iii. Given the More than 100% Increase in Greenhouse Gas Emissions from the Proposed Project, the Port Needs Additional Mitigation.

We agree with the Port that a number of air quality mitigation measures – e.g. MM AQ-6, MM AQ-10, MM AQ-14, and MM AQ-16 – will reduce GHGs, however these reductions are modest. Given that the Proposed Project will more than double the projected Greenhouse Gas Emissions compared to baseline emissions (compare 2003 levels of CO2-302,223; CH4-25.2 to 2038 levels of CO2-692,735; CH4-49.9), there is a demonstrable need to more aggressively add additional feasible mitigation measures that the Port has

[53] DEIS/DEIR, at ES-4.
[54] The Port should commit to a similar or greater percentage on-dock rail usage as committed to by the Port of Seattle (approximately 70%). *See* NRDC and CCA, *Harboring Pollution: The Dirty Truth about U.S. Ports* at 42.
[55] DEIS/DEIR, at 3.8-2.
[56] For more information see: http://www.arb.ca.gov/research/indoor/ab1173/report0205/rpt0205-es.pdf

Comment Set NRDC, continued

overlooked. Additionally, this project constitutes a significant portion of the total GHGs from goods movement.[57]

Proposed GHG Mitigation Measures

We applaud the Port's commitment to LEED Gold standards and to install solar panels on the main terminal building (MM AQ-19 and MM AQ-22). We also support the use of CFLs (MM AQ-20), a third party energy audit (MM AQ-21), recycling standards (MM AQ-23), and a commitment to tree planting (MM AQ-24). However, these measures amount to a minimal reduction in overall GHGs from the project, so much so that the reductions were not estimated or included in the DEIS/DEIR.

The Port provides insufficient rationale for why mitigation measures reviewed in Table 3.2-33 were not selected.[58] Some of these measures listed in this table could be instituted right away instead of waiting for regulatory measures to be developed by CARB. For example, the Port should institute its own low carbon fuel program to increase renewable and low carbon fuel use. Additionally, the port should create a program to collect all HFCs from refrigerated shipping containers and ensure that there are no HFC leaks from any refrigeration units on Port property. Finally, the Port must provide sufficient electrical hookup capacity for reefers (refrigerated containers) to meet peak demand.

Since the port is proposing to mitigate less than ten percent of GHG emissions, we propose a number of additional mitigation measures that were not considered in the DEIR. Numerous improvements could be made to improve efficiency of the ships, trains and trucks that carry containers to and from the TraPac terminal. These efficiency measures can substantially reduce GHGs. Many have also been employed by other businesses or at other ports.

Port Electrification[59]

Numerous aspects of port operations could be electrified to reduce GHGs, in addition to the proposed cold-ironing measure. Depending on the source of electricity, 2-4 pounds of CO2 are saved by each kilowatt-hour replacing diesel fuel. The trucks, cargo-handling equipment, tugs and locomotives serving the port could all be electrified to some extent. The port should convene an "Innovations Workshop" to explore all of these options further.

For example, the Port has already announced an initiative to develop electric tractors to haul containers to and from local destinations.[60] The Port should commit to using as many of these electric trucks as feasible as soon as the prototypes have been developed.

[57] Note that the most current GHG inventory for CA from CARB shows that 45 MMTCO2e were from the goods movement sector. The TraPac project's 2003 CEQA baseline carbon emissions are 0.3 MMTCO2e per year. Under the project, carbon emissions would expand to 0.7 MMTCO2e per year.
[58] DEIS/DEIR, at 3.2-106.
[59] Port Innovation Workshop Final Report, Rocky Mountain Institute, April 2007
[60] http://www.portoflosangeles.org/Press/REL_Electric_Tow_Tractor_Demonstration_Project.pdf

Comment Set NRDC, continued

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.

Cranes that are already powered by electricity could be further optimized to save energy. Virtually all ship-to-shore cranes are equipped with regenerative breaking 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 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 should commit to commissioning the development of electric yard hostlers.

Finally, locomotives can and should be electrified to the extent possible. The Green Goat is just one of several battery electric hybrid options for locomotives. All switching locomotives should be converted to hybrids. The Port should also commit to supporting electric rail projects for short line haul service.

Heavy-duty Truck Efficiency

The Port should require truck efficiency standards that improve fuel economy by at least 10 percent,[61] incorporating the following elements for all trucks serving the terminals. Many truck efficiency technologies are commercially available now and have been developed under EPA's SmartWay Transport Program. The following SmartWay elements could improve long haul truck fuel economy by nearly 10 percent: Single Wide Tires, Trailer Aerodynamics, Automated Tire Inflation, and low viscosity lubricants.[62] Additionally, fuel additives and lighter vehicle components could provide further efficiency gains.

Many of the measures used to improve truck efficiency also reduce NOx emissions. One study of two efficiency improvements, single-wide tires and improved aerodynamics,

[61] DEIS/DEIR, at 3.2-109.
[62] EPA SmartWay Calculator, http://www.epa.gov/smartway/calculator/calculatorexplanation.htm#calculations Single-wide tire plus improved trailer aerodynamics together provide an 8% fuel efficiency improvement, automatic tire inflation provides an additional 0.6% efficiency improvement. Low viscosity lube oils can provide an additional 1.5% improvement according to ICF documentation prepared for EPA Smartway.

Comment Set NRDC, continued

showed NOx reductions from those modifications ranging from 9 to 45 percent.[63] This is particularly important in light of the struggle in Los Angeles to attain federal air quality standards and the shortcomings of this DEIR in mitigating significant NOx and PM emissions.

The following measures must be considered as part of a heavy-duty truck efficiency standard:

Improved Aerodynamics- 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.

Automatic Tire Inflation Systems-These systems are particularly effective for fleets or truck owners that have difficulty monitoring tire pressure on a regular basis.

Single Wide-Base Tires- Single wide-base tires save fuel by reducing vehicle weight, rolling resistance and aerodynamic drag. These tires can also improve tank trailer stability by allowing the tank to be mounted lower. The weight savings for a typical combination truck using single wide-base tires on the drive and trailer axles ranges from 800 to 1,000 pounds.

Weight Reduction- 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-Conventional mineral oil lubricants may have too high of a viscosity to effectively slip between and lubricate the moving parts of truck systems. 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 three percent. Despite the higher cost of synthetic oils, truck owners can save more than $500 per year and additional savings may be possible due to reduced wear and maintenance.

Hybrid Vehicle Technology- This technology could improve efficiency by 30 to 50 percent. It is particularly effective in the medium-duty sector, which typically operates in urban stop-go traffic. Hybrid technology is also now being developed for longer haul trucks; at least one hybrid class 8 truck is already on the market.

Improved Freight Logistics- Software programs monitoring cargo transport delivery schedules can minimize the miles that a truck drives empty and ultimately remove many

[63] L.J. Bachman et. al., Effect of Single Wide Tires and Trailer Aerodynamics on Fuel Economy and NOx Emissions of Class 8 Line-Haul Tractor Trailers, SAE 2005, paper no. 05CV-45.

Comment Set NRDC, continued

empty trucks from the road. Shippers, in particular, can use logistics software to ensure full loads to maximize operating efficiency. Chassis pooling, required by the Port of Virginia, is another method that should be employed to reduce unnecessary truck trips.[64]

Fuel Additives- Fuel additives may be able to improve the way diesel fuel is burned in the engine chamber reducing the amount of unburned fuel, and thus reducing pollution and improving efficiency. Any fuel additive must be rigorously tested not only for performance characteristics but also for potential toxic emissions or water quality contamination risks.

Truck GHG requirements can and should be incorporated into the mitigation measures for TRAPAC.

Intelligent Container Design[65]

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:

- 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;
- Improved logistics because of advanced tracking/scanning technology built into the container resulting in reduced wasted time and associated energy use, unnecessary miles traveled, engine idling, etc.;
- Reduced emissions of climate-changing refrigerant compounds and improved efficiency in refrigeration;
- Improved facility of security scanning and related logistical benefits;
- Easier adoption of smaller engines or advanced energy technologies like hybrid and fuel cells because of reduced loads;
- 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.

[64] RMI, April 2007.
[65] Information provided by Laura Schewel, Rocky Mountain Institute, Personal Communication, September 21, 2007.

Comment Set NRDC, continued

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 CO_2-equivlanet emissions in the US.

It should also be noted that other equipment at container terminals could be "lightweighted" to save fuel or energy and reduce GHGs. For example, Super-post-Panamax cranes can weigh 1,400 metric tons; reducing this unnecessary weight would cut energy use.[66]

Locomotive and Ship Efficiency[67]

Significant GHG reductions could be achieved through the use of more efficient trains and ships. Existing rail technologies could yield 13% fuel reductions, while advanced technology could yield even greater reductions of 30 percent. In fact, the Swiss railways forecast up to 60% efficiency gains through their R&D on lightweighting, cutting drag and friction and optimizing operations.

Marine transportation could save over 30% of fuel through improved hull designs, drag reductions, better engines and propulsors, and other improvements. The shape of a vessel's hull can be modified to best fit its operational and size characteristics, achieving fuel savings of up to 15%. The drawbacks are that hull modifications can be costly, depending on the nature of the work.[68]

Bulbous bows have been used for decades on large vessels. This is essentially a ball attached to the front of the hull, which reduces wave resistance through the "interference effect"—decreasing friction.[69] Many large commercial vessels use the bulbous bow, including an 11 deck car and passenger ferry in Sweden, which has been operating since 1996.[70]

---

[66] RMI, April 2007.
[67] Based on Winning the Oil Endgame: Innovation for Profits, Jobs and Security, Rocky Mountain Institute, p. 79.
[68] Bray, Patrick J. The bulbous bow - what is it? *Marine Engineering Page*, January 2003. Available online at: http://members.shaw.ca/diesel-duck/library/articles/bulbous_bows.htm. Last visited on June 21, 2004.
[69] Rainer, Grabert. *Hull Form Optimisation of Ferries Using CFD*. Available online at: http://www.sva-potsdam.de/news/CFD-Opt.pdf. Last visited on June 23, 2004.
[70] Ship-Technology. *Stena Jutlandica Train, Vehicle, and Passenger Ferry*. Available online at: http://www.ship-technology.com/projects/jutlandica/. Last visited on June 30, 2004.

Comment Set NRDC, continued

V. Health Risk Assessment: The DEIS/DEIR Underestimates Health Risks from Toxic Air Contaminants and Fails to Mitigate Health Impacts.

The DEIS/DEIR states that cancer risk equal to or above 10 in 1 million from the project is significant for residential receptors,[71] and concludes that after mitigation, operation of the project will result in residential, occupational and sensitive cancer risks above the significance threshold relative to the NEPA baseline.[72] We are gravely concerned over these elevated cancer risks, which may actually be under-estimated.

The HRA contains a number of flaws that likely lead to artificially lower risk characterizations:

First, the HRA should have utilized a more appropriate breathing rate in the exposure assessment, which would also have led to a residential cancer risk above the threshold of significance. While the DEIS/DEIR states that the 80th percentile breathing rate of 302 liters per kilogram of body weight per day (L/kg-day) was used per CARB guidelines,[73] the 95th percentile breathing rate of 393 L/kg-day, as provided by OEHHA, is more health protective and therefore a more appropriate breathing rate for this type of analysis.[74] Residential cancer risks based on this more appropriate breathing rate are 23% higher than risks based on the 80th percentile breathing rate.

Second, many of the occupational, sensitive, student, and recreational "receptors" are likely to live in the community resulting in 24 hour exposures (not just their occupational and recreational exposures), greatly increasing the cancer risk they would face as a result of the project.[75] Therefore it's possible that a person growing up near this Project terminal, could go to school near the terminal, recreate in the HBB area, work at the terminal and reside near the terminal through the course of their lifetime, facing aggregate elevated risks of roughly double the residential risk reported. This worst-case scenario must be accounted for.

Third, while the HRA is based on a protocol approved by CARB and SCAQMD,[76] and discusses many important and well known health impacts from DPM other than cancer risk, the HRA fails to analyze these health impacts. For example, the DEIS/DEIR asserts that "CARB staff have stated that it would be neither appropriate nor meaningful to apply the health effects model used in the CARB study to quantify the mortality and morbidity impacts of PM on a project of the proposed Project's size because values quantified for a specific location would fall within the margin of error for their methodology."[77] However,

[71] DEIS/DEIR, at 3.2-36.
[72] DEIS/DEIR, at 3.2-91
[73] DEIS/DEIR, at App. D3-17.
[74] Cal EPA, Office of Environmental Health Hazard Assessment, Air Toxics Hot Spots Program Risk Assessment Guidelines, August 2003. This breathing rate is posted as the "High end" in Table 5-4; http://www.oehha.ca.gov/air/hot_spots/pdf/HRAguidefinal.pdf.
[75] *See, e.g.*, DEIS/DEIR, at 7-14 (28% of longshoreman live in San Pedro and 10% live in Wilmington).
[76] DEIS/DEIR, at 3.2-82, App. E at 1.
[77] DEIS/DEIR, at 3.2-95.

Comment Set NRDC, continued

CARB did in fact calculate those health impacts from goods movement at a regional level, reporting, for example, that 220 premature deaths were associated with the goods movement in 2005 in the San Francisco air basin, for which the Port of Oakland is the primary contributor to goods movement pollution and associated health impacts. The magnitude of the operations proposed by this project is on a par with current Port of Oakland operations. Therefore, health impacts are likely similar and should have been reported here.

Fourth, use of a 6 year period for determination of health risks to students is inappropriate for a number of reasons. First, OEHHA does not support the use of cancer potency factors to evaluate cancer risk from exposure durations of less than 9 years.[78] Second, impacted students are likely to live in the community as well, so that their exposure may actually be over a lifetime and would likely be 24 hours a day, seven days a week. Further, while the exposure assessment parameters do account for higher breathing rates of young students compared to adults, the heightened vulnerability to health impacts is not considered in the cancer potency factors and RELs, which may lead to significantly underestimated health risks.

VI. Alternatives: The DEIS/DEIR Provides an Inadequate Alternatives Analysis Under CEQA and NEPA.

An adequate alternatives analysis is a crucial component of complying with CEQA/NEPA. The CEQ has labeled the alternatives requirement as the "heart" of the EIS.[79] Further, NEPA contains a clear mandate that alternatives must be explored in depth and with the same level of detail as the proposed action.[80] The analysis of the alternatives throughout the document fails in this respect.

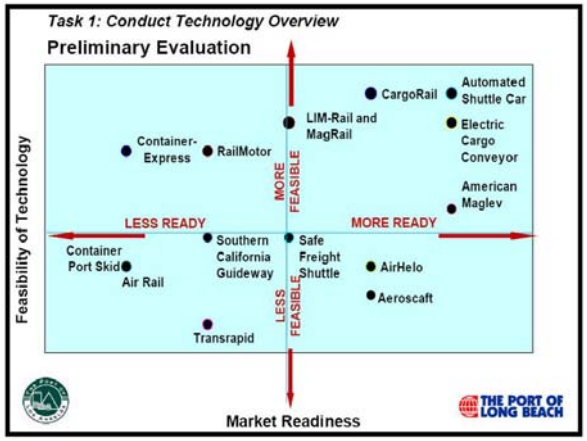
Perhaps one of the most notable deficiencies in the alternatives assessment was overlooking utilizing a modern container transport system. A critical component of the CAAP was a section on "Green Container" Transport Systems.[81] The CAAP states that "the ultimate goal is a 21st century electric powered system that will move cargo from our docks to the destinations within 200 miles that today are moved by truck. It may take 20 years to complete such a system but it will always be 20 years away unless in the next five years we build and test a demonstration prototype and perfect a detailed plan for widespread construction."[82] In addition, the Southern California Association of Governments ("SCAG"), the designated Metropolitan Planning Organization for the area

[78] Cal EPA, Office of Environmental Health Hazard Assessment, Air Toxics Hot Spots Program Risk Assessment Guidelines, August 2003, p. 8-4, http://www.oehha.ca.gov/air/hot_spots/pdf/HRAguidefinal.pdf.
[79] 40 C.F.R. § 1502.14; *see also Monroe County Conservation Council, Inc. v. Volpe*, 472 F.2d 693, 697-98 (2d. Cir. 1972)("The requirement for a thorough study and a detailed description of alternatives... is the linchpin of the entire impact statement."); Cal. Pub. Res. Code § 21002; 14 Cal. Code Regs. § 15126.6.
[80] *See* 40 C.F.R. § 1502.14 (a) and (b), *see also Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act* Regulations, 46 Fed. Reg. 18026 (Mar. 23, 1981)("The degree of analysis devoted to each alternative in the EIS is to be substantially similar to that devoted to the ""proposed action."").
[81] CAAP TR, at 141.
[82] CAAP TR, at 141.

Comment Set NRDC, continued

encompassing the Port, has determined that "the region is [] paying a high price in terms of the air pollution generated from [goods movement] activities."[83] In its declaration of a state of emergency due to severe air pollution impacts, SCAG called for pursuit of "all actions associated with implementation of an alternative clean freight movement system."[84] Thus, it is inconceivable why such a modern system was not even considered in the DEIS/DEIR for this project. Obviously, the Port of Los Angeles has determined that such a system is potentially feasible and a desirable result, so we were exceptionally disappointed that an analysis of this type of technology was not included in the DEIS/DEIR.

In conjunction with the Port of Long Beach, the Port commissioned a study of Zero Emission Container Mover Systems. As the chart from a presentation to the Board of Harbor Commissioners demonstrates, there are several technologies that have been quantified as "More Feasible" and "More Ready."[85]



[83] SCAG, Press Release, SCAG Urges Declaration of Air Quality Emergency For South Coast Air Basin, *available at* http://www.scag.ca.gov/media/pdf/pressReleases/2007/pr029_SCAGAQCrisis.pdf.
[84] *Id.*
[85] Zero Emissions Container Mover System Evaluation Status Update, (September 6, 2007) *available at* http://www.portoflosangeles.org/DOC/Zero_Emissions_Container_Mover_System_Pres_090607.pdf.

Comment Set NRDC, continued

The Port needs to address the DEIS/DEIR's deficiency of failing to analyze one or more of these more efficient systems of transportation. Moreover, it is unclear why the Port is shying away from a true analysis of alternatives, and instead, relying on a very similar list of alternatives from the China Shipping DEIS/DEIR, an environmental review document that predated the Clean Air Action Plan.[86] It is our understanding that the Port is hoping to move the goods movement sector into the 21st century, and the alternatives analysis within this document does nothing to advance the ball on this.

VII. Aesthetics: The DEIS/DEIR Contains an Inadequate Analysis of Aesthetic Impacts.

A. The DEIS/DEIR Understates the Project's Aesthetic Impacts.

1. The DEIS/DEIR's Analysis of Aesthetic Impacts Contains Numerous Substantive Flaws and Underestimates Impacts.

As discussed below, the DEIS/DEIR takes an overly narrow view of how the proposed project may affect aesthetics, and as a result, severely underestimates the significant aesthetic impacts the proposed project will have on nearby communities in San Pedro, Wilmington, and Rancho Palos Verdes.

First, the DEIS/DEIR presents an incomplete and misleading description of the existing environmental setting by emphasizing that industrial elements dominate the existing landscape.[87] While we acknowledge that the project site is part of one of the country's busiest ports, it also lies in close proximity to residential neighborhoods, schools, a hospital, and local businesses.[88] By glossing over the presence of these non-industrial areas, the DEIS/DEIR skews the description of the existing environmental setting and minimizes the proposed project's off-site aesthetic impacts.

Second, we are concerned that the DEIS/DEIS does not present the worst-case scenario, which would also include stacked containers, light standards, yard equipment, trucks, top-pick and RTG cranes, and ships in many of its analysis of impacts from "critical views." As a result, the DIES/DEIR fails to accurately depict project impacts.

2. Had the DEIS/DEIR Comprehensively Considered All Aesthetic Impacts, It Would Have Found Additional Significant Impacts.

First, contrary to the Port and Corps findings, the proposed project will have a demonstrable negative aesthetic effect under AES-1 and AES-3.[89] Indeed, as outlined above, had the DEIS/DEIR considered project elements such as ships, infill, stacked containers, yard equipment, etc., the document would have concluded that the open

[86] *Id.*
[87] *See, e.g.*, DEIS/DEIR, 4-19.
[88] DEIS/DEIR, at 3.2-11.
[89] DEIS/DEIR, at 3.1-81.

Comment Set NRDC, continued

panoramic views of the water and skyline—two of the most important visual resources for nearby communities at grade and at higher elevations—would be dramatically impacted by the proposed project. In essence, the DEIS/DEIR ignores numerous elements of the project and downplays the huge contrast between baseline conditions—primarily a much smaller scale operating terminal—and 24-hour, 365-day expanded container terminal operations.[90]

Second, by failing to include nearby residential areas in the description of the existing environmental setting and presenting a limited discussion of the project's components that could cause light impacts, the DEIS/DEIR improperly concludes under AES-4 that the proposed project would not produce significant impacts from light or glare.[91] However, the DEIS/DEIR glosses over the fact that lighting does not occur in 19 of the 67 acres of backlands to be developed.[92]

Third, the Port provides insufficient rationale for why views of offsite container storage areas will not result. The Port notes that "the proposed Project includes adding expanded and reconfigured backlands to the Berths 136-147 Terminal, which will provide additional on-site container storage activities, thereby reducing the need for offsite container storage."[93] However, it is our assumption that increased container storage serves to accommodate the additional cargo throughput at the terminal. The Port provides no evidence that the expanded terminal will result in the "reduced need for offsite container storage"[94] when compared to baseline conditions.

B. The Aesthetic Mitigation Presented in the DEIS/DEIR is Wholly Inadequate.

The DEIS/DEIR's lack of mitigation measures fall short of the CEQA requirement that all significant impacts be mitigated to the fullest extent feasible.[95] This results largely from the DEIS/DEIR's inadequate analysis of aesthetic impacts, as discussed above.

Further, the DEIS/DEIR wholly omits an analysis of various use restrictions from its range of proposed mitigation measures. Use restrictions can be a practical and feasible approach to mitigate the proposed project's aesthetic impacts, including visual impacts, glare, odor, etc. that the Port and Corps must consider.

C. The Cumulative Aesthetic Impacts Analysis Is Inadequate.

As discussed, the Port and Corps have taken an artificially narrow view of the aesthetic impacts from the proposed project. As a result, the DEIS/DEIR likely underestimates cumulative impacts as well. In particular, despite emphasizing the relatively high existing

[90] *See, e.g.*, DEIS/DEIR, at 3.1-1, 3.1-36, 3.1-52, 3.1-59, 3.1-62, 3.1-64.
[91] DEIS/DEIR, at 3.1-117.
[92] DEIS/DEIR, at 3.1-89.
[93] DEIS/DEIR, at 3.1-117.
[94] *Id.*
[95] Cal. Pub. Res. Code § 21002; CEQA Guidelines, § 15126.4.

Comment Set NRDC, continued

ambient nighttime light from Port operations and potential increases into the future, the Port determines that there is no significant cumulative lighting affect. The Port must recognize that cumulative light and glare impacts of existing and future port operations will affect residential neighborhoods in the area, and fully address this issue in subsequent drafts of the DEIS/DEIR.

IX. Land Use: The DEIS/DEIR Presents an Insufficient Analysis of Land Use Impacts From the Proposed Project.

A. The DEIS/DEIR Severely Underestimates Significant Off-Port Land Use Impacts.

The DEIS/DEIR's land use impacts analysis is insufficient under CEQA in several respects. First, under LU-2, the DEIS/DEIR inappropriately focuses on port growth-oriented elements of the applicable land use plans to the exclusion of other, equally-important public health elements. Second, under LU-3, the DEIS/DEIR consistently understates the land use impacts created by expanding a new, heavy industrial container terminal operations in close proximity to extant residential land uses. Third, under LU-4, the DEIS/DEIR fails to address off-site project operations that may disrupt and divide the community of Wilmington.

1. The Project is Inconsistent With Some Goals of Applicable Land Use Plans.

Contrary to the findings in the DEIS/DEIR, the Project will likely cause significant land use impacts, as inconsistency with a single policy or goal of a general plan can be the basis for a finding of significant impacts under CEQA.[96] For instance, two of the Port of Los Angeles Plan Objectives and Policies are geared towards creating and maintaining a physically safe, healthy community and environment.[97] The ARB's land use policy guidelines underscore the importance of the impact of land use decisions on air quality, cautioning that "land use policies and practices can worsen air pollution exposure and adversely affect public health by mixing incompatible land uses."[98] Indeed, in light of the recent CARB land use policy guidelines, the Port should evaluate the relevant Port and City plans to determine whether these documents contain outdated, inaccurate, or incomplete land use policies, and report findings in subsequent drafts of the DEIS/DEIR.

Additionally, applicable plans' goals to "preserve and enhance the positive characteristics of existing neighborhoods" would be substantially undermined by expanding a major source of toxic air pollution, noise, traffic, and heavy industrial scenery into existing residential neighborhoods in the Harbor area. This further solidifies the need for all

[96] *See San Bernardino Valley Audubon Soc'y, Inc. v. County of San Bernardino*, 155 Cal.App.3d 738, 753 (1984).
[97] DEIS/DEIR, at 3.8-11-12.
[98] CARB, Air Quality and Land Use Handbook: A Community Health Perspective, at 38 (April 2005) (enclosed as Attachment H).

Comment Set NRDC, continued

feasible mitigation of air quality impacts. The DEIS/DEIR fails to acknowledge the proposed project's inconsistency with these extremely important environmental goals.

Furthermore, the DEIS/DEIR ignores the fact that several of the proposed project's traffic impacts will exceed thresholds of significance. Such traffic impacts are inconsistent with the Port's plan aimed at minimizing conflicts among vehicular, pedestrian, railroad- and harbor-oriented industrial traffic, tourist and recreational traffic, and commuter traffic patterns. But the proposed project does exactly that. The DEIS/DEIR improperly ignores this substantial inconsistency in finding no significant impact under LU-2.

2. The Project Will Substantially Affect Existing Types of Land Uses in the Area.

As the DEIS/DEIR acknowledges, a project will have a significant impact on land use if it has the potential to substantially affect existing types of land uses in the project area.[99] The DEIS/DEIR purports to evaluate the proposed project's potential to significantly impact land use. Yet the DEIS/DEIR consistently downplays the off-port land use effects of expanding a massive, 365-day a year, 24-hour container terminal in the backyards of residential communities. In fact, the Port appears to argue that "because terminal activities would be confined to the proposed Project site, project operations would not affect blighted conditions in surrounding redevelopment areas."[100] It is this area where much disagreement arises because many argue that port operations, which invites mobile sources to a specific terminal is not simply confined to terminal space. This flaw—which particularly weakens the discussion of LU-3—infects the entire Land Use discussion, beginning on the first page of the Land Use chapter, where the "Environmental Setting" description includes the project site and nearby port terminals, but inexplicably excludes neighboring residential communities of San Pedro, Wilmington, and Rancho Palos Verdes.[101]

In this vein, the DEIS/DEIR states that the proposed project's activities would be confined to the project site,[102] ignoring a host of project-related land uses such as trucks and rail that will occur beyond the project site in neighboring residential communities. These and other off-site activities and their associated impacts—industrial-level noise, traffic, glare, and air pollution—on existing residential land uses must be addressed. Subsequent drafts of the DEIS/DEIR should include land use maps showing truck routes, gate locations, rail, and zones affected by on- and off-site, project-related noise and light.

Finally, we commend the Port for acknowledging the community position that Port conditions cause blight.[103] But the DEIS/DEIR's response inappropriately avoids serious inquiry into the reasons for this community sentiment. As the Port should recognize,

[99] DEIS/DEIR, at 3.8-23.
[100] DEIS/DEIR, at 3.8-25.
[101] DEIS/DEIR, at 3.8-1.
[102] *See e.g.*, DEIS/DEIR 3.8-23 *et seq.*
[103] DEIS/DEIR, at 3.8-4.

Comment Set NRDC, continued

"blight" commonly refers to a generally deteriorated urban condition.[104] By arguing that the elements of the technical definition of blight are absent from the area, the Port has failed to reasonably respond to the widely acknowledged and empirically evident fact that Port activities increasingly cause negative land use impacts off of port lands such as traffic congestion, air pollution, noise, etc. in neighboring residential communities, and that the proposed project will further worsen those impacts.[105] Moreover, even under the proffered technical definition, evidence shows that "blight" does in fact exist in these communities.[106] The Port must take seriously the question of whether port industrial activities on and off port lands cause blighted conditions, and comprehensively address the proposed project's off-site land use impacts in subsequent drafts of the DEIS/DEIR. Actions such as creating buffer zones and open spaces are crucial to mitigate these impacts, so we encourage the Ports to more effectively utilize these tools in communities adjacent to the Port. We were encouraged to see the Port utilize a buffer area as part of this project, and we encourage the Port to more fully explore how to effectively separate residents from the adverse effects of port operations.

3. The Project Will Disrupt or Divide Communities.

A project has a significant impact on land use if its elements would disrupt or divide communities.[107] The DEIS/DEIR blatantly underestimates the impacts of substantially increasing throughput at one terminal and its associated impacts on land use in Wilmington and San Pedro. The DEIS/DEIR fails to truly acknowledge the heightened impacts from the disruptive effect of increased use of rail and truck corridors that traverse the neighboring community of Wilmington.

The DEIS/DEIR proposes two mitigation Measures: (1) LU-1: Install Truck Route Signage and (2) LU-2: Truck Traffic Enforcement. While signage and ensuring trucks that service the ports comply with the law is important, these mitigation measures are not nearly strong enough to mitigate the disruption of adding an additional 682,812 trucks a year[108] in Wilmington and surrounding areas.

Moreover, these mitigation measures lack sufficient specificity to provide meaningful reductions in the severe community impacts this program will have. The measure does not describe how many signs will be placed "throughout Wilmington." Theoretically, the Port could simply place fewer than five signs in Wilmington and claim it is complying with this mitigation measure. Moreover, LU-2 does not denote how many more resources the Port Police will allocate to enforcing violations by trucks. Read to the extreme, an increase in enforcement could mean the Port police simply spend one additional minute a week enforcing this provision. Thus, the Ports need to provide greater specificity for LU-1 and

[104] *See* http://www.merriamwebster.com/cgi-bin/dictionary, last accessed Sept. 14, 2006.
[105] DEIS/DEIR, at 3.8-4.
[106] For example, the City of Los Angeles has designated surrounding areas as redevelopment zones, making findings of blight under applicable land use law. DEIS/DEIR, at 3.8-3-5.
[107] DEIS/DEIR, at 3.8-23.
[108] DEIS/DEIR, at 2-3 (comparing Annual Truck Trips in 2003 to Annual Truck Trips in 2038).

Comment Set NRDC, continued

LU-2. Providing more specificity will greatly enhance the effectiveness of thes mitigation measures.

4. The Project Will Cause Secondary Impacts to Surrounding Land Uses.

While the DEIS/DEIR acknowledges that a project will have significant land use impacts if it causes secondary impacts to the surrounding land uses, it inappropriately limits its analysis of secondary impacts to potential increases in property values.[109] Both CEQA and NEPA define "secondary effects" or "indirect effects" much more broadly to include "effects related to induced changes in the pattern of land use" in neighboring communities.[110] This inquiry is particularly important in any port-expansion project. As the Port expands, the port-serving facilities that are necessary to support terminal operations are increasingly concentrated in off-port areas immediately adjacent to the Port. For instance, container storage yards, truck service facilities, warehouses, and numerous other port-serving operations are located off of port lands in the communities of Wilmington and San Pedro. In many cases, these industrial land uses—essential for day-to-day port operations and guaranteed to increase with Port expansion—are found near homes, playgrounds, and schools. Subsequent drafts of the DEIS/DEIR must evaluate these secondary impacts and propose feasible off-site mitigation measures for these adverse impacts on community land use.

B. The DEIS/DEIR Inadequately Addresses Mitigation Measures for Land Use Impacts.

As described above, the Port failed to address several significant land use impacts. As a result, the DEIS/DEIR's evaluation of feasible mitigation of off-port land use impacts is severely lacking. We strongly urge the Port and Corps to find significant land use impacts based on the information provided above, and mitigate those impacts off of port lands accordingly.

VIII. Noise: The DEIS/DEIR Fails to Adequately Consider and Mitigate Noise Impacts.

Noise is a serious, and often dismissed, public health problem, which causes numerous health and social effects, ranging from hearing to cardiovascular problems, and from learning problems in school to sleep disturbances at home.

We are concerned that the baseline for the noise analyses may have established during a time of active construction at Berth 100 of China Shipping, which would invalidate the sampling periods in April and October 2002 for the TraPac DEIS/DEIR as providing an acceptable "baseline" for the DEIS/DEIR. Please note that a judge ordered that construction cease on October 30, 2002. We request that the Port of L.A. and Army Corps

[109] DEIS/DEIR, at 3.8-23, -31.
[110] CEQA Guidelines § 15358; 40 C.F.R. § 1508.8(b).

Comment Set NRDC, continued

of Engineers obtain information (and provide it for the record and public review) on exactly what construction activities were occurring during the period from April to November 2002; without such information, we assume that construction may have been occurring during this period, thus invalidating the noise analyses as providing an accurate "baseline" for noise activities during this period.

In addition, we are concerned that the geographic scope for analyzing noise impacts is much too limited. Traffic impacts (including ones declared to be of significant impact) are determined by the DEIS/DEIR to exist far from the proposed TraPac terminal itself. Thus, noise impacts should be analyzed at these more distant locations also, not just within a stone's throw of the proposed terminal, such as along Harry Bridges Boulevard immediately north of the proposed terminal – and even for residents in west Long Beach east of the Terminal Island Freeway where thousands of trucks will be traveling to the Union Pacific ICTF from the proposed TraPac Terminal.

We note that the environment near the proposed TraPac expansion is already a "degraded noise environment" and that noise levels currently present are higher than what is typically acceptable in a residential community. We question whether the additional noise from roughly adding the throughput of the Port of Houston, which comprises greatly enhanced terminal operations as well as thousands more trucks traveling on Harry Bridges Boulevard, the 110 Freeway, Alameda Street and other roadways can possibly be of "insignificant impact" to residents.

One set of noise surveys utilized in the China Shipping DEIR/EIS (attached) not provided in the TraPac DEIS/DEIR, show that over a 24-hour weekend period, on a Sunday, when the Port was not yet operating its "Pier Pass" 24/7 operation, the noise levels at 207 W. Amar Street, a residential location that the DEIR/DEIS says "overlooks the West Basin" *(DEIR/DEIS at 3.11-21 in China Shipping DEIR/DEIS)*, averaged only 46 dBA with a CNEL of 57dBA. The Ldn for Harry Bridges Blvd, 57 feet from the Center, is 77 dBA. For Shields Drive, the Ldn is 72 Ldn. To the undersigned, this appears to indicate that the area immediately north and west of the proposed TraPac Terminal is already a "degraded noise environment" into which additional sources of noise would create an even more serious noise problem.

We note that the "Region of Influence" (ROI) for the *Port of Los Angeles Deep Navigation Project (Final EIR/EIS, 1992, Section 4H.1.1* with regard to noise impacts included "the area surrounding the offshore and onshore elements of the project alternatives." The ROI also included the "corridors adjoining the ground transportation routes, including both vehicular and rail traffic, that would be used to access the Port. Any noise sensitive receptors which could be affected by noise from project construction or operation, both on-site and off-site, are included in the ROI." In fact, that 1992 EIR/EIS considers the noise levels at the Union Pacific Intermodal Container Transfer Facility (UP ICTF) in Carson on west Long Beach residents and reports on noise monitoring surveys conducted there. We request that the final DEIS/DEIR include a much wider geographically affected area than does the draft, including along the 110 Freeway, Alameda Street, Terminal Island Freeway,

Comment Set NRDC, continued

I-710 Freeway, Alameda Corridor, near the ICTF, and along other roadways. We request that the final EIR/EIS include comparison between noise levels in 1992 (as they exist) with current noise levels to show the impact of Port operations on local residents in L.A. and Long Beach.

VIII. Conclusion

We appreciate the opportunity to review this document. We hope the Ports will continue to solicit input from environmental, community, and labor groups in subsequent versions of this environmental review document.

Sincerely,

Adrian L. Martinez

Adrian Martinez
Project Attorney
Natural Resources Defense Council

On Behalf of:

Colleen Callahan
Manager of Air Quality Policy and Advocacy
American Lung Association of California

Robina Suwol
Executive Director
California Safe Schools

Greg Tarpinian
Executive Director
Change To Win

Tom Plenys
Co Research and Policy Manager
Coalition for Clean Air

Jesse Marquez
Executive Director
Coalition for a Safe Environment

Phillip Huang
Attorney
Communities for a Better Environment

Comment Set NRDC, continued

Rupal Patel
Outreach Director
Communities for Clean Ports

Diane Forte
Director of Sustainability Programs
Environment Now

Frank O'Brien
Executive Director
Harbor Watts Economic Development Corporation

Chuck Mack
International Vice President and Port Division Director
International Brotherhood of Teamsters

Elina Green, MPH
Project Manager
Long Beach Alliance for Children with Asthma

Patricia Castellanos
Co-Director, Ports Campaign
Los Angeles Alliance for a New Economy

Chuck Hart
President
San Pedro-Peninsula Homeowner's United

Andrew Mardesich
President
San Pedro and Peninsula Homeowner's Coalition

Tom Politeo
Co-Chair
Sierra Club Harbor Vision Task Force

Jim Stewart, PhD,
Co-Chair
Sierra Club Angeles Chapter Global Warming, Energy & Air Quality Committee

Individual Signatories:
Dr. John G. Miller
Pat Nave
Kathleen Woodfield

Comment Set CBYC

August 29, 2008

U.S. Army Corps of Engineers, Los Angeles District
Environmental Resources Branch
c/o Megan Wong
P.O. Box 532711
Los Angeles, CA 90053-2325

And

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

Re: Comments to Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report Port of Los Angeles Channel Deepening Project.

CBYC-1

Summary
We, the Cabrillo Beach Yacht Club ("CBYC"), support the Port of Los Angeles' ("Port") channel deepening project as reflected in alternatives 1 and 2 of the above referenced report ***if the Eelgrass Habitat Area and the related Rock Dike (collectively the "Structure") is excluded from the project***. We believe the Structure will materially negatively restrict and endanger boating in the recreational upper inner harbor. It is further our belief that the Structure is not a required compensatory mitigation element of the plan but merely an optional environmental enhancement. Thus, the removal of the Structure from the plan should not impact any other portions of the deepening project.

Background
CBYC was founded amid the enthusiasm for small boat racing sparked by the 1932 Olympic Games in Los Angeles. CBYC has a long history of hosting significant regattas for both small and large boats. One significant reason for its historic success in attracting major regattas is its location near "Hurricane Gulch." The Gulch is generally located in the upper and (before the construction of pier 400) the middle harbor area. While most areas in Los Angeles normally have light winds, the Gulch regularly sees 12 to 18 knot winds all afternoon because of

Page 1 of 3

CBYC-1 Please see the response to comment number PCAC-7. The Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

Comment Set CBYC, continued

Cabrillo Beach Yacht Club
Channel Deepening Project
August 29, 2008

the way the wind funnels into the area around Palos Verdes and the Catalina eddy. This makes the Gulch uniquely valuable to small boat sailing.

There was great concern over the impact on sailing caused by the construction of Pier 400. Its construction significantly reduced the portion of middle harbor area available to sailing and reduced the surface velocity of the Gulch's wind. Giving way to industrial development, pier 400 was built and the Port of Los Angeles ("Port") reassured the community that the upper harbor area would be set aside as an enhanced recreational boating area. At that time the Port removed anchorage areas to help enhance the recreational area of the bay in furtherance of its commitment.

Currently a number of recreational boating activities flourish in the upper recreational harbor. Junior sailing training and regattas are held near the Boy Scout Camp, paddlers and canoers frequent the waters in front of the camp, boats launch from the ramp area, windsurfers practice in the upper southern area, and both junior and adult sailors use the full breath of the bay to race and practice their sailing skills. A copy of the Cabrillo Beach Yacht Club 2006 Course Chart is attached showing the race marks in the area. Sailing boats normally do not travel in a straight line. Unlike powerboats, sailboats are controlled by the direction of the wind and must "tack" to go up wind. Thus, they require a bay rather than a channel to operate in especially when the winds change direction as they commonly do in the area. When the Course Chart is viewed it is clear that many of the regular and southerly wind courses go right through where the proposed Structure is to be built. (Note Courses 3, 21, et al.) We have also attached a course commonly used in small boat/Junior sailing. This half mile course does not fit into the area if the Structure is built as well.

As stated in the public hearing, when the long term recreational boating needs of a city like the greater Los Angeles area and more specifically the harbor area are explored, the Sierra Club and CBYC both believe that the removal of 40 acres in the middle of the bay would be a grand mistake.

CBYC-2

Alternatives
As presented at the hearing and discussed with Port engineers, we have offered alternative locations if the Structure is to be built (which we hope it isn't). Attachment 4 shows four alternative locations. Point XX is ridiculously located at the mouth of the Main Channel. Though it is obvious that this location isn't practical, it communicates our feeling about the impact to recreational boating of the Structure's location in alternatives 1 and 2 – smack in the middle of the recreational sailing bay. Point A was chosen because of its proximity to the current bird area. Thus, the Structure could potentially enhance the bird area on pier 400. We understand that the area may not be feasible because of future plans for the area and its designation as a deep water area. Point B, particularly

Page 2 of 3

CBYC-2 Please see the response to comment number PCAC-7. The Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

Comment Set CBYC, continued

CBYC-2, Cont.

if it is near pier 400, is a potential location because the area is rarely used because of the effects of pier 400 on the wind. We understand that the area may eventually be completely filled-in to expand pier 400 and the Structure would have to be moved at that time. Point C would enhance the fishing area. The fishing pier area is rarely used for sailing activities. We have been told any construction would have to be 200 feet from the wall to allow for servicing the wall. Given the grand size of the structure it may again significantly encroach into the bay. Another alternative is to expand the eelgrass area in the Seaplane area where eelgrass is currently growing. However, we understand that this area may also be filled in the future.

The arrow on the attachment which starts at Angel's Gate and goes to the mouth of the West Channel shows that boats are likely to hit the structure from time to time especially in situations of reduced visibility. Though we are confident that navigational aids will be used to indicate the Structure, we are equally confident of the active application of Murphy's law – if any thing can go wrong... When this Structure is considered in combination with the expanded Cruise Terminal proposal, the functionality of the recreational boating bay is exterminated. This result does not appear to be in furtherance of the Port's prior commitment to the area's use for recreational boating.

Conclusion
We believe the construction of the Structure as shown in Alternatives 1 and 2 has a significant material negative impact on recreational boating in the upper harbor area. We further believe that the Structure is not required to be built as compensatory mitigation and is an optional environmental enhancement and that the stated goals reflected in the plan's summary Section S.5 can be met without its construction. Finally, if the Structure is to be built, the Structure could be relocated to other locations, which would preserve the recreational boating bay in the upper harbor area.

Should you have any questions regarding this issue, please do not hesitate to call me at (310) 749-3916 or send e-mail to JohnO@OKadvisors.com.

Respectfully,

John O'Connor
Commodore

Cc: Sierra Club, Gwen Butterfield

Comment Set WBOA

Wilmington Boat Owners Association
Berth 203 #9
Wilmington, CA 90744
(310) 549-8111, Fax (310) 549-5818, email: bayprosvs@earthlink.net

September 4, 2008

U.S. Army Corps of Engineers, Los Angeles District
Environmental Resources Branch
Ms. Joy Jaiswal c/o Megan Wong
P.O. Box 532711
Los Angeles, CA 90053-2325

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

Re: SEIS/SEIR for the Port of Los Angeles Channel Deepening Project

Dear Ms. Wong and Dr. Appy,

Thank you for the opportunity to comment on the Channel Deepening Project. Please note that these comments are in addition to the general comments made by the undersigned at the August 6, 2008 joint public meeting and are relevant to the Wilmington marina area.

WBOA-1 **Anchorage Road Soil Storage Site (ARSSS)**
This site is used primarily for disposal of contaminated material from maintenance dredging and is designated as a potential disposal site under alternative 2. The Wilmington Boat Owners Association (WBA) opposes the disposal of any dredged material at this site, now or in the future, due to area workers' and marina tenants' potential exposure to contaminants in the dredged material.

WBOA-2 Please evaluate relocating the existing stockpile of soil at the ARSSS during the channel deepening project to a contained aquatic disposal (CAD) site such as berths 243-245, the NW Slip or Seaplane Lagoon adjacent to Pier 300.

WBOA-3 Please discuss the feasibility of creating a dedicated CAD site for future disposal of contaminated material from maintenance dredging inside of the breakwall, such as Seaplane Lagoon.

WBOA-4 Please discuss the feasibility of creating a dedicated CAD site for the temporary storage of dredged material outside of the breakwall, similar to the POLB North Energy Island Borrow Pit.

WBOA-1 Thank you for your comment.

WBOA-2 Relocating the material that currently exists at the ARSSS would not achieve any of the objectives of the current Proposed Action and is therefore beyond the scope of this project. The objectives of the Proposed Action are to: 1) Provide additional dredged material disposal capacity to complete the Channel Deepening Project; and 2) Maximize beneficial use of dredge material by construction of additional lands for eventual terminal uses and to provide environmental enhancements at locations in the Port.

WBOA-3 Comment noted. This SEIS/SEIR evaluates the impacts associated with implementation of the Proposed Action, which is to dispose of approximately 3.0 mcy to complete the Channel Deepening Project. Additionally, confined aquatic disposal (CAD) is considered by the Los Angeles Regional Contaminated Sediments Task Force (CSTF) as one of the least preferred methods of managing contaminated sediments due to uncertainties relative to the long term environmental consequences. Heal the Bay, an active participant in the CSTF, continues to oppose development of a multi user CAD within San Pedro Bay. Therefore, using dredge material from the Channel Deepening Project to create a CAD for disposal of material from future maintenance dredging is not considered to be feasible.

WBOA-4 CAD sites have been used in California only for permanent placement of contaminated dredge material and then capped with clean material. The preliminary results of a three-year monitoring study of the North Energy Island Borrow Pit CAD site indicate that the CAD site appears to be successfully isolating the contaminated sediments and providing a clean surface area suitable for recolonization by benthic organisms. Nevertheless, placing contaminated sediments in a CAD facility is the least preferred management alternative because of the difficulty of designing, building, permitting and monitoring an aquatic disposal site that adequately reduces the long-term risks to the

Comment Set WBOA, continued

Please include associated costs, opportunities and constraints, permitting or environmental credits required for these two scenarios.

WBOA-5

Please provide a cost comparison between disposal and storage of contaminated dredged material at the ARSSS and the two above scenarios. Please consider all land operations required at the ARSSS that include: construction crew, tractors and other earthmoving equipment, trucking operations, street sweepers, watering trucks, vapor recovery, air monitoring and long-term dust suppression measures within the berm.

WBOA-6

Consolidated Slip Remediation Plan

The Consolidated Slip remediation plan proposes deepening of the north half of the channel to -23 feet and capping it with clean soil or clay to -18 feet. The south half of the channel would be deepened to -47 feet and capped with clean material at -40 feet. The contaminated dredged material would be sealed up along the south bank of the channel and rock dikes built down the center of the channel.

This remediation concept has been under review by the EPA for more than two years and our association has never had an opportunity to comment. Although it is a project separate from Channel Deepening, it is a dredging project that could occur during the channel deepening operations timeframe. There are two major issues with this plan:

1. Sealing up the contaminated soil along the south side of the channel will narrow the channel and potentially displace the Island Yacht marina and Leeward Bay Marina slips. It has not yet been determined if there is sufficient space on the north side of the channel to relocate all the slips, which could result in a loss of slips.

2. Building rock dikes down the middle of the channel would funnel the tidal flow to and from the Dominguez Channel, potentially creating a strong current that could substantially impair long-term recreational boating activities in the Consolidated Slip.

We believe dredging of the Consolidated Slip should be done before the East Basin is dredged because it will stir up contaminants and send it downstream into the East Basin.

Please consider sequestering this contaminated soil in one of the proposed fills as opposed to sealing it up along the south side of the Consolidated Slip to avoid disruption of boating activities and potential loss of slips.

Thank you for considering our concerns and suggestions. We look forward to your response.

Sincerely,
Donna Ethington, VP
Wilmington Boat Owners Association

aquatic environment. As such, the CSTF has recommended that aquatic disposal of either clean or contaminated sediments be considered only as a last option, after attempts have been made to beneficially reuse or treat the material.

WBOA-5 Relocating the material that currently exists at the ARSSS would not achieve any of the objectives of the Proposed Action and is therefore beyond the scope of the Proposed Action. The objectives of the Proposed Action are to: 1) Provide additional dredged material disposal capacity to complete the Channel Deepening Project; and 2) Maximize beneficial use of dredge material by construction of additional lands for eventual terminal uses and to provide environmental enhancements at locations in the Port.

WBOA-6 Comment noted, the Port and USACE agree that the Consolidated Slip plan is separate from the Proposed Action and is therefore beyond the scope of this project, as described in Section 2.4.3 of the Draft SEIS/SEIR. The objectives of the Proposed Action are to: 1) Provide additional dredged material disposal capacity to complete the Channel Deepening Project; and 2) Maximize beneficial use of dredge material by construction of additional lands for eventual terminal uses and to provide environmental enhancements at locations in the Port.

Comment Set PCAC

Port of Los Angeles Community Advisory Committee
EIR/Aesthetic Mitigation Subcommittee

August 28, 2008

DSEIR/SEIR Comments Channel Deepening

M. Joy Jaiswal
U.S. Army Corps of Engineers, Los Angeles District
Environmental Resources Branch
c/o Megan Wong
915 Wilshire Blvd.
Los Angeles, California 90017

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

Subject: Port of Los Angeles Channel Deepening Project Draft SEIS/SEIR State Clearinghouse No. 1999091029; ADP No. 990809-102

Dear Ms. Jaiwal and Dr. Appy,

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report for the Port of Los Angeles Channel Deepening Project under consideration by the City of Los Angeles Harbor Department and the United States Army Corps of Engineers (SCH#1999091029 ADP#990809-102). These comments are submitted by the Port Community Advisory Committee (PCAC) EIR/Aesthetic Mitigation Subcommittee.

The Subcommittee has sought to work as a partner in the environmental review for this 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.

1

Comment Set PCAC, continued

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

Cumulative Impacts

Project Description

We note that the Project Alternatives are designed to provide additional capacity for disposal of dredged material associated with completing the Channel Deepening Project at POLA which was studied in an SEIS/SEIR in 2000. The scope of the Proposed Action is "the same as that of the SEIS/SEIR 2000-to complete the Channel Deepening Project to the depth of minus 53 feet mean lower low water."

PCAC-1

We learn from the SEIS that the initial estimates of dredge materials to be disposed of were off (low) by 3 million cubic yards! We must point out that this is more than a minor underestimate. It is a volume almost as large as that of the Great Pyramid of Giza in Egypt! (The Great Pyramid's volume has been estimated at 2.5 million cubic meters which is the equivalent of 3.25 million cubic yards) -source: Wikipedia "Great Pyramid of Giza" from Levy, Janey, The Great Pyramid of Giza; Measuring Lengths, Area, Volume, and Angles ISBN 1404260595.

2

PCAC-1 As discussed in Section 1.1.3 of the SEIS/SEIR, since 2000, several changes to the Channel Deepening Project were required as a result of revised bathymetric data, the occurrence of shoaling and settlement of material, design changes, the need to dispose of surcharge, the opportunity to remove and confine contaminated dredge material, and other design and construction modifications. These project changes were analyzed and documented in three separate Supplemental Environmental Assessments (EAs) prepared by USACE in 2002, 2003, and 2004. A detailed description of the dredge volumes associated with these modifications is presented in Appendix A.

In regard to why the Cerritos Channel is being dredged to -53 feet, although current use of terminals on the south side of the Cerritos Channel may not include use of the largest vessels currently possible, the authorized Channel Deepening Project, approved in 2000, includes deepening the channel to -53' MLLW. The proposed Action of this SEIS/SEIR would allow the USACE and Port to complete the Congressionally Authorized Navigation Improvement Project, which includes deepening of the Cerritos Channel to Berths 206 and 208 to accommodate deep draft vessels intended to call at those berths.

Comment Set PCAC, continued

Why wasn't this anticipated in 2000? Did the initially low estimate in 2000 result in low estimates of environmental impacts due to the project and facilitate low, less than adequate mitigation measures? We wonder if this low estimate is part of an ongoing pattern of convenient minimization of anticipated environmental impacts due low estimates? Does this serve to minimize any proposed mitigations?

An underestimation of this magnitude makes us wonder if this is a form of "*piecemealing*" in which a larger project is broken up into smaller sections with smaller apparent individual environmental impacts that become cumulatively significant but go unmitigated?

PCAC-1, cont

If the initial studies and estimates were inadequate by a "Great Pyramid's worth", how can an apprehensive public and decision makers feel entirely comfortable that "this time it is all O.K."?

We wonder what other big mistakes have been made?

Why is the Port proposing to dredge the Cerritos Channel to -53 feet? It was our understanding that terminals along the south side of this channel would be used by smaller or narrower ships that wouldn't require this channel depth. Is a depth of -53 feet necessary? We wonder if this represents *piecemealing* of some planned future project? Does this indicate predetermination by POLA of some projects in the future? How will this affect the marinas and recreational uses along the north side of the Cerritos Channel?

Air Quality

PCAC-2

We are concerned that this project brings more unavoidable significant impacts on air quality. We request that the 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 included in the SEIS/SEIR (attached and on file with POLA and ACOE).

PCAC-3

At this time the Port is committed to a Clean Air Action Plan. A major portion of this plan is to be the Clean Truck Program. Unfortunately the American Trucking Association and other narrow commercial interest are seeking to block this Program (and thus derail the CAAP) through legal action. If this program is effectively blocked, how can the POLA go forward with this or any other project, given that implementation of the various Port expansion plans that are facilitated by the Channel Deepening Project are dependent on POLA having the CAAP that it promised the public in place and fully functional.? The SEIR must evaluate the consequences of potential failure of the Clean Truck Program.

The section on "General Conformity Rule" page 3.2-16 states "... a federal agency cannot issue a permit for or support an activity unless the agency determines it would conform to the most recent USEPA-approved SIP. This means that projects using federal funds or

3

PCAC-2 Please see response to NRDC-1. The Proposed Action is a construction project. The Draft and Final SEIS/SEIR acknowledge that the Proposed Action would produce temporary, but significant air quality impacts due to construction activities. These emissions will be mitigated through measures developed as part of the Port's Sustainable Construction Guidelines which was designed, in part, to reduce diesel emissions from construction projects. Please see Section 3.2.2 of the Draft SEIS/SEIR which describes the various health effects of Diesel PM along with other pollutants.

PCAC-3 Please see the response to NRDC-1 and PCAC-6. The current Proposed Action is to dispose of 3.0 mcy of dredge material and would not result in increased throughput at the Port. Therefore the Clean Truck Program does not apply to the Proposed Action. As discussed in the Draft SEIS/SEIR, Operational impacts of the Channel Deepening Project were addressed in the 2000 SEIS/SEIR.

Comment Set PCAC, continued

requiring federal approval must 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. "

PCAC-4

We assert that the construction of this project will increase the frequency and or severity of an existing violation. Page 3.2—17 states that "Alt. (1) would exceed the NOX de minimis threshold of 10 tons per year in 2009" and further that "Due to this NOX threshold exceedance, a General Conformity Determination would be required for the Proposed Action."

The Air Quality Section which to this point seems informative and clearly written suddenly goes opaque here (P. 3.2-17). After a three sentence summary of a discussion between POLA and SCAG it is stated "Therefore pursuant to 40 C.F.R. 93.158(a)(1), construction and operation would **not** (1) cause or contribute to new violations of federal air quality standards (2) increase the frequency or severity of existing violations of federal air quality standards or (3) delay the attainment …" (emphasis ours)

Is this where a General Conformity Determination has been made? The SEIR must be explicit in how and when such a determination has been made and by what agency. The SEIR must be explicit about this entire process. What is this "40 C.F.R. 93.158(a)(1)"? How does it work? How does it miraculously fix the problem? . The section in the SEIR must explain this fully. At present this section of the DSEIR/SEIS fails as an informational document.

At this point we must categorically challenge and dispute this implied (?) "General Conformity Determination" and say this project **does violate** at least section (2) above.

PCAC-5

Has POLA conveniently made and hidden its own favorable determination here? Would a different outcome be possible with a more transparent process?

The SEIR must explicitly and completely describe the interaction with SCAG on this matter. It must completely describe how when and by what agencies any General Conformity Determination was made.

PCAC-6

Page 3.2-18 states: "Construction of the Proposed Action would result in temporary and intermittent increases in air emissions in the project area. However, these short term increases cannot be avoided and are necessary to achieve the long term air quality benefits associated with the Proposed Action. " (emphasis ours) We find the assertion that there are "air quality benefits associated with this project" to be conclusory, not based on facts presented in this DSEIR. This assertion seems to be based on the speculation that bigger ships will be built and will call at POLA and smaller ships will somehow stop calling at the port. That "more efficient" scenario might play out, but it certainly may not.

We do not see any air quality benefits due to this project. From our perspective, the project may be part of a process that ultimately makes the air quality worse. The project

4

PCAC-4 The comment is noted. Please see response to comment USEPA-1. A general conformity determination will be necessary for the proposed federal action. The Draft Conformity Determination has been prepared and is included as Appendix M of this Final SEIS/SEIR, and Section 3.2.3.1 (Conformity Statement) has been updated to reflect this. The Draft Conformity Determination concludes that both Alternatives 1 and 2 would conform to the most recent federally-approved SIP.

PCAC-5 The comment is noted. Please see response to comment USEPA-1. According to USEPA guidance (USEPA, 1994), before any approval is given for a proposed action to go forward, the regulating federal agency must apply the applicability requirements found at 40 CFR 93.153(b) to the proposed action and/or determine the regional significance of the proposed action to evaluate whether, on a pollutant-by-pollutant basis, a determination of general conformity is required. The guidance states that the applicability analysis can be (but is not required to be) completed concurrently with any analysis required under NEPA. If the regulating federal agency determines that the general conformity regulations do not apply to the proposed action, no further analysis or documentation is required. If the general conformity regulations do apply to the proposed action, the regulating federal agency must next conduct a conformity evaluation in accord with the criteria and procedures in the implementing regulations, publish a draft determination of general conformity for public review, and then publish the final determination of general conformity.

PCAC-6 Operational impacts of the Channel Deepening Project were addressed in the 2000 SEIS/SEIR. For example, the air quality analysis from the 2000 EIR states that "[t]he USACE estimated Port of Los Angeles container vessel traffic and associated cargo throughputs for 20 years in the future, starting in the year 2003, for with and without proposed channel deepening scenarios (USACE 2000)." (Channel

Comment Set PCAC, continued

PCAC-6, cont

may facilitate more and or larger terminals, more containers being brought to POLA with all gains due to "efficiency" being overwhelmed by sheer increase in volume as has happened repeatedly with the meager alleged "efficiency" gains to date.

It is possible this project will worsen air quality for the nearby residents in Wilmington and the marinas by allowing big ships to penetrate more deeply up channel toward Wilmington. The SEIR must evaluate this potential problem.

Rock Dike Associated with Eelgrass Habitat

PCAC-7

We disagree with the assertion that this structure will result in less than significant impacts in the environmental issue area of recreation. This structure, a rock dike would extend 12 to 14 feet above MLLW and surround, on 3 sides, 40 acres of open water that is at present a valuable recreational resource. The dike would create an obstruction located in an area that is known worldwide as "Hurricane Gulch" for its world class windsurfing opportunities. Windsurfers favor it for its very strong afternoon winds combined with minimum waves due to the areas location behind the L.A. breakwater. This produces ideal conditions for fast smooth windsurfing for enthusiasts of all skill levels.

The dike would obstruct this windsurfing and kite surfing area where long fast runs back and forth are made by enthusiasts from all over the State and indeed the world. These people launch from nearby inner Cabrillo Beach. The area is used year round for this type of recreation.

This area is also used for recreational yachting and sailboat racing on a regular basis. Recreational sailing vessels for youth sports and adult enthusiasts would be adversely affected.

Additionally this area is use by jet skiers, personal watercraft users and recreational boaters from the Cabrillo Beach boat launch ramp.

PCAC-8

It does not appear that the eelgrass area will improve the water circulation at inner Cabrillo beach, generally rated "F" in terms of water quality. Please address in the SEIR.

PCAC-9

We assert that this proposed action (Dike/ Eelgrass Habitat) WILL in fact result in " A substantial decrease or displacement of recreational opportunities such as boating, swimming and other water oriented activities". (Rec -2 LA CEQA Threshold Guidelines) The DSEIR must evaluate and mitigate this as a significant impact.

For Alternatives 1 and 2, significant unavoidable adverse impacts WILL occur. The use of the rock dike makes 40 acres of open water no longer available for most recreational use because of its obstructing characteristics. This is a significant impact on recreational opportunities. Please address in the SEIR.

5

Deepening EIR 2000, page 3.1-13.) Similar information can be seen in the Table ES-5 and Appendix D of the Channel Deepening EIR from 2000. Specifically, the air quality analysis presented in that document on pages 3.1-14 through 3.1-18 describe how implementation of the Channel Deepening Project would result in decreased emissions of reactive organic compounds (ROGs or VOCs), carbon monoxide (CO, nitrous oxides (NO_x), sulfur oxides (SO_x), and particulate matter (PM_{10}) compared to the No Action.

PCAC-7 The Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material. As discussed in more detail in Chapter 2 and Chapter 4 of the Final SEIS/SEIR, dredge material that would have been used to construct the Eelgrass Habitat Area would be disposed at ocean disposal site LA-2 and/or LA-3 depending on which Alternative is selected and implemented by the Lead Agencies. Therefore any impacts to recreation (including potential impacts to Hurricane Gulch), aesthetics, or water circulation associated with the Eelgrass Habitat Area would not occur.

PCAC-8 Please see the response to comment number PCAC-7.

PCAC-9 Please see the response to comment number PCAC-7.

Comment Set PCAC, continued

PCAC-9, cont

We do not foresee mitigation available for this problem. We suggest that the rock dike be removed from both Alternatives. We do request that the impacts of the eelgrass habitat be listed and studied as a significant and unavoidable impact to recreation and aesthetics.

At the August 28, 2008 meeting of our subcommittee, Dr.Appy told us that this eelgrass area is for future mitigation of future projects. If this is true, why doesn't this constitute a form of piecemealing of some future project(s)? Does this mean some future projects that will need this as mitigation have been predetermined by POLA?

We are concerned that this eelgrass habitat may be the "tip of the iceberg" for some project or projects that may have been predetermined and are being piecemealed. The SEIR must provide assurance that this is not true.

Aesthetics

PCAC-10

We assert that the Rock Dike associated with the Eelgrass Habitat WILL result in a significant aesthetic impact as it will cause degradation of valued views from Cabrillo Beach and surrounding neighborhood. It will combine with the impacts of past, present, and reasonably foreseeable future projects to result in significant cumulative impacts.

The open water views that will be degraded by this obstruction are seen in Figures 3.1-5 and 3.1-6 The SEIR must evaluate this as a significant impact.

PCAC-11

A statement about the Anchorage Road Soil Storage Site made on page 3.1-18 is not factually correct. In a summary of existing conditions it is stated that ARSSS "is surrounded by industrial uses." The aerial photo on page 3.1-13 shows the ARSSS to be immediately adjacent to recreational marinas on its South and East sides, separated only by roadways and some apparently marina related buildings. The marinas are located along the Cerritos Channel and off the East Basin Channel. The marinas are simply not "industrial uses".

Our subcommittee has had extensive input from users and residents of these marinas complaining about the dust and potentially toxic fumes from the ARSSS.

Section 7 Long Term Implications of the Project

PCAC-12

We assert that this project will result in growth of container volume. It facilitates other projects that can make this happen. It is not enough to simply say that population growth won't occur due to the project.

Section 7.4 states that the dredging will "result in more efficient shipping and cargo operations so that fewer vessel calls would be necessary to transport the same amount of cargo." This implies that fewer ship calls would happen due to the project. We have seen this "efficiency" argument before, used as a screen rationalization for projects that simply

6

PCAC-10 Please see the response to comment number PCAC-7.

PCAC-11 There is no mention on page 3.1-18 of the SEIS/SEIR of the uses surrounding the ARSSS. There are, however, references to the "surrounding industrial uses" at the ARSSS on pages 3.1-31 and 3.1-32 of the SEIS/SEIR. These references to "surrounding industrial uses" in relation to the ARSSS, taken in context, are not factually incorrect:

Page 3.1-31: "The visual quality of the ARSSS is moderately low due to its existing use as a disposal site, and the surrounding industrial uses."

Page 3.1-32 of the SEIS/SEIR: "There are no valued views at the ARSSS or its surroundings due to the moderately low visual quality of the site from its existing use as a disposal facility and the presence of various surrounding industrial uses, including backland container storage and marine terminals."

These statements explain that views in the area of, and surrounding, the ARSSS site are not considered "valued" because of surrounding industrial uses such as the adjacent Tidelands Oil and container and bulk terminals across Cerritos Channel.

Additionally, the following detailed description of the ARSSS and the areas and uses surrounding the ARSSS presented on pages 3.1-6 and 3.1-11 of the Draft SEIS/SEIR specifically acknowledge the marinas in the vicinity of the ARSSS. The following description of the ARSSS is presented on page 3.1-6 of the SEIS/SEIR: "The areas south and west of the site consist of various marinas, including Holiday Harbor, Yacht Haven, Colonial Yacht Anchorage, Lighthouse Yacht Anchorage, Cerritos Yacht Anchorage, and Island Yacht Anchorage. These marinas provide recreational opportunities for public boaters, including watercraft launching, storage, and repair services." The following description of the ARSSS site is presented on page 3.1-11 of the SEIS/SEIR: "As presented on Figure 3.1-7, the visual quality of the site is considered to be moderately low due to the surrounding industrial characteristics and the existing sediment disposal at the site."

Comment Set PCAC, continued

PCAC-12, cont

mean more growth in container volume and ship calls, most famously in the rationalizations put forward for the China Shipping Project before the litigation.

We challenge the notion that there will be fewer ship calls due o this project. We assert that there is no reason why this project could not simply support more ship calls. For example, if the large ships currently planned are not built due to changing economic circumstances (reduced consumer demand in the USA for example) or if these ships don't call at POLA due to business decisions by their owners, the worthy goal of fewer ship calls by larger ships will not happen.

We assert that the loss of water area at least in functional terms is greater than the loss of 13 acres mentioned in section 7. We assert that the Eelgrass habitat will result in the functional loss for recreation of 40 acres of open water that is presently used for recreation as noted earlier.

Land Use

PCAC-13

The EIR should evaluate land use impacts of port-related industrial activities such as container storage, truck servicing, scrap yards and the like.

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 off- 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.

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.

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.

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.

7

PCAC-12 Regarding the eelgrass area, please see the response to comment number PCAC-7. Regarding increased container throughput, please see response to comment number PCAC-3.

PCAC-13 Comment noted. In accordance with the City of Los Angeles' L.A. CEQA Thresholds Guide (City of Los Angeles, 2006), the land use analysis of the Draft SEIS/SEIR evaluated the direct and indirect impacts associated with five thresholds of significance. The analysis included evaluation of each of the three alternative's potential to: be inconsistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site (Impact LU-1); be inconsistent with the General Plan or adopted environmental goals or policies contained in other applicable plans (Impact LU-2); substantially affect the types and/or extent of existing land uses in the project area (Impact LU-3); disrupt, divide or isolate existing neighborhoods, communities, or land uses (Impact LU-4); and, result in secondary impacts to surrounding land uses (Impact LU-5). These criteria were additionally used to evaluate each alternative's potential to contribute to cumulative land use-related impacts.

The land use analysis evaluates the potential direct and indirect impacts of the project (e.g., channel deepening). Per Sections 1502.1 and 1506.16 of the Council on Environmental Quality's (CEQ's) NEPA Regulations and Sections 15121 and 15126 of the State CEQA Guidelines, evaluating the land use impacts associated with all Port-related industrial activities is beyond the scope or purpose of the proposed project's Draft and Final SEIS/SEIR. Under Impacts LU-1 and LU-2, an evaluation of potential inconsistencies with adopted land use related documents is presented in the Draft and Final SEIS/SEIR; no inconsistencies were identified.

Comment Set PCAC, continued

PCAC-13, cont

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.

It is not reassuring to the public and it should not be reassuring to decision makers to merely be told that a project is "consistent with" planning programs that are out of date and essentially non functional.

Section 6. Cumulative Impacts

PCAC-14

The table 6.1. "Related and Cumulative Projects" in the "Community of San Pedro Projects" section is missing the following items;

1. The proposed LAUSD High School # 15 to be located very near the Port in the Upper Ft. MacArther Reservation

2. The access tunnel and massive tunneling operations associated with the Joint Facilies Sewer Outfall Project.

We wonder what other projects in Wilmington and Long Beach could be missing from this assessment. We request further study of this issue in the EIR/EIS.

PCAC-15

We are concerned that …"there are no feasible measures to reduce green house gas emissions from Alt. 1". Does this conflict with the "California Global Warming Solutions Act of 2006"? (AB 32)

Environmental Justice

PCAC-16

We are also concerned that large numbers of massive environmental documents will apparently 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 of the informational and public participation purposes of environmental justice policy and CEQA.

PCAC-17

As provided in the EIR Template.

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 ".

8

PCAC-14 The requested projects have been added to Table 6.1 and Figure 6-1. Construction of the Proposed Action would be completed before construction of these three projects would begin, therefore impacts of the Proposed Action would not have the potential to combine with impacts of these three reasonably foreseeable projects.

PCAC-15 Thank you for your comment. The sentence identified in the comment includes a typographical error, which has been corrected in the Final SEIS/SEIR. It should read "…there are no other feasible measures…", as MM AQ-2.3 would reduce GHG emissions from proposed construction activities. Electrification and reduced idling are among a few of the techniques that can reduce emissions from construction activities, due to the transient and often remote nature of operation of construction equipment.

Please see response to comment NRDC-8. The Port reviewed the GHG emission reduction measures proposed by this process to determine if any could feasibly reduce GHG emissions from proposed construction activities.

PCAC-16 The Port and USACE generally try to avoid having numerous environmental documents under public review at the same time. In addition, the Port and the USACE appreciate the voluminous nature of some of the EIS/EIRs, and have circulated several environmental documents for time periods greater than legally required. As an example, the public review period for the China Shipping Recirculated Draft EIS/EIR was 75 days. In addition, the USACE and Port made a special presentation to PCAC on the Proposed Action and provided the consultant and project team working on the document to answer any questions.

PCAC-17 Please see responses to the various parts of your comment below:

1. Section 5.3 (Applicable Regulations for Environmental Justice) of the Final SIES/EIR has been revised to include agency-specific actions, commitments, strategies and programs for environmental justice at State and federal levels. However, no formally adopted environmental justice policies for the

purposes of environmental review have been adopted to date. Consequently, a policy consistency analysis is not considered applicable. It is noted, though, that in lieu of formally adopted policy, federal CEQ guidance and the USEPA's recommendations for the analysis of environmental justice have been applied.

2. Section 5.3 (Applicable Regulations for Environmental Justice) of the Draft and Final SEIS/SEIR outlines that, at a federal level, the intent of an environmental justice analysis is to disclose to decision makers and the public any potential environmental or human health impacts associated with a proposed project that may cause a disproportionate, or undue, burden on minority and/or low-income populations. Under California Government Code Title 7 (Planning and Land Use), Chapter 1.5 (Office of Planning and Research [OPR]), Article 4 (Powers and Duties), Section 65040.12(e), "Environmental Justice" means "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." However, this definition is not specific as to how environmental justice is to be addressed within the context of environmental review under CEQA. It is specific to Article 4, Section 65040.2(d), which directs the OPR to develop guidelines to address "environmental justice matters," which remains in process. In the absence of OPR guidelines for environmental justice analysis under CEQA, federal guidelines and recommendations have been used for the Draft and Final SEIS/SEIR. Section 5.4.3 (Impacts for Environmental Justice) of the Draft and Final SEIS/SEIR address these guidelines, and conclude that, as related to air quality, significant and unavoidable impacts would occur as related to minority and low income populations.
3. It is noted that low income populations are not always minority populations. Low-income populations can be Caucasian (e.g., "white") as well; the classification is a function of annual income, not race or culture. Please refer to Section 4 (Socioeconomics) for a discussion of the profile of all populations within an approximate two-mile radius of the Port.
4. The focus of the environmental justice analysis is on minority

and low income populations within the four zip code radius of the study area, consistent with other environmental review documents prepared for the proposed project; it is not intended to address quality of life issues, which is the focus of the white paper referenced in the comment. An analysis of southern California as a "donor region" for trade services of the entire nation would be, within the context of this comment, a quality of life evaluation. Neither NEPA nor CEQA require an analysis of quality of life within the body of an EIS or EIR. Additionally, such an evaluation would involve an assessment of all types of trade-related and transport/movement services, including non-shipping services, not just for southern California but for "all of California," as is noted in the white paper referenced in the comment (O'Brien, 2004)[1]. Addressing the proposed project's potential direct, indirect, and cumulative impacts at a State-wide scale is considered to be excessive and beyond the scope and intent of the Draft and Final SEIS/SEIR.

Impacts to minority and low-income populations within the four zip code radius of the study area have been evaluated in the environmental justice analysis, including those that are in proximity to study area's existing rail lines, on- and off-Port rail yards, and truck routes. Please refer to Section 4 (Socioeconomics) for a discussion of the profile of all populations within an approximate two-mile radius of the Port.

[1] O'Brien, T. 2004. Quality of Life and Port Operations: Challenges, Successes and the Future. Presented at the Sixth Annual CITT State of the Trade and Transportation Industry Town Hall Meeting. August 30, 2004. http://www.metrans.org/outreach/townhalls/citt_6th_thm.pdf. Accessed October 27, 2008.

Comment Set PCAC, continued

PCAC-17, cont

. . 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:

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.

PCAC-18

It appears that once again approval of this project will involve the use of "overriding considerations".

This appears to be supported by Section 4. "**Socioeconomics".** However, Section 4 makes the claim that "This section evaluates the potential impacts of the Proposed Action on the existing socioeconomic attributes of the project area." This claim is not true. This section fails as an informational document because it fails to account for the very real externalized **costs** associated with this project including health impact costs and costs due to traffic congestion associated with this project and the expansion projects it facilitates. The section fails to provide a full analysis that includes **the costs to society as well as the potential benefits.** In other words if you own the positive attributes of a project you must own the negative attributes also.

9

PCAC-18 Impacts associated with throughput related to larger container ships were evaluated in the 2000 Channel Deepening Project SEIS/SEIR. The current Proposed Action is to dispose of 3.0 mcy of dredge material and would not result in increased throughput at the Port and would not result in any increased automobile, truck, or train traffic. Please see Sections 1.0 and Section 1.1 of the Draft SEIS/SEIR for more detailed information on the scope of this Proposed Action and its relationship to previous Channel Deepening Project actions. As required under NEPA and agreed to by the Port, the SEIS/SEIR addresses socioeconomic effects (i.e., employment, population, and housing), in Chapter 4 Socioeconomic Analysis; hazards, in Section 3.7 Hazards and Hazardous Materials; and health risks, in Section 3.2 Air Quality. Regarding the commenter's suggestion to analyze the benefits and costs of the project, CEQA and NEPA do not require an analysis of economic costs and benefits; however, the SEIS/SEIR provides a comprehensive analysis of environmental impacts of the construction and operation of the Proposed Action as well as its alternatives, including not building the Proposed Action (i.e., the No Action Alternative). Consistent with NEPA and CEQA, the document focuses on evaluating and identifying feasible project alternatives and mitigation measures to avoid or reduce the Proposed Action's potentially significant impacts to the physical environment. The document includes a comprehensive, quantitative analysis of environmental and public health risk impacts of the Proposed Action and the alternatives carried forward, including impacts on air quality and cancer and noncancer health risk from air pollution. No changes to the document are required.

Comment Set PCAC, continued

PCAC-18, cont

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 including health costs, traffic congestion, longer commutes, and longer waiting times in traffic.

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.

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.

For example Table 3.2-2 Lists "Adverse Effects Associated with The Criteria Pollutants" but there is no analysis of what the additional criteria pollutants generated by the proposed project will actually cost our society. The many effects such as excess deaths,

10

Comment Set PCAC, continued

PCAC-18, cont

low birth weight, adverse birth outcomes, increased infant mortality and many others **do have a very real cost.**

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 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.

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:

- Costs born by the public due to impacts on health, in both dollars and quality of life
- Costs born by the public and local business due to traffic congestion
- Costs born by the public for infrastructure
- Costs born by the public for homeland security
- Costs born by local business to balance emissions created by port activities
- 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.

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

11

Comment Set PCAC, continued

PCAC-18, cont

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 "off port" 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.

PCAC-19

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

PCAC-20

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.

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.

An outside observer might say that this serves to obscure and keep from full public view the full impacts and full need for mitigation in these multiple projects. This would be a failure to fulfill the purpose of CEQA.

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 SEIS/SEIR for the POLA Channel Deepening Project.

12

PCAC-19 The SEIS/SEIR complies with CEQA/NEPA provisions. The Findings of Fact/Overriding Considerations that will be made available to the public before Board consideration will assess impacts and benefits to the community. The Draft SEIS/SEIR does not include a cost-benefit analysis regarding public health and Proposed Action revenues. 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 SEIS/SEIR, and the decision-makers will have to consider them as part of their deliberations to approve or disapprove the Proposed Action or not. In addition, the Findings of Fact and Statement of Overriding Considerations (a public document that will be released prior to Board consideration) will include a discussion comparing and contrasting the Proposed Action with the Alternatives, including a No Action Alternative. In certifying the EIR and approving the Proposed Action, the Board must consider and adopt the Findings of Fact and Statement of Overriding Considerations.

In addition, through a Memorandum of Understanding (MOU), the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-port impacts created by Port operations. 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 examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. The off-Port community benefits of the MOU are designed to offset cumulative effects of Port operations. While the MOU is not related to this Proposed Action and, therefore, is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

PCAC-20 Your opinion is noted. The SEIS/SEIR complies with CEQA/NEPA. Please also see response to comment PCAC-16.

Comment Set PCAC, continued

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 in 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.

PCAC-21 However, concerns still remain. As currently presented, the Draft SEIS/SEIR 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.

Yours truly,

John G. Miller, M.D., FACEP

Chairman Port Community Advisory Committee EIR/Aesthetic Mitigation Subcommittee

13

PCAC-21 Your opinion is noted. The SEIS/SEIR complies with CEQA/NEPA and BHC objectives and requirements.

Comment Set PCAC, continued

Port of Los Angeles Community Advisory Committee
EIR/Aesthetic Mitigation Subcommittee

August 28, 2008

Dr. Geraldine Knatz
Executive Director
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

RE: Independent Consultant to Support PCAC EIR Subcommittee

Dear Dr. Knatz:

PCAC-22

On behalf of the PCAC EIR subcommittee members, I am submitting this letter to formalize our request for an independent consultant to assist with our review of Environmental Impact Reports. This committee has been charged with reviewing Port environmental documents to ensure that all city procedures and environmental laws have been followed. Additionally, we are tasked with assessing the impacts of Port development on harbor communities and recommending appropriate mitigations.

In the past, we had the benefit of conducting our reviews with the help of an independent consultant, Sandra Genis. The expertise provided by Ms. Genis was invaluable and helped enable this committee to meet its responsibilities.

Currently, the contract with Ms. Genis has lapsed, and this committee has no independent consultant. The consequence of this is compounded by the Port's concurrent release of several large and extremely complex environmental documents. We are finding 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. Additionally, the Port's release of so many massive documents in such a short time frame diminishes our ability to review these documents and provide meaningful comments within the public review period. The present situation gives the appearance that the Port is surreptitiously trying to silence the PCAC because at times our comments on it's environmental documents have been inconvenient.

Review of environmental documents is one of our core responsibilities. We are seriously committed to this task; however, without the assistance of an independent consultant, we are overwhelmed, and the challenge to meet our goals and obligations

PCAC-22 Comment noted. This SEIS/SEIR evaluates the impacts associated with implementation of the Proposed Action, which is to dispose of approximately 3.0 mcy to complete the Channel Deepening Project. In addition, the USACE and Port made a special presentation to PCAC on the Proposed Action and provided the consultant and project team working on the document to answer any questions.

Comment Set PCAC, continued

is increasingly difficult. In order for the Port to maintain credibility with the community and in order for this sub committee to perform its duty to review environmental documents and represent community stakeholders, we believe that we must have our relationship with Ms.Genis restored.

Page 2

We note that many of the recommendations for improved EIRs that this committee made to the Port were the result of the expertise and guidance provided by Ms. Genis. Several of these recommendations have since been incorporated into the Port's EIRs, resulting in a strengthened environmental review process, which is a benefit to the Port and City of Los Angeles.

We ask that the contract with Ms. Genis be renewed so that the obligations of this committee can be met and additional benefits can be realized by the Port, the City and the community.

Respectfully,

Dr. John Miller
Chair
EIR/Aesthetic Mitigation Subcommittee

Comment Set SPPHC

SAN PEDRO & PENINSULA HOMEOWNERS COALITION
PO BOX 1106 –SAN PEDRO, CA 90733

August 31, 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 CHANNEL DEEPENING PROJECT EIR

Dear Mr. MacNeil and Dr. Appy:

Please enter the following comments into the record.

SPPHC-1

We reiterate our opposition to all new development in the Port of Los Angeles because the Port is severely out of compliance with its vested document of authority, The Port Master Plan. There has clearly been an illegal redirection of Pier 400 into a container terminal that has eliminated "Energy Island". As a result, the hazardous liquid bulk facilities remain in place in close proximity to the community rather than relocated to the more safe and remote location of Pier 400 as provided in Amendment 12. Since this action, the existing Master Plan has become meaningless and rudderless. Those responsible for this struthious assertion must be held liable for damages and criminally responsible for injuries that may result from being wronged. The alleged justification that the hazardous facilities are no longer hazardous is simply lame. Because a Master Plan that reflects the existing land use at the Port has not been approved by the California Coastal Commission, the Port's authority to issue coastal Development Permits under the Coastal Act has lapsed. There is no legal authority to undertake this project. Accordingly, we continue to assert that the Port has been and is continuing to develop and operate new projects illegally.

Our comments relating specifically to this development project are listed below.

SPPHC-2

1. Again, we reiterate the need for more EIR accessibility to meet the intent of CEQA to inform the public of the significance of a development. The voluminous document provided has not been appropriately offered to the public. Limited hard copies have been available and computer access is not amenable to many members of the public. The language is so technical and cumbersome that a lay person is at an extreme disadvantage in understanding it at all. The existing review process denies citizens any real education about the development/developments and what it/they will mean in real physical and visual effects upon their daily lives.

SPPHC-1 As discussed in Section 3.8.3.1 of the SEIS/SEIR, the CCA requires preparation of a Port Master Plan (PMP) and certification of the PMP by the California Coastal Commission. The PMP identifies existing conditions, short-term plans, long-range preferred uses, and anticipated projects for each of the nine Planning Areas that comprises the planning core of the Port. Each Planning Area is designated with one or more major land use category (General Cargo, Liquid Bulk Cargo, Other Liquid Bulk, Dry Bulk, Commercial Fishing, Recreational, Industrial, Institutional, Commercial, and Other). The PMP was first drafted in 1979 and was recently revised in 2006 (LAHD 2006). The Proposed Action facilities would be located in Planning Areas 1 (Outer Harbor), 2 (Outer Harbor), 5 (Wilmington District), 6 (Cerritos Channel), and 7 (Terminal Island/Main Channel) (Refer to Table 3.8-1 for the land uses of each Planning Area.) Planning Areas 1 and 2 are located in the Outer Harbor. Planning Area 5 is located in the northeast portion of the West Basin, Planning Area 6 is located along the Cerritos Channel, and Planning Area 7 is located in the northern and western portions of Terminal Island. In April 1993, the California Coastal Commission certified Port Master Plan Amendment No. 12 which provided for the creation of the first phase of Pier 400 and related navigational channels and provided for liquid bulk as a permitted land use on the fill. This amendment, as well as all amendments processed subsequent to the original certification of the Port Master Plan by the Coastal Commission have been prepared, reviewed and adopted consistent with the policies contained in Article 3, Chapter 8 of the California Coastal Act. As such, the Proposed Action is consistent with both the PMP and the Port Element of the City's General Plan.

SPPHC-2 The Draft SEIS/SEIR was made available to the public consistent with the requirements of CEQA, Guidelines Section 15087(g), and NEPA, 40 CFR Sections 1502.19 and 1506.6. Hard copies of the Draft SEIS/SEIR were made available for public review at six locations, including: 1) the US Army Corps of Engineers offices in downtown Los Angeles, 2) the Pot of Los Angeles Environmental Management Division offices in San Pedro, 3) the Central Branch of the Los Angeles Public Library in downtown Los Angeles, 4) the San Pedro Branch of the Los Angeles Public Library in San Pedro, 5) the

Comment Set SPPHC

SPPHC-3

2. Further dredging of our Harbor directly affects "**Aesthetics**" to the general public. The Harbor offers underwater diving opportunities. The churning of the toxic soil and sediments which have settled to the bottom directly affects water quality and the aquaculture of the Harbor. The disruption of the water has detrimental and **ugly** effects on sea life, and reduces the ability to enjoy the visuals of underwater recreation. The Channel itself has become ugly over the years through a lack of consideration to the aesthetics being viewed by the general public. The series of tanks on the East side of the Channel (above water) have become rusty and unsightly. Years ago murals were painted on the East side of the Harbor which now look tired and dated. While we see further degradation to Aesthetics…where are the offsets? Where is the acknowledgement of this underwater loss even noted?

SPPHC-4

3. In the same vein, we see the Port, yet again, encroaching on the recreational opportunities of the Public. We again note:

The City of LA Charter States: "(1) *Reserved Space.* Not less than ten thousand feet of the water frontage of Los Angeles Harbor, linear measurement, measured along the United States harbor lines, together with the necessary coterminous and adjacent tidelands and submerged lands as may be determined by the board and approved by the Council by ordinance, owned or controlled by the City, are hereby forever reserved for public use to be improved, controlled, maintained and operated by the City."

SPPHC-5

Where is the Port and City of LA's commitment to this Public access and use? The EIR's mention of creating another "shallow water habitat" off of Cabrillo Beach is outrageous in the face of the beach's existing "F" rated condition. It is our contention that what has added dramatically to the polluted condition of that beach is the port's creation of the 580 acre land mass (Pier 400) now sitting in the middle of the Harbor. Due to an obvious lack of water circulation because of this obstruction, we now witness the Port looking to deposit even more dirt (only highly contaminated this time) to further deteriorate that beach. There has been a consistent resistance to acknowledge the issue of water stagnation as the beach's primary problem, pointing to the bird droppings as the real issue. However, the port's ingenious plan of planting eel grass at this newly identified shallow water habitat will only draw MORE birds to promote the grim "droppings" situation. This will all run concurrently with the Port's expenditure of millions of public dollars to try to remedy the pollution problems at that beach. Where is the logic and responsibility to the Public Trust on this ridiculous and silly expenditure?

SPPHC-6

This contaminated soils material should be better safely stored and covered at a toxic land storage site elsewhere in the State. The areas used as "shallow water habitats" have the distinct reputation of simply being used to expand terminals over time. We see no difference now with the will to store this soil off Cabrillo Beach. The Port commitment should be to restore recreational opportunities instead of the persistent desire to create more expansion opportunities for the Port. Even a "temporary" use of this area for soil storage should not go forward unless it is clearly identified as such and made "provisional".

Wilmington Branch of the Los Angeles Public Library in Wilmington, and the Main Branch of the Long Beach Public Library in Long Beach. An electronic version of the Draft SEIS/SEIR was made available online at http://www.portoflosangeles.org/Environmental/publicnotice.htm. Additionally, the analysis presented in the Draft SEIS/SEIR was presented at a public meeting at the Port of Los Angeles on August 6, 2008 along with an opportunity provided for public comment on the analysis.

SPPHC-3 Thank you for your comment. Recreational diving is no longer allowed in the Port of Los Angeles, due to heightened security concerns since the terrorist attacks of September 11, 2001 and the language in the Draft SEIS/SEIR has updated to reflect this change. As discussed in Section 3.13, all dredging will be performed in accordance with waste discharge requirements established by the Regional Water Quality Control Board in order to protect marine life. Further, Impacts to water quality were determined to be less than significant. The current conditions of the tanks on the east side of the channel and the murals on the east side of the harbor are part of baseline conditions and are unrelated to the Proposed Action and the Alternatives and are therefore not addressed in this SEIR/SEIS. As s discussed in section 3.1 of the SEIS/SEIR, impacts to aesthetics would be less than significant because dredging operations would be temporary.

SPPHC-4 Please see response to PCAC-7. The Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material. The Proposed Action would not impact or affect the reserved space for recreation stipulated in the City of Los Angeles Charter.

SPPHC-5 The water circulation study cited in the SEIS/SEIR has been prepared and reviewed by qualified engineers and is found to be acceptable. Therefore, as discussed in the SEIS/SEIR, no impacts related to water circulation are anticipated.

Comment Set SPPHC

SPPHC-7

SPPHC-8

It is our recommendation that with, or without, this storage taking place off the Cabrillo Beach location, connections should be made to waters outside the breakwater wall that will bring *in* outside clean ocean water to promote circulation to dead waters within the harbor and it's inside beach. Anything less than this is a continuance of ignorance of the Port and City's obligation to the public.

There should also be a simultaneous review over the next few years by a University of the effects of these water access ways (tubes, or pipes) upon the water quality. Decisions should be made during that time if further action should be taken.

In closing, as the nearest residents to the Port of Los Angeles, we are the population being most affected by the growth and industry of the Port. We are paying for it daily with our lives through increased health risks and very real losses in our quality of life. The Port Industry is being perceived as the "Economic Engine" of both the City and State. We fully understand the obligation that the Port has to the City of LA and the State of California. However, it is also the responsibility of this Agency, the City and the State to respect the general public and safeguard its rights and well being. A solid understanding of exactly what related health risks and other losses equate to in ***dollars lost*** as a result of the port industry in our region is imperative. Nowhere is there a true analysis of what the cost benefits vs burdens of the existing operation of the Port of LA are. How does the Port justify its rampant growth knowing that industry is inflicting it's populous with multiple problems? Where is the substantiation and foundation for these growth decisions? It is only through knowledge of this critical information that intelligent decisions can be made. Meanwhile, it is our residents who are paying dearly for it. It is incumbent upon this agency, and those regulating it, to commission a study that determines what price it is that the local residents, the City of LA and the State of California are paying and whether it is worth it in the end.

Sincerely,

Andrew Mardesich
President

SPPHC-6 Contaminated sediments would not be used to construct any shallow water habitat areas. The proposed shallow water habitat expansion will be constructed with clean dredge material that is suitable for open water disposal in accordance with USEPA criteria. No Port expansion is planned on shallow water habitat. The shallow water habitat is designed to support marine life.

SPPHC-7 Creation of connections between the outer harbor and waters outside the breakwater would not achieve any of the objectives of the current Proposed Action and is therefore beyond the scope of this project. The objectives of the Proposed Action are to: 1) Provide additional dredged material disposal capacity to complete the Channel Deepening Project; and 2) Maximize beneficial use of dredge material by construction of additional lands for eventual terminal uses and to provide environmental enhancements at locations in the Port.

Water circulation impacts are discussed in Sections 3.13.2.2, 3.13.2.4, 3.14.4, and under Impacts WQ-1 and WQ-4. As discussed in Section 3.13.4, water circulation and water quality impacts resulting from the Proposed Action was obtained from a report prepared by the USACE entitled Circulation and Water Quality Modeling in Support of Deepening the Port of Los Angeles: Alternative Disposal Sites (2008). The hydrodynamic data was input into a water quality computer model. Existing water quality conditions were compared to post-project conditions to determine if significant changes in water quality would have the potential to occur. Water quality parameters considered by the study included biological oxygen demand, chlorophyll, dissolved inorganic phosphorous, DO, ammonium, nitrate and temperature. Potential changes to water quality conditions within the Port were estimated at eight locations distributed throughout the harbor area. Water Quality Impacts associated with changed circulation were determined to be less than significant.

SPPHC-8 Please see response to PCAC-6. Impacts associated with throughput related to larger container ships were evaluated in the 2000 SEIS/SEIR. The current Proposed Action is to dispose of 3.0 mcy of dredge material and would not result in increased throughput at the Port.

The comment suggests the Draft SEIS/SEIR should address economic

impacts. Economic impacts of the project are discussed in section 4 of the Draft SEIS/SEIR.

Comment Set WM

US Army Corps of Engineers.

PORT OF LOS ANGELES
CHANNEL DEEPENING PROJECT

THE PORT OF LOS ANGELES

August 6, 2008 ***Public Hearing***
Comment Card

Name DONNA ETHINGTON
Address BERTH 203 #9 City WILMINGTON State CA Zip 90744
Email Address Bayprincess@earthlink.net
Daytime Telephone (310) 549-8111
Association/Organization Wilmington Boat Owners Assoc

Please check off the subject area(s) of concern and provide your comments below. You may turn in the card at the end of the meeting or you may mail it to the address labeled on the back of this form by **September 1, 2008.**

	Aesthetics		Agriculture Resources		Air Quality
	Biological Resources		Cultural Resources	X	Geology /Soils
X	Hazardous Materials		Water Quality	X	Land Use / Planning
	Mineral Resources		Noise		Population / Housing
	Public Services	X	Recreation	X	Transportation/Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

COMMENTS:
written comments attached

Thank you for providing your comments. You may email, mail, or fax your comments to either agency:

Lead NEPA Agency

U.S. Army Corps of Engineers, Los Angeles District
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section
Environmental Resources Branch
c/o Megan Wong
915 Wilshire Boulevard
Los Angeles, CA 90017
FAX: (213) 452-4204

Email:
Jyotsna.I.Jaiswal@usace.army.mil
Megan.T.Wong@usace.army.mil

Lead CEQA Agency

Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager
or
Mr. Ralph Appy, Director of Environmental Management
425 South Palos Verdes Street
San Pedro, CA 90731
Fax: (310) 831-6936

Email:
John.Foxworthy@channel-deepening.com
RAppy@portla.org

Comment Set WM, continued

Comments on Channel Deepening project
Scoping meeting 8-06-08
Donna Ethington, Wilmington marinas

The scope of the Proposed Action is to complete the Channel Deepening of the Main Channel, West Basin, East Basin and Cerritos Channel to the depth of -53 feet to accommodate the new generation of deeper draft container vessels that require a depth of –53 feet.

WM-1 Q - Why is the Port proposing to dredge the Cerritos Channel to -53? It was our understanding that terminals along the south side of this channel would be used by smaller or narrower ships that wouldn't require this channel depth.

WM-2 Q – If a depth of -53 isn't required, what depth is necessary and what would be the reduction in cubic yards of dredged material?

WM-3 Q – How will the dredged slope in both the Cerritos Channel and East Basin affect the Wilmington marinas? Undermine pilings, cause a reduction in slips?

WM-4 The overall project purpose is to provide approximately 3.0 million cubic yards (mcy) of additional disposal capacity for the dredge material to complete the Project and to **beneficially reuse** the dredge material in the Port of Los Angeles.

Beneficial reuse seems to pertain only to commercial uses of the harbor – ship navigation and terminal expansion at the expense of recreational use. Under cumulative impacts the EIR refers to the Consolidated Slip remediation plan that could significantly reduce recreational use of that waterway, but does not cumulatively consider that potential loss and the loss of 40-50 acres in the outer harbor.

WM-5 There is no mention of the additional capacity needed to dispose of 181,000 cys of contaminated soil generated by Cabrillo Way Marina, phase II and upcoming maintenance dredging of 10-12 berths that could or will be done concurrently with the channel deepening.

Q – Can this contaminated soil be sequestered in one of the fills – berths 243-245 or the NW Slip as opposed to disposing of it at the Anchorage Road site where residents, workers and boat owners will be exposed to multiple contaminants?

WM-6 Under alternatives eliminated from further consideration, both the POLB Western Anchorage submerged material storage site and capping of the DDT site off Palos Verdes were eliminated.

Q – The EIR simply states that the POLB is not interested in temporarily placing POLA material at this site. What is the reason? Would the POLB reconsider temporary storage of POLA material only until the USEPA approves capping of the DDT site off Palos Verdes?

WM-1 Although current use of terminals on the south side of the Cerritos Channel may not include use of the largest vessels currently possible, the authorized Channel Deepening Project, approved in 2000, includes deepening the channel to -53' MLLW. The proposed Action of this SEIS/SEIR would allow the USACE and Port to complete the Congressionally Authorized Navigation Improvement Project, which includes deepening of the Cerritos Channel to Berths 206 and 208 to accommodate deep draft vessels intended to call at those berths.

WM-2 The comment is noted. Please see response to comment WM-1, above.

WM-3 The Proposed Action has been designed to avoid impacts to the Wilmington marinas.

WM-4 Other beneficial reuses of dredge material include using the material to create a confined disposal facility (CDF) for contaminated sediments at Berths 243-245 and to create the Cabrillo Shallow Water Habitat (CSWH) Expansion area. As discussed in Section 2.3.3, contaminants have been detected in surface and subsurface sediments within the harbor and within Berths 243-245 at concentrations frequently associated with adverse biological affects: mercury, lead, zinc, PCBs, TBT and PAHs. Under Alternative 1 of the Proposed Action, these existing contaminants would be placed and capped in a CDF at Berths 243-245, thereby eliminating the potential for their exposure to surrounding benthic infaunal organisms and their predators. Under both Alternative 1 and Alternative 2, dredge material would be used to create a 50-acre expansion of the CSWH expansion which would provide foraging habitat for special status birds and other species.

Additionally, please see revisions to the Project Description of the Final SEIS/SEIR in Sections 2.4.1 and 2.4.3 regarding elimination of the Eelgrass Habitat Area from Alternative 1 and Alternative 2 to ensure recreational impacts would be less than significant.

Comment Set WM, continued

WM-7

According to the USACE 2004 Dredged Material Management Plan, between 5M-28.5M cys of contaminated material will be dredged out of the Port over the next 20 years.

Q – What is the long-term plan for disposal of this material if the Port is out of capacity now? Why doesn't the Port apply for a permit to dispose of dredged material at a facility such as the POLB North Energy Island Borrow Pit that is outside of the breakwall?

WM-5 The contaminated material at Cabrillo Way Marina and material from future maintenance dredging are not part of the Channel Deepening Project and are therefore beyond the scope of the Proposed Action, which is to dispose of approximately 3.0 mcy to complete the Channel Deepening Project.

WM-6 The Port of Long Beach simply communicated to the Port of Los Angeles that it is not interested in accepting the material.

WM-7 Future dredging of contaminated material is not part of the Channel Deepening Project and is therefore beyond the scope of the Proposed Action, which is to dispose of approximately 3.0 mcy to complete the Channel Deepening Project.

Comment Set DN

US Army Corps of Engineers

PORT OF LOS ANGELES
CHANNEL DEEPENING PROJECT

THE PORT OF LOS ANGELES

August 6, 2008 - ***Public Hearing***
Comment Card

Name David Nichol
Address 23736 Maidstone Pl. City Harbor City State CA Zip 90710
Email Address d.nichol@sbcglobal.net
Daytime Telephone 310-326-4898
Association/Organization Cabrillo Beach Yacht Club

Please check off the subject area(s) of concern and provide
meeting or you may mail it to the address labeled on the back of this form by **September 1, 2008.**

	Aesthetics		Agriculture Resources		Air Quality
	Biological Resources		Cultural Resources		Geology /Soils
	Hazardous Materials		Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population / Housing
	Public Services	X	Recreation		Transportation/Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

COMMENTS:
Recreational Boating is being excluded from the harbor by this Project

Thank you for providing your comments. You may email, mail, or fax your comments to either agency:

Lead NEPA Agency

U.S. Army Corps of Engineers, Los Angeles District
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section
Environmental Resources Branch
c/o Megan Wong
915 Wilshire Boulevard
Los Angeles, CA 90017
FAX: (213) 452-4204

Email:
Jyotsna.I.Jaiswal@usace.army.mil
Megan.T.Wong@usace.army.mil

Lead CEQA Agency

Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager
or
Mr. Ralph Appy, Director of Environmental Management
425 South Palos Verdes Street
San Pedro, CA 90731
Fax: (310) 831-6936

Email:
John.Foxworthy@channel-deepening.com
RAppy@portla.org

Comment Set DN, continued

David G. Nichol
23736 Maidstone Pl.
Harbor City, Ca. 90710-1316

U.S. Army Corps of Engineers, Los Angeles District
Environmental Resources Branch
c/o Megan Wong
P.O. Box 532711
Los Angeles, CA 90053-2325

Re: Comments to Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report for Port of Los Angeles Channel Deepening Project.

DN-1

This project as currently proposed would be **extremely damaging** to recreational sailing, racing, cruising, jet-skiing, and all boating in the area immediately West of the LA Light.

Problem:

Dredged material in both Alternative 1 and Alternative 2 will be used to expand the Cabrillo Shallow Water Habitat (CSWH) by 50 acres as an "environmental enhancement" and to create a 40 acre Eelgrass Habitat area with a **Rock Dike** 12 to 14 feet above MLLW. This Eelgrass Habitat will be 2 to 6 feet deep at MLLW.

The Eelgrass Habitat with Rock Dike will be just East of the current Bait Barge location and will be on a direct line for anyone entering the Harbor at the LA Lighthouse and proceeding to the West Channel Marinas.

Over the past ten years or so much of the protected boating areas within the harbor have been lost, first to the Pier 400 development while this project removes most of the remaining protected area from use by recreational boating.

The Cabrillo Shallow Water Habitat seemed innocuous enough when it was originally placed; however, in the past few years it has developed an increasingly dense kelp growth that limits or eliminates sailboats from using that area. An expansion of that area will further limit sailing in the harbor.

Section 3.11 of the report deals with the impact to recreational boating due to this project and notes that up to 1000 vessels per day could use the harbor area for recreational boating activities.

DN-1 Please see the response to comment number PCAC-7. The Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

Comment Set CBYC, continued

DN-1, Cont.

It is also noted that "…recreational boating is not restricted to specific area or travel corridors;" which is true, but fails to recognize that one of the last prime boating area is being removed from the harbor as well as potentially creating a very significant hazard to the recreational boater.

DN-2

Section 3.11.6.1 makes the **extremely faulty** determination that

> **"Alternative 1 would not result in a substantial loss or diminished quality of recreational, educational, visitor-oriented opportunities, facilities, or resources."**

While it is recognized that 40 acres of navigable open water in the Outer Harbor is removed from use by recreational boaters, it is stated that the Outer Harbor provides other areas for recreational boating. This project eliminates most of the remaining area suitable for recreational boating.

The statement is made that "Under Alternative 1, no significant adverse impact would occur; therefore, no mitigation measures are required." This project represents an **extremely significant** adverse impact to recreational boating.

The Eelgrass Habitat Area with its Rock Dike is the most troubling aspect of this project which would present a significant safety issue for boating especially at night or poor visibility and eliminates a prime boating area. Approximately 50 sailboat races a year are conducted in this area with the start/finish line right where this Habitat would be located.

If and when Cruise Ship are located at Kaiser Point, this project would force ALL of the recreational boating to pass much closer to these ships and as stated in the report, up to 1000 recreational boats a day could transit this area.

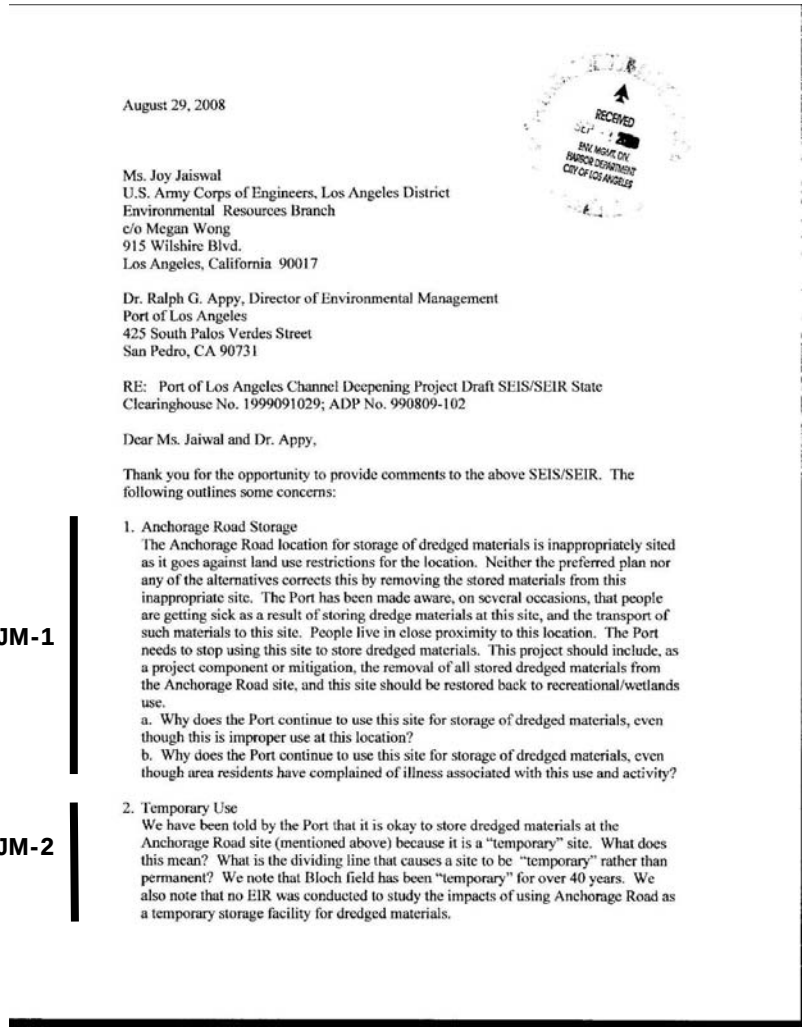
Alternative locations for the Eelgrass Habitat Area would be on the East side of the Southern portion of Pier 400 or up against the Breakwater.

Respectfully,

David G. Nichol

DN-2 Please see the response to comment number PCAC-7. The Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

Comment Set KWJM



August 29, 2008

RECEIVED
ENVIRONMENTAL MANAGEMENT DIVISION
HARBOR DEPARTMENT
CITY OF LOS ANGELES

Ms. Joy Jaiswal
U.S. Army Corps of Engineers, Los Angeles District
Environmental Resources Branch
c/o Megan Wong
915 Wilshire Blvd.
Los Angeles, California 90017

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

RE: Port of Los Angeles Channel Deepening Project Draft SEIS/SEIR State Clearinghouse No. 1999091029; ADP No. 990809-102

Dear Ms. Jaiwal and Dr. Appy,

Thank you for the opportunity to provide comments to the above SEIS/SEIR. The following outlines some concerns:

KWJM-1

1. Anchorage Road Storage
The Anchorage Road location for storage of dredged materials is inappropriately sited as it goes against land use restrictions for the location. Neither the preferred plan nor any of the alternatives corrects this by removing the stored materials from this inappropriate site. The Port has been made aware, on several occasions, that people are getting sick as a result of storing dredge materials at this site, and the transport of such materials to this site. People live in close proximity to this location. The Port needs to stop using this site to store dredged materials. This project should include, as a project component or mitigation, the removal of all stored dredged materials from the Anchorage Road site, and this site should be restored back to recreational/wetlands use.
a. Why does the Port continue to use this site for storage of dredged materials, even though this is improper use at this location?
b. Why does the Port continue to use this site for storage of dredged materials, even though area residents have complained of illness associated with this use and activity?

KWJM-2

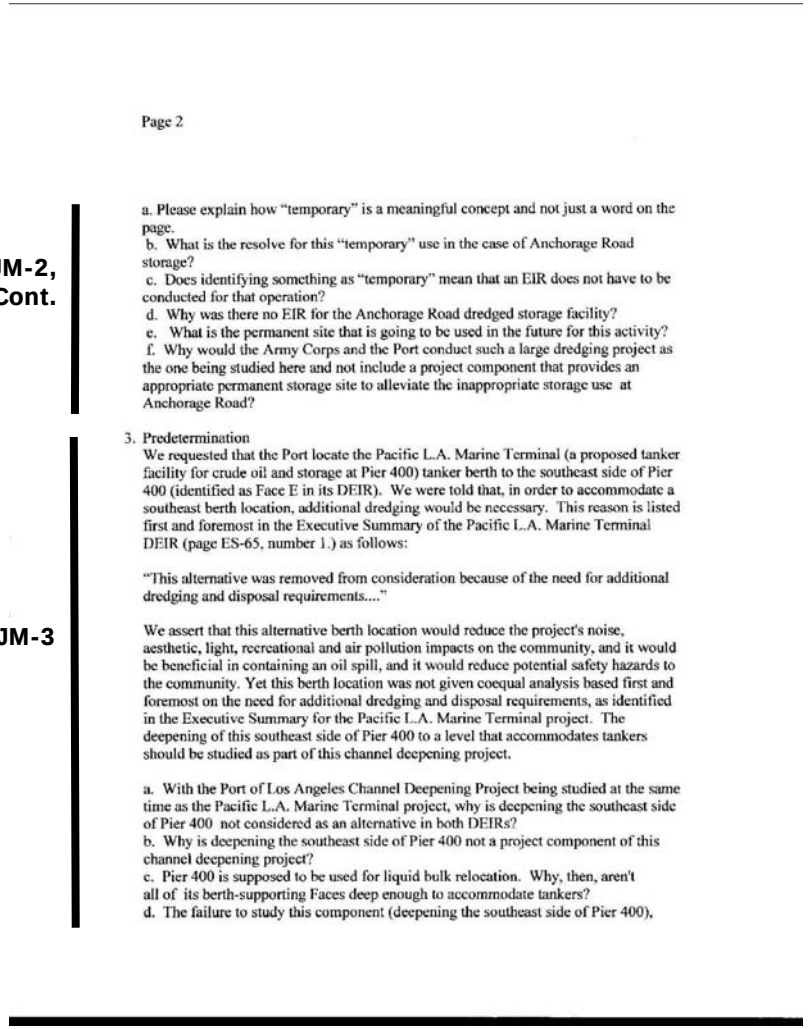
2. Temporary Use
We have been told by the Port that it is okay to store dredged materials at the Anchorage Road site (mentioned above) because it is a "temporary" site. What does this mean? What is the dividing line that causes a site to be "temporary" rather than permanent? We note that Bloch field has been "temporary" for over 40 years. We also note that no EIR was conducted to study the impacts of using Anchorage Road as a temporary storage facility for dredged materials.

KWJM-1 The ARSSS has been approved by the LARWQCB since the early 1990s for disposal of dredge materials that are unsuitable (contaminated) for open water disposal. Removal of the material that currently exists at the ARSSS would not achieve any of the objectives of the current Proposed Action and is therefore beyond the scope of this project. The objectives of the Proposed Action are to: 1) Provide additional dredged material disposal capacity to complete the Channel Deepening Project; and 2) Maximize beneficial use of dredge material by construction of additional lands for eventual terminal uses and to provide environmental enhancements at locations in the Port.

Additionally, the ARSSS is one of several disposal options considered in this SEIS/SEIR and would not be used as part of this project if the preferred alternative (Alternative 1) is selected and implemented.

KWJM-2 Comment noted. This SEIS/SEIR evaluates the impacts associated with implementation of the Proposed Action, which is to dispose of approximately 3.0 mcy to complete the Channel Deepening Project. As discussed in the SEIS/SEIR, under Alternative 2, the ARSSS is one of the possible locations to dispose of dredge material consistent with agency guidance, if the CDF is not constructed. As discussed in the SEIS/SEIR, the proposed Action does not include use of the ARSSS.

Comment Set KWJM, continued



Page 2

a. Please explain how "temporary" is a meaningful concept and not just a word on the page.
b. What is the resolve for this "temporary" use in the case of Anchorage Road storage?
c. Does identifying something as "temporary" mean that an EIR does not have to be conducted for that operation?
d. Why was there no EIR for the Anchorage Road dredged storage facility?
e. What is the permanent site that is going to be used in the future for this activity?
f. Why would the Army Corps and the Port conduct such a large dredging project as the one being studied here and not include a project component that provides an appropriate permanent storage site to alleviate the inappropriate storage use at Anchorage Road?

KWJM-2, Cont.

3. Predetermination
We requested that the Port locate the Pacific L.A. Marine Terminal (a proposed tanker facility for crude oil and storage at Pier 400) tanker berth to the southeast side of Pier 400 (identified as Face E in its DEIR). We were told that, in order to accommodate a southeast berth location, additional dredging would be necessary. This reason is listed first and foremost in the Executive Summary of the Pacific L.A. Marine Terminal DEIR (page ES-65, number 1.) as follows:

"This alternative was removed from consideration because of the need for additional dredging and disposal requirements...."

KWJM-3

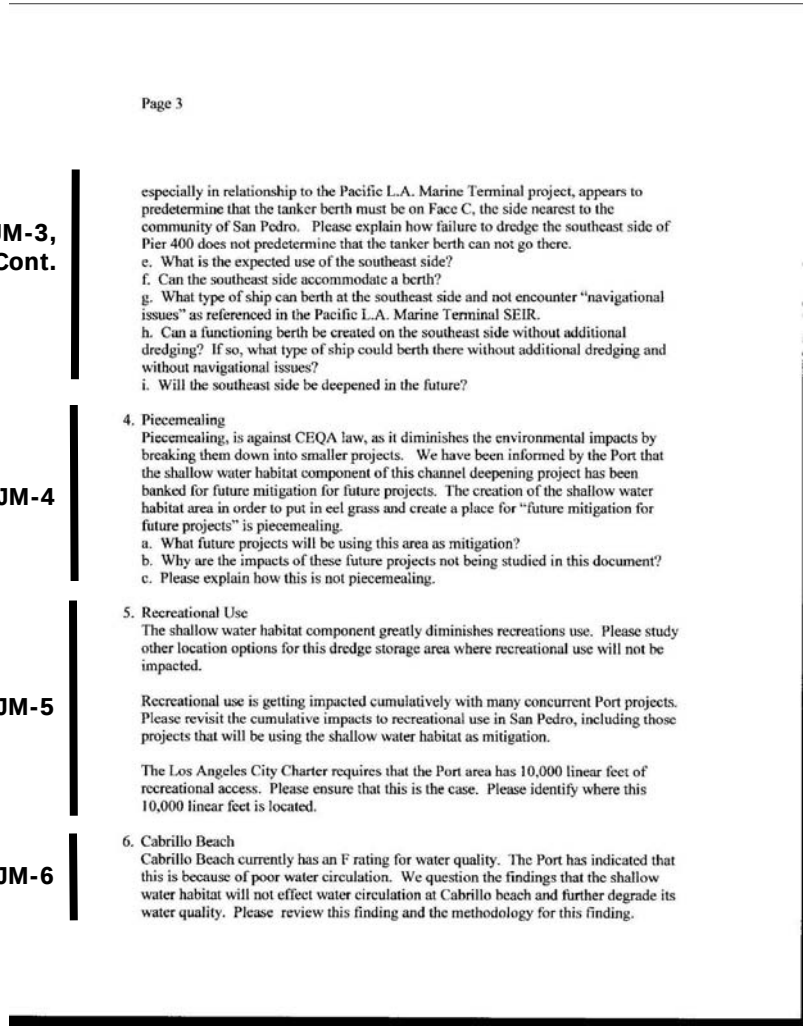
We assert that this alternative berth location would reduce the project's noise, aesthetic, light, recreational and air pollution impacts on the community, and it would be beneficial in containing an oil spill, and it would reduce potential safety hazards to the community. Yet this berth location was not given coequal analysis based first and foremost on the need for additional dredging and disposal requirements, as identified in the Executive Summary for the Pacific L.A. Marine Terminal project. The deepening of this southeast side of Pier 400 to a level that accommodates tankers should be studied as part of this channel deepening project.

a. With the Port of Los Angeles Channel Deepening Project being studied at the same time as the Pacific L.A. Marine Terminal project, why is deepening the southeast side of Pier 400 not considered as an alternative in both DEIRs?
b. Why is deepening the southeast side of Pier 400 not a project component of this channel deepening project?
c. Pier 400 is supposed to be used for liquid bulk relocation. Why, then, aren't all of its berth-supporting Faces deep enough to accommodate tankers?
d. The failure to study this component (deepening the southeast side of Pier 400),

KWJM-3 As discussed in the SEIS/SEIR, this SEIS/SEIR evaluates the impacts associated with implementation of the Proposed Action, which is to dispose of approximately 3.0 mcy to complete the Channel Deepening Project. Therefore the use of Pier 400 is outside the scope of the Proposed Action. Furthermore, this alternative would not meet the project objectives listed in Sections 2.2 and 2.3. The suggested alternative would not complete the first objective, completion of the Channel Deepening Project, nor would it provide for additional disposal capacity, the second and third objectives.

As discussed in the Draft and Final SEIS/SEIR for the Pacific LA Marine Terminal Project, dredging was only one reason, among many, that Face E was rejected as an alternative site for the Pier 400 berth. Even if the site was dredged to the necessary depth, the berth at Face E would present navigational issues for the tankers due to the close proximity of the breakwater.

Comment Set KWJM, continued



Page 3

especially in relationship to the Pacific L.A. Marine Terminal project, appears to predetermine that the tanker berth must be on Face C, the side nearest to the community of San Pedro. Please explain how failure to dredge the southeast side of Pier 400 does not predetermine that the tanker berth can not go there.
e. What is the expected use of the southeast side?
f. Can the southeast side accommodate a berth?
g. What type of ship can berth at the southeast side and not encounter "navigational issues" as referenced in the Pacific L.A. Marine Terminal SEIR.
h. Can a functioning berth be created on the southeast side without additional dredging? If so, what type of ship could berth there without additional dredging and without navigational issues?
i. Will the southeast side be deepened in the future?

KWJM-3, Cont.

4. Piecemealing
Piecemealing, is against CEQA law, as it diminishes the environmental impacts by breaking them down into smaller projects. We have been informed by the Port that the shallow water habitat component of this channel deepening project has been banked for future mitigation for future projects. The creation of the shallow water habitat area in order to put in eel grass and create a place for "future mitigation for future projects" is piecemealing.
a. What future projects will be using this area as mitigation?
b. Why are the impacts of these future projects not being studied in this document?
c. Please explain how this is not piecemealing.

KWJM-4

5. Recreational Use
The shallow water habitat component greatly diminishes recreations use. Please study other location options for this dredge storage area where recreational use will not be impacted.

Recreational use is getting impacted cumulatively with many concurrent Port projects. Please revisit the cumulative impacts to recreational use in San Pedro, including those projects that will be using the shallow water habitat as mitigation.

The Los Angeles City Charter requires that the Port area has 10,000 linear feet of recreational access. Please ensure that this is the case. Please identify where this 10,000 linear feet is located.

KWJM-5

6. Cabrillo Beach
Cabrillo Beach currently has an F rating for water quality. The Port has indicated that this is because of poor water circulation. We question the findings that the shallow water habitat will not effect water circulation at Cabrillo beach and further degrade its water quality. Please review this finding and the methodology for this finding.

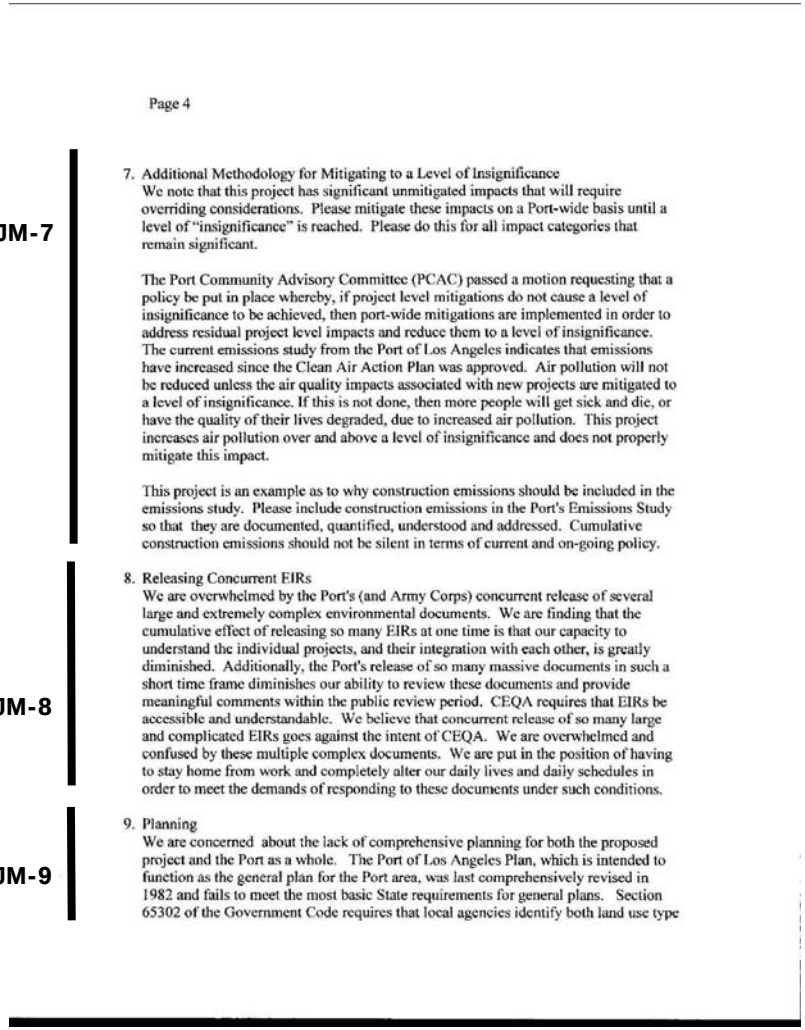
KWJM-6

KWJM-4 The Proposed Action has been modified such that the Eelgrass Habitat Area has been eliminated from further consideration (please see response to comment PCAC-7). The creation of the Cabrillo Shallow Water Habitat created valuable habitat. Under provisions of the Outer Harbor Mitigation Bank MOU, and approval by signatory resource agencies (US Fish & Wildlife, National Marine Fisheries Service, and California Department of Fish & Game), the Port received mitigation credits for shallow water created. The Port will also work through the process detailed in the Outer Harbor Mitigation Bank to receive mitigation credit for shallow water habitat created through the CSWH Expansion in the Proposed Action. By design, the credits in the mitigation bank are available for use to mitigate for Port development projects that may occur.

KWJM-5 The Cabrillo Shallow Water Habitat is valuable habitat and its expansion is an important part of the Port's mitigation banking and credit process. Please see response to comment KWJM-4. Further, the impacts to recreation in the CSWH Expansion Area would be less than significant. The expansion of the CSWH would remove approximately 50 acres of open water from use by container vessels, but not from recreational boaters. In exchange, the expansion would provide 50 acres of improved habitat for fish species, thereby enhancing and creating more recreational fishing opportunities.

The Los Angeles City Charter gives the Los Angeles Harbor District permission to reserve no less than 10,000 feet of the water frontage of Los Angeles Harbor, specifically, the Charter states: "Not less than ten thousand feet of the water frontage of Los Angeles Harbor, linear measurement, measured along the United States harbor lines, together with the necessary coterminous and adjacent tidelands and submerged lands as may be determined by the board and approved by the Council by ordinance, owned or controlled by the City, are hereby forever reserved for public use to be improved, controlled, maintained and operated by the City." As noted in the Charter, reservation applies to *public use*, not *recreational use*. As such, 10,000 feet of water frontage open to public use currently exists at various locations within the harbor.

Comment Set KWJM, continued



Page 4

KWJM-7

7. Additional Methodology for Mitigating to a Level of Insignificance
We note that this project has significant unmitigated impacts that will require overriding considerations. Please mitigate these impacts on a Port-wide basis until a level of "insignificance" is reached. Please do this for all impact categories that remain significant.

The Port Community Advisory Committee (PCAC) passed a motion requesting that a policy be put in place whereby, if project level mitigations do not cause a level of insignificance to be achieved, then port-wide mitigations are implemented in order to address residual project level impacts and reduce them to a level of insignificance. The current emissions study from the Port of Los Angeles indicates that emissions have increased since the Clean Air Action Plan was approved. Air pollution will not be reduced unless the air quality impacts associated with new projects are mitigated to a level of insignificance. If this is not done, then more people will get sick and die, or have the quality of their lives degraded, due to increased air pollution. This project increases air pollution over and above a level of insignificance and does not properly mitigate this impact.

This project is an example as to why construction emissions should be included in the emissions study. Please include construction emissions in the Port's Emissions Study so that they are documented, quantified, understood and addressed. Cumulative construction emissions should not be silent in terms of current and on-going policy.

KWJM-8

8. Releasing Concurrent EIRs
We are overwhelmed by the Port's (and Army Corps) concurrent release of several large and extremely complex environmental documents. We are finding 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. Additionally, the Port's release of so many massive documents in such a short time frame diminishes our ability to review these documents and provide meaningful comments within the public review period. CEQA requires that EIRs be accessible and understandable. We believe that concurrent release of so many large and complicated EIRs goes against the intent of CEQA. We are overwhelmed and confused by these multiple complex documents. We are put in the position of having to stay home from work and completely alter our daily lives and daily schedules in order to meet the demands of responding to these documents under such conditions.

KWJM-9

9. Planning
We are 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

KWJM-6 The water circulation study cited in the SEIS/SEIR has been prepared and reviewed by qualified engineers and is found to be acceptable.

KWJM-7 Your opinion is noted. Please see the response to comment USEPA-2. Through a MOU, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-Port impacts created by Port operations. The Draft SEIS/SEIR adequately identifies and evaluates all feasible mitigation to reduce or avoid the significant environmental effects of the Proposed Action. Therefore, the Draft SEIS/SEIR adequately fulfills the requirements of CEQA with regard to mitigation for the Proposed Action.

KWJM-8 Please see response to PCAC-16. The Port and USACE generally try to avoid having numerous environmental documents under public review at the same time. In addition, the Port and the USACE appreciate the voluminous nature of some of the EIS/EIRs, and have circulated several environmental documents for time periods greater than legally required to address the overlap. In addition, the USACE and Port made a special presentation to PCAC on the Proposed Action and provided the consultant and project team working on the document to answer any questions.

KWJM-9 Thank you for your comment.

Comment Set KWJM, continued

KWJM-9, Cont.

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.

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.

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.

POLA has stated its intent to prepare a new Port 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. Additional projects should not be approved on a piecemeal basis, but only as part of a comprehensive plan for the entire port.

It is not reassuring to the public and it should not be reassuring to decision makers to merely be told that a project is "consistent with" planning programs that are out of date and essentially non functional.

KWJM-10

10.Socioeconomics

Section 4 makes the claim that "This section evaluates the potential impacts of the Proposed Action on the existing socioeconomic attributes of the project area." This claim is not true. This section fails as an informational document because it fails to account for the very real externalized **costs** associated with this project including health impact costs and costs due to traffic congestion associated with this project and the expansion projects it facilitates. The section fails to provide a full analysis that includes **the costs to society as well as the potential benefits.** In other words if you own the positive attributes of a project you must own the negative attributes also.

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,

KWJM-10 The comment is noted. Please see the response to comment PCAC-17.

Comment Set KWJM, continued

KWJM-10, Cont.

Page 6

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 including health costs, traffic congestion, longer commutes, and longer waiting times in traffic.

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:

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
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.

For example Table 3.2-2 Lists "Adverse Effects Associated with The Criteria Pollutants" but there is no analysis of what the additional criteria pollutants generated by the proposed project will actually cost our society. The many effects such as excess deaths, low birth weight, adverse birth outcomes, increased infant mortality and many others **do have a very real cost.**

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 Quality Management District. SCAQMD has established ever more stringent regulations on businesses within the basin, resulting in significant

Comment Set KWJM, continued

KWJM-10, Cont.

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.

11. 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:

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.

KWJM-11

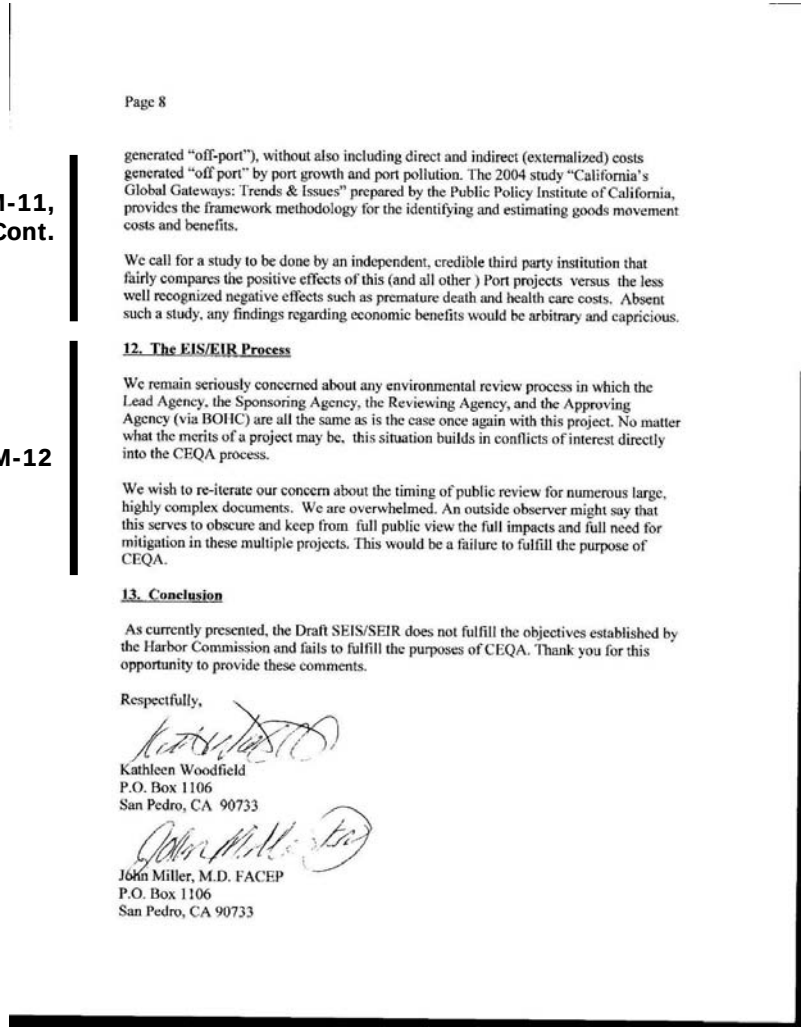
The enormous healthcare costs that we have all learned are being created by diesel exhaust air pollution are not analyzed. As the region's largest single source of air pollution, activities associated with the twin Ports are responsible for 21 to 25% of the total air pollution in the South Coast Air 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

KWJM-11 The comment is noted. Please see the response to comment PCAC-18.

Comment Set KWJM, continued



Page 8

KWJM-11, Cont.

generated "off-port"), without also including direct and indirect (externalized) costs generated "off port" 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.

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.

12. The EIS/EIR Process

KWJM-12

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.

We wish to re-iterate our concern about the timing of public review for numerous large, highly complex documents. We are overwhelmed. An outside observer might say that this serves to obscure and keep from full public view the full impacts and full need for mitigation in these multiple projects. This would be a failure to fulfill the purpose of CEQA.

13. Conclusion

As currently presented, the Draft SEIS/SEIR 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.

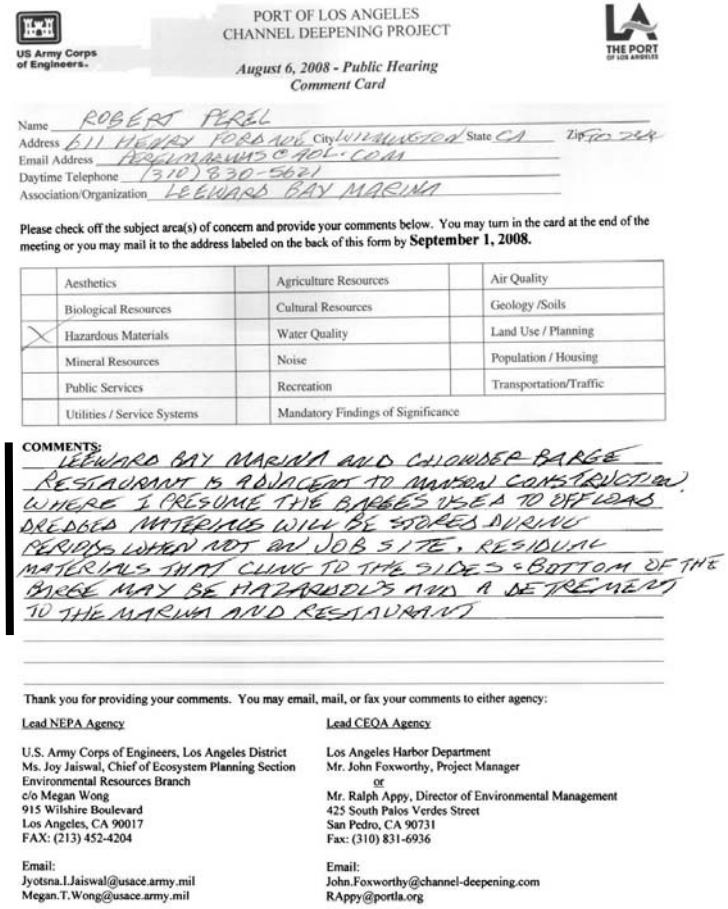
Respectfully,

Kathleen Woodfield
P.O. Box 1106
San Pedro, CA 90733

John Miller, M.D. FACEP
P.O. Box 1106
San Pedro, CA 90733

KWJM-12 Thank you for your comment.

Comment Set RP



PORT OF LOS ANGELES
CHANNEL DEEPENING PROJECT

US Army Corps of Engineers.

THE PORT OF LOS ANGELES

August 6, 2008 - Public Hearing
Comment Card

Name ROBERT PEREL
Address 611 HENRY FORD AVE City WILMINGTON State CA Zip 90744
Email Address PEREL MARINAS @ AOL.COM
Daytime Telephone (310) 830-5621
Association/Organization LEEWARD BAY MARINA

Please check off the subject area(s) of concern and provide your comments below. You may turn in the card at the end of the meeting or you may mail it to the address labeled on the back of this form by **September 1, 2008.**

	Aesthetics		Agriculture Resources		Air Quality
	Biological Resources		Cultural Resources		Geology /Soils
X	Hazardous Materials		Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population / Housing
	Public Services		Recreation		Transportation/Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

COMMENTS:
LEEWARD BAY MARINA AND CHOWDER BARGE RESTAURANT IS ADJACENT TO MAJOR CONSTRUCTION. WHERE I PRESUME THE BARGES USED TO OFFLOAD DREDGED MATERIALS WILL BE STORED DURING PERIODS WHEN NOT ON JOB SITE. RESIDUAL MATERIALS THAT CLING TO THE SIDES & BOTTOM OF THE BARGE MAY BE HAZARDOUS AND A DETRIMENT TO THE MARINA AND RESTAURANT

Thank you for providing your comments. You may email, mail, or fax your comments to either agency:

Lead NEPA Agency

U.S. Army Corps of Engineers, Los Angeles District
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section
Environmental Resources Branch
c/o Megan Wong
915 Wilshire Boulevard
Los Angeles, CA 90017
FAX: (213) 452-4204

Email:
Jyotsna.I.Jaiswal@usace.army.mil
Megan.T.Wong@usace.army.mil

Lead CEQA Agency

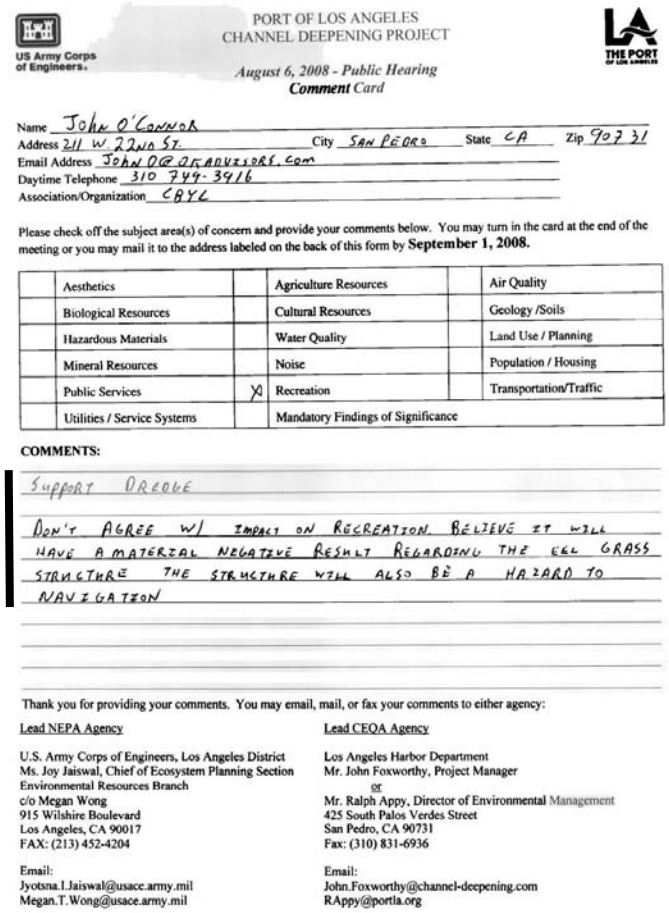
Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager
or
Mr. Ralph Appy, Director of Environmental Management
425 South Palos Verdes Street
San Pedro, CA 90731
Fax: (310) 831-6936

Email:
John.Foxworthy@channel-deepening.com
RAppy@portla.org

RP-1

RP-1 Good housekeeping practices, required in the construction contractor's contract would prevent hazardous materials from being stored in barges near Leeward Bay Marina and Chowder Barge Restaurant.

Comment Set JO



PORT OF LOS ANGELES
CHANNEL DEEPENING PROJECT

US Army Corps of Engineers

THE PORT OF LOS ANGELES

August 6, 2008 - Public Hearing
***Comment** Card*

Name JOHN O'CONNOR
Address 211 W. 22ND ST. City SAN PEDRO State CA Zip 90731
Email Address JOHNO@GRADVISORS.COM
Daytime Telephone 310 749-3416
Association/Organization CBYC

Please check off the subject area(s) of concern and provide your comments below. You may turn in the card at the end of the meeting or you may mail it to the address labeled on the back of this form by **September 1, 2008.**

	Aesthetics		Agriculture Resources		Air Quality
	Biological Resources		Cultural Resources		Geology /Soils
	Hazardous Materials		Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population / Housing
	Public Services	X	Recreation		Transportation/Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

COMMENTS:

JO-1

SUPPORT DREDGE

DON'T AGREE W/ IMPACT ON RECREATION. BELIEVE IT WILL HAVE A MATERIAL NEGATIVE RESULT REGARDING THE EEL GRASS STRUCTURE THE STRUCTURE WILL ALSO BE A HAZARD TO NAVIGATION

Thank you for providing your comments. You may email, mail, or fax your comments to either agency:

Lead NEPA Agency

U.S. Army Corps of Engineers, Los Angeles District
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section
Environmental Resources Branch
c/o Megan Wong
915 Wilshire Boulevard
Los Angeles, CA 90017
FAX: (213) 452-4204

Email:
Jyotsna.I.Jaiswal@usace.army.mil
Megan.T.Wong@usace.army.mil

Lead CEQA Agency

Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager
or
Mr. Ralph Appy, Director of Environmental Management
425 South Palos Verdes Street
San Pedro, CA 90731
Fax: (310) 831-6936

Email:
John.Foxworthy@channel-deepening.com
RAppy@portla.org

JO-1 As discussed in detail in the response to comment number PCAC-7, the Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

Comment Set CS

US Army Corps of Engineers

PORT OF LOS ANGELES
CHANNEL DEEPENING PROJECT

THE PORT OF LOS ANGELES

August 6, 2008 - Public Hearing
Comment Card

Name Carrie Scoville
Address 415 W. 6th Street City San Pedro State _____ Zip 90731
Email Address _____
Daytime Telephone _____
Association/Organization _____

Please check off the subject area(s) of concern and provide your comments below. You may turn in the card at the end of the meeting or you may mail it to the address labeled on the back of this form by **September 1, 2008.**

	Aesthetics		Agriculture Resources		Air Quality
	Biological Resources		Cultural Resources		Geology /Soils
	Hazardous Materials		Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population / Housing
	Public Services		Recreation		Transportation/Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

COMMENTS:

Thank you for providing your comments. You may email, mail, or fax your comments to either agency:

Lead NEPA Agency

U.S. Army Corps of Engineers, Los Angeles District
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section
Environmental Resources Branch
c/o Megan Wong
915 Wilshire Boulevard
Los Angeles, CA 90017
FAX: (213) 452-4204

Email:
Jyotsna.I.Jaiswal@usace.army.mil
Megan.T.Wong@usace.army.mil

Lead CEQA Agency

Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager
or
Mr. Ralph Appy, Director of Environmental Management
425 South Palos Verdes Street
San Pedro, CA 90731
Fax: (310) 831-6936

Email:
John.Foxworthy@channel-deepening.com
RAppy@portla.org

Comment Set KW

US Army Corps of Engineers

PORT OF LOS ANGELES
CHANNEL DEEPENING PROJECT

THE PORT OF LOS ANGELES

August 6, 2008 - Public Hearing
Comment Card

Name Kathleen Woodfield
Address 50 S Bunker City SP State CA Zip 90731
Email Address [illegible]@hotmail.com
Daytime Telephone
Association/Organization San Pedro Peninsula Homeowners Corporation

Please check off the subject area(s) of concern and provide your comments below. You may turn in the card at the end of the meeting or you may mail it to the address labeled on the back of this form by September 1, 2008.

KW-1

✓	Aesthetics	✓	Agriculture Resources	✓	Air Quality
✓	Biological Resources	✓	Cultural Resources	✓	Geology /Soils
✓	Hazardous Materials	✓	Water Quality	✓	Land Use / Planning
✓	Mineral Resources	✓	Noise	✓	Population / Housing
✓	Public Services	✓	Recreation	✓	Transportation/Traffic
✓	Utilities / Service Systems	✓	Mandatory Findings of Significance		

COMMENTS:

Kathleen Woodfield

Thank you for providing your comments. You may email, mail, or fax your comments to either agency:

Lead NEPA Agency

U.S. Army Corps of Engineers, Los Angeles District
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section
Environmental Resources Branch
c/o Megan Wong
915 Wilshire Boulevard
Los Angeles, CA 90017
FAX: (213) 452-4204

Email:
Jyotsna.I.Jaiswal@usace.army.mil
Megan.T.Wong@usace.army.mil

Lead CEQA Agency

Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager
or
Mr. Ralph Appy, Director of Environmental Management
425 South Palos Verdes Street
San Pedro, CA 90731
Fax: (310) 831-6936

Email:
John.Foxworthy@channel-deepening.com
RAppy@portla.org

Comment Set TP

US Army Corps of Engineers.

PORT OF LOS ANGELES
CHANNEL DEEPENING PROJECT

THE PORT OF LOS ANGELES

August 6, 2008 - ***Public Hearing***
Comment Card

Name Tom Politeo
Address 1246 W 14th St City San Pedro State CA Zip 90733
Email Address tom@politeo.net
Daytime Telephone 562 618 1127
Association/Organization Sierra Club

Please check off the subject area(s) of concern and provide your comments below. You may turn in the card at the end of the meeting or you may mail it to the address labeled on the back of this form by September 1, 2008.

	Aesthetics		Agriculture Resources		Air Quality
	Biological Resources		Cultural Resources		Geology /Soils
	Hazardous Materials		Water Quality		Land Use / Planning
	Mineral Resources		Noise		Population / Housing
	Public Services		Recreation		Transportation/Traffic
	Utilities / Service Systems		Mandatory Findings of Significance		

COMMENTS:

Thank you for providing your comments. You may email, mail, or fax your comments to either agency:

Lead NEPA Agency

U.S. Army Corps of Engineers, Los Angeles District
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section
Environmental Resources Branch
c/o Megan Wong
915 Wilshire Boulevard
Los Angeles, CA 90017
FAX: (213) 452-4204

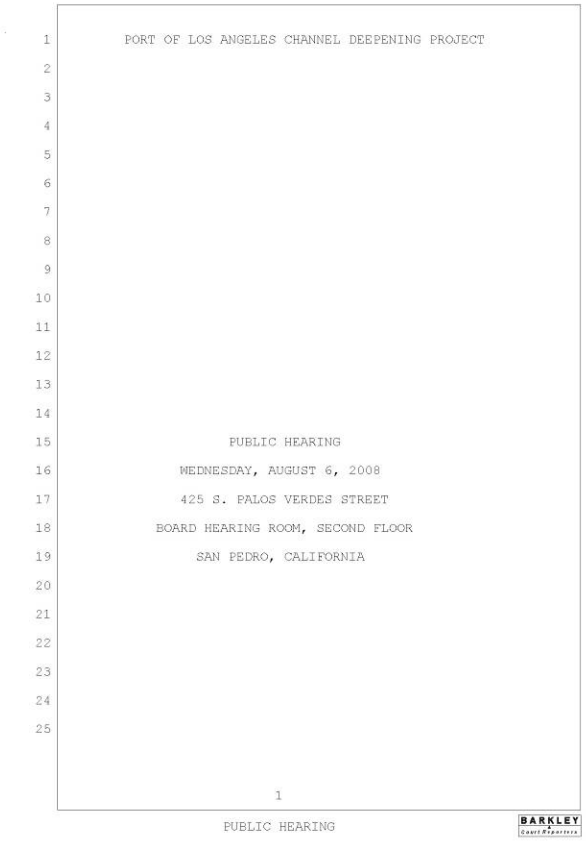
Email:
Jyotsna.I.Jaiswal@usace.army.mil
Megan.T.Wong@usace.army.mil

Lead CEQA Agency

Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager
or
Mr. Ralph Appy, Director of Environmental Management
425 South Palos Verdes Street
San Pedro, CA 90731
Fax: (310) 831-6936

Email:
John.Foxworthy@channel-deepening.com
RAppy@portla.org

Public Hearing Transcript



PORT OF LOS ANGELES CHANNEL DEEPENING PROJECT

PUBLIC HEARING

WEDNESDAY, AUGUST 6, 2008

425 S. PALOS VERDES STREET

BOARD HEARING ROOM, SECOND FLOOR

SAN PEDRO, CALIFORNIA

1

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued

APPEARANCES:

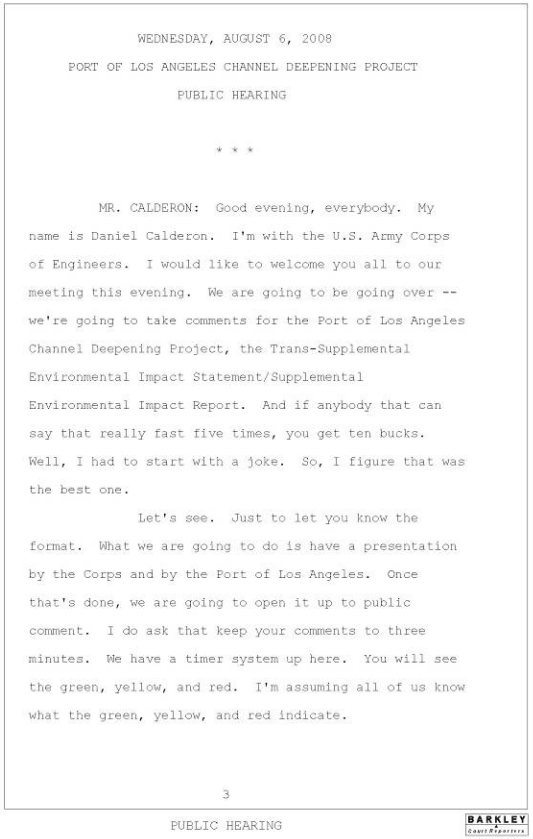
Daniel Calderon, U.S. Army Corps of Engineers
Katherine Prickett, Environmental Specialist and POLA
Lieutenant Glenn Reed, U.S. Army Corps of Engineers
Josephine Axt, Ph.D., Chief Planning Division, U.S. Army Corps of Engineers
Paul Johansson, Assistant Chief, Evenironmental Management Division, Port of Los Angles
Aaron Allen, Ph.D., Chief of North Coast Branch, Regulatory Division
Art Shak, Project Manager
Joy Jaiswal, Chief of Ecosystem Planning Section
Megan Wong, Environmental Coordinator, Biologist
Kim Berry, Administrative Assistant
Jason Ricks, Project Manager
Dave Walsh, Assistant Chief of Engineering Division
Crystal Marquez, Biologist/Project Manager

2

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued



WEDNESDAY, AUGUST 6, 2008
PORT OF LOS ANGELES CHANNEL DEEPENING PROJECT
PUBLIC HEARING

* * *

MR. CALDERON: Good evening, everybody. My name is Daniel Calderon. I'm with the U.S. Army Corps of Engineers. I would like to welcome you all to our meeting this evening. We are going to be going over -- we're going to take comments for the Port of Los Angeles Channel Deepening Project, the Trans-Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report. And if anybody that can say that really fast five times, you get ten bucks. Well, I had to start with a joke. So, I figure that was the best one.

Let's see. Just to let you know the format. What we are going to do is have a presentation by the Corps and by the Port of Los Angeles. Once that's done, we are going to open it up to public comment. I do ask that keep your comments to three minutes. We have a timer system up here. You will see the green, yellow, and red. I'm assuming all of us know what the green, yellow, and red indicate.

3

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued

All right. Okay. Perfect.

First. (Speaking in Spanish). I have to throw that out there, too. All right.

Let me introduce our panel here.

We have from the Los Angeles District U.S. Army Corps of Engineers, Lieutenant Cornel Reed, our Deputy Commander. We have Josephine Axt, Ph.D., Chief of Planning. We have George Swalick, Chief of Eco System Planning Division. We have Aaron Allen, Ph.D., Chief of North Coast Branch, Regulatory Division, at the end. Crystal Marques, Biologist Project Manager, Regulatory Division, over here. We have Art Shak, Project Manager here. Megan Wong, our Environmental Coordinator and Biologist. With the Port of Los Angeles, we have Paul Johansson, Assistant Chief, Environmental Management Division.

Tony, I'm hoping that I don't mispronounce your name. It's Tony Gioiello.

MR. GIOIELLO: Excellent.

MR. CALDERON: He is the Chief of Engineering Division for the Port. We have Katherine Prickett, Environmental Specialist and Port of Los Angeles Environmental Management Project Manager. Kim Berry, our Administrative Assistant, back up here. Jason Risk, Project Manager. And Dave Walsh, Assistant Chief of

4

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued

Engineering Division.

All right. So just to let you know, I haven't done what I'm suppose to do. Now, we are on this third slide. Okay.

This public hearing is part of the planning process under the Army Corps of Engineers, Los Angeles District, and the City of Los Angeles, Harbor Department. The Port of Los Angeles is the lead agency for the California Environmental Quality Act.

All right. We are going to move forward now. I would like to reintroduce Lieutenant Reed, our Deputy District Commander.

LIEUTENANT REED: Good evening, everybody. I just want to let you know that I am the Deputy Commander, and our Commander could not be here tonight. And I will tell you that he's attending to some issues that we have in Arizona, as we have that area as well.

And he did want me to emphasize the importance of this project to everyone. We have been -- the Corps has been working with the Port of Los Angeles since the early 1990s in the deepening project.

And, as you know, the Port of Los Angeles is probably one of the busiest ports on the West Coast. According to the American Association of Port Authorities, it's the busiest port in terms of container

5

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued

traffic in the United States. And, obviously, it's vital to our economy here in this region and to the nation as well, exporting and importing goods between this great nation and other nations within the world.

Obviously, the deeper channel is going to be, you know, very vital to having container ships continue to come in and easily service this area, so we need that deeper channel for sure.

The draft SEIS and SEIR that we have discussed tonight, it's been prepared in compliance with federal, state, and local applicable environmental laws and regulations, including the Clean Water Act.

And I want to ensure that all of your questions and concerns will be addressed. We will take them here, and then we will place them on our Web Site as far as answering and as far as the comments.

Before we open up the floor to questions, I would like to introduce our Chief of Planning, Josephine Axt, for the Los Angeles District.

MS. AXT: All right. Thanks. Let's see, I think I'm on.

The point I wanted to make after welcoming everybody is to emphasize that tonight is really the combination of a very long planning process that a lot of people in this room have been a part of. The Corps

6

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued

works in a project delivery team philosophy.

I'm definitely the newest member of the PDT. I started with L.A. District just a few months ago, so I've been getting up to speed thanks to Joy and Megan and others on this project, and I'm excited in terms of the planning process and how we have gotten to today, that I've just been hearing a lot about the spirit of cooperation and partnership between the Port of L.A. and the L.A. District Corps. I think that's what makes these kind of big complicated projects work.

And I'm excited that we're all one, where we're at tonight when Kat goes over the presentation.

I worked in New York District Corps for a little bit on some harbor issues and dredge material management planning. So all I'll end up saying is I'm honored and excited to be here and hopefully bring some of my experience to this as we go forward.

MR. CALDERON: All right. Thank you very much.

Now, I would like to reintroduce Paul Johansson, the Assistant Chief, Environmental Management Division for the Port of Los Angeles.

MR. JOHANSSON: Thanks, Daniel. On behalf of the Port of Los Angeles, I would like to welcome you all here to this public hearing. And we're here as the local lead agency for the project under the California

7

PUBLIC HEARING

BARKLEY

Public Hearing Transcript, continued

Environmental Quality Act. We work very closely with the Corps, our federal partner, to develop a joint environmental impact report and environmental impact statement, and that's what we are here to talk about here today.

And I would also like to mention -- because I don't think Daniel knew -- that we are being Webcast live. So if any of you are concerned about that, please be aware. So not only are we recording you for prosperity, but we are also transmitting you live right now.

So again, welcome, and we are here to listen to you.

MR. CALDERON: All right. Thank you, sir.

Now, I would like to introduce or reintroduce Katherine Prickett, Environmental Specialist and Port of Los Angeles Environment Management Manager.

MS. PRICKETT: Thanks, Daniel.

Good evening, everybody. Thanks for coming out tonight to learn about the Channel Deepening Project. We are very interested in taking your comments.

I would like to go over some of the projects first of all. We have up here on the slide, the purpose and need of the project. As you can see, it

8

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued

is to complete the Channel Deepening Project and optimize beneficial use of the dredged material within the Port of Los Angeles by providing approximately 3.0 million cubic yards of additional disposal capacity for the dredge material from the Channel Deepening Project.

We have here the scope of this project. It addresses impacts related to modifications required to complete the disposal of dredge material from the authorized project. The scope of the proposed action is the same as that as the Supplemental EIS/EIR in 2000, which is to complete the Channel Deepening Project to a depth of minus three feet mean lower level water.

I want to go over now our viable alternatives. We had -- I just wanted to mention that in our last scoping project, we had a number of disposal options and through taking comment from the public in that scoping process and listening to some of our resource and regulatory agencies, we dropped a number of those. And what I will be presenting today is our viable alternatives from that.

I want to get you familiar with this slide before I go into some of the specifics of Alternative 1.

First of all, you will see is what we've completed to date as part of that 2000 project, the

9

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued

document.

The orange area near here in the main channel has already been dredged. Materials that have been dredged to date were placed in these areas. A small little eelgrass. This is not land. This is new land up here. We have some new land. We had 50 acres of additional -- I'm sorry -- 54 acres of new shallow water habitat. So those are the things that have been done to date.

What we need to complete are some of this light yellow -- it's a little difficult to see -- but light yellow along the berths, and this deep blue area.

So our first alternative and proposed disposal for those materials is a 5 acre fill up here at the Berth 136, the trade pack area. We have an 8 acre area here at the former southwest marine site. We have a 50 acre habitat extension area here. A 40-acre eelgrass area. The 40 acres, I will just mention is a mix of over 24 acres of existing shallow water habitat and 16 acres of the new habitat area. And then any residual materials -- it's about 4,000 cubic yards that our estimate now, would be going out to ocean disposal.

I just want to mention this site right here is a confined disposal facility. That would be used in this alternative to dispose of any material that

10

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued

would be unsuitable for open ocean disposal.

In Alternative 2, the differences that we would not be doing any port land fill. Instead, the added material -- material that is unsuitable for open ocean disposal would be going into our Anchorage Road Soil Storage Material Facility site and also to -- out to the L.A.-2 ocean disposal site.

Finally, we have Alternative 3, which is our no action plan. In that case, we would not be completing the dredging of the east basin channel, and we also -- or the berths. And we also have some surcharge that is currently up here in the China shipping area. And that surcharge would have to remain.

So during the environmental analysis, we looked at these different resource -- resource areas, aesthetics, air quality, biology, cultural resources, geology, ground transportation, hazard and hazardous material, land use, marine transportation, noise, recreation, utilities, water quality, and oceanography.

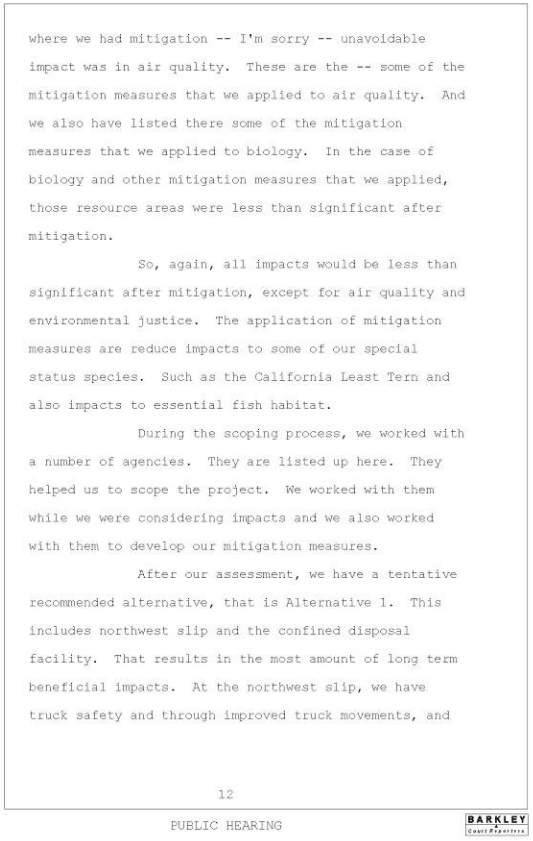
And I would like to mention that through our initial assessment, without any mitigation, we found that there were significant impacts to air quality, biology, land use, and noise. However, we do use mitigation. So what we find with all of the different mitigation that we applied is -- it's only resource area

11

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued



where we had mitigation -- I'm sorry -- unavoidable impact was in air quality. These are the -- some of the mitigation measures that we applied to air quality. And we also have listed there some of the mitigation measures that we applied to biology. In the case of biology and other mitigation measures that we applied, those resource areas were less than significant after mitigation.

So, again, all impacts would be less than significant after mitigation, except for air quality and environmental justice. The application of mitigation measures are reduce impacts to some of our special status species. Such as the California Least Tern and also impacts to essential fish habitat.

During the scoping process, we worked with a number of agencies. They are listed up here. They helped us to scope the project. We worked with them while we were considering impacts and we also worked with them to develop our mitigation measures.

After our assessment, we have a tentative recommended alternative, that is Alternative 1. This includes northwest slip and the confined disposal facility. That results in the most amount of long term beneficial impacts. At the northwest slip, we have truck safety and through improved truck movements, and

12

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued

the confined disposal facility caps contaminated dredge material. Alternative 1 meets the highest number of project objectives compared to Alternative 2 and Alternative 3.

We'd now like to take your comments. I'm going to go through a number of different ways that you can comment on the document. You can do that tonight. We would like you to fill out a speaker card, if you could please, before you comment. That will be part of the official record through transcription. You can also write comments on that sheet and submit those tonight.

If you are going to mail in comments later, please mail to both of the addresses on these. If you took an outline of the presentation, you can take this information home with you. And there's also a couple of E-mail addresses that you can send comments to.

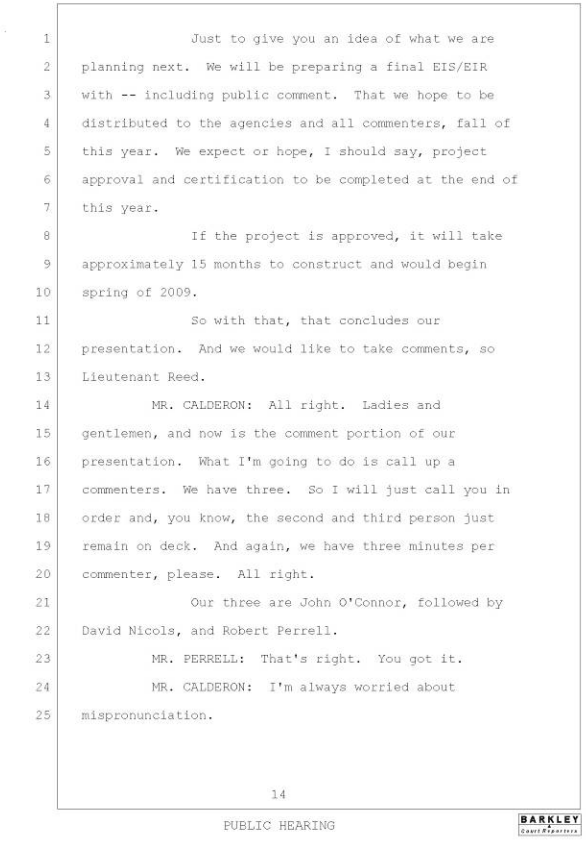
We have the full document available on-line at that web address. Port of Los Angeles.org. You can also obtain hard copies and CDs by calling these numbers here. Those, I believe, are Corps numbers. You can also come in to either the Corps or the Port offices to review hard copies on-site. We also have hard copies available at the libraries that are listed here on this screen.

13

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued



Just to give you an idea of what we are planning next. We will be preparing a final EIS/EIR with -- including public comment. That we hope to be distributed to the agencies and all commenters, fall of this year. We expect or hope, I should say, project approval and certification to be completed at the end of this year.

If the project is approved, it will take approximately 15 months to construct and would begin spring of 2009.

So with that, that concludes our presentation. And we would like to take comments, so Lieutenant Reed.

MR. CALDERON: All right. Ladies and gentlemen, and now is the comment portion of our presentation. What I'm going to do is call up a commenters. We have three. So I will just call you in order and, you know, the second and third person just remain on deck. And again, we have three minutes per commenter, please. All right.

Our three are John O'Connor, followed by David Nicols, and Robert Perrell.

MR. PERRELL: That's right. You got it.

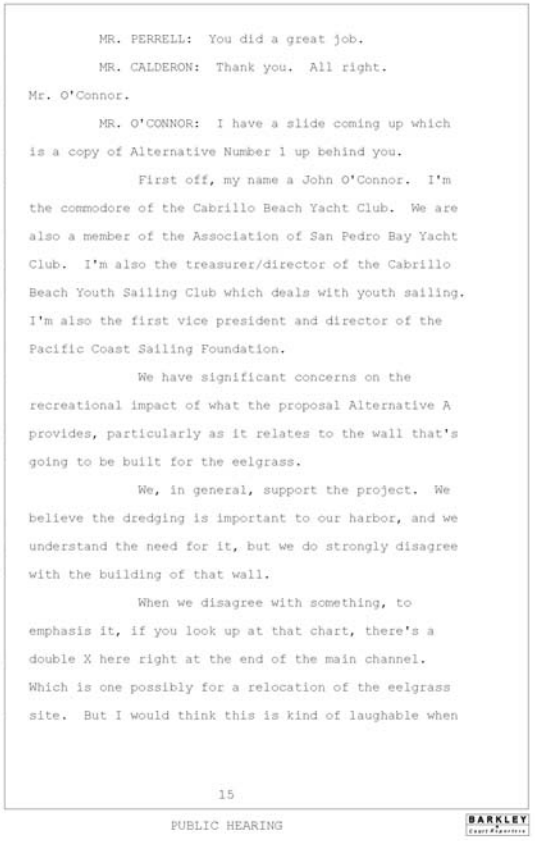
MR. CALDERON: I'm always worried about mispronunciation.

14

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued



MR. PERRELL: You did a great job.
MR. CALDERON: Thank you. All right. Mr. O'Connor.
MR. O'CONNOR: I have a slide coming up which is a copy of Alternative Number 1 up behind you.
First off, my name a John O'Connor. I'm the commodore of the Cabrillo Beach Yacht Club. We are also a member of the Association of San Pedro Bay Yacht Club. I'm also the treasurer/director of the Cabrillo Beach Youth Sailing Club which deals with youth sailing. I'm also the first vice president and director of the Pacific Coast Sailing Foundation.
We have significant concerns on the recreational impact of what the proposal Alternative A provides, particularly as it relates to the wall that's going to be built for the eelgrass.
We, in general, support the project. We believe the dredging is important to our harbor, and we understand the need for it, but we do strongly disagree with the building of that wall.
When we disagree with something, to emphasis it, if you look up at that chart, there's a double X here right at the end of the main channel. Which is one possibly for a relocation of the eelgrass site. But I would think this is kind of laughable when

15

PUBLIC HEARING

BARKLEY

PH-1

PH-2

PH-1 As discussed in detail in the response to comment number PCAC-7, the Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

PH-2 As discussed in detail in the response to comment number PCAC-7, the Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

Public Hearing Transcript, continued

PH-2, Cont.

you look at this container ships coming out of that channel and having to make a turn around it.

In our mind, it is almost as laughable to put the wall where it is. We have extensive sailboats sailing that goes on in this area. That structure goes right in the middle of, if you will, our race course and sailing area. We have some alternatives for you.

One is Alternative A up there on the chart, which is out where the birds currently are. If we could run it along that -- anywhere if that area. We generally don't sail in that area.

We have Alternative B, which is already a shallow water habitat. I understand the problem there is that there's future plans to build that pier 400.

We also have another alternative for you, being creative people, which is actually one of the ones we prefer is in the Area C which is somewhere along -- if you look down on the bottom left, which is along the break water and all the way into the bend in the break wall. So if there was any way to have that eelgrass area pushed up so it's out of the main area.

It's important when I look up at this map off to my left and I see all the industry and the planning that's going on for the engine that drives the economy here in this area, but I also right behind your

16

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued

PH-2, Cont.

head is a little area that we saved off for the recreational boating.

And when we look forward another 20 years on the needs for the community to have a place to go, it's going to be important to have a little bay so that boating can happen there. We are very active in supporting boating. The Port is very active in supporting us, but this structure out there is horrid to us.

There's also a little arrow if you look at the entrance to Angels Gate that goes straight into our part of the marina. That's a direct line from Angels Gate to our area, and it goes right through a wall. We already have problems.

I'm red lighted.

We already have problems with boats hitting the wharfs and so boats hitting walls is even worse than that.

Thank you for your time.

MR. CALDERON: Thank you very much, Mr. O'Connor.

Okay. Mr. Nicols. And on deck is Robert Perrell.

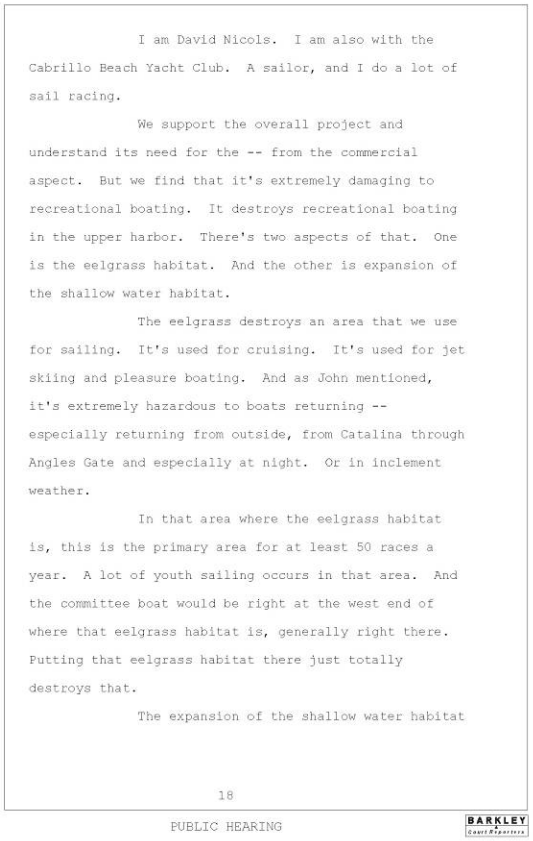
MR. NICOLS: Can I ask you to put that chart back up?

17

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued



I am David Nicols. I am also with the Cabrillo Beach Yacht Club. A sailor, and I do a lot of sail racing.

We support the overall project and understand its need for the -- from the commercial aspect. But we find that it's extremely damaging to recreational boating. It destroys recreational boating in the upper harbor. There's two aspects of that. One is the eelgrass habitat. And the other is expansion of the shallow water habitat.

The eelgrass destroys an area that we use for sailing. It's used for cruising. It's used for jet skiing and pleasure boating. And as John mentioned, it's extremely hazardous to boats returning -- especially returning from outside, from Catalina through Angles Gate and especially at night. Or in inclement weather.

In that area where the eelgrass habitat is, this is the primary area for at least 50 races a year. A lot of youth sailing occurs in that area. And the committee boat would be right at the west end of where that eelgrass habitat is, generally right there. Putting that eelgrass habitat there just totally destroys that.

The expansion of the shallow water habitat

18

PUBLIC HEARING

BARKLEY

PH-3

PH-4

PH-3 As discussed in detail in the response to comment number PCAC-7, the Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

PH-4 The majority of the existing kelp located in this area grows in a band along the submerged rock dike of the existing Cabrillo Shallow Water Habitat (CSWH). It is possible that kelp would also grow along the submerged rock dike of the proposed CSWH expansion, thereby incrementally decreasing the amount of area available for sailing in the outer harbor. However, additional kelp growth would increase the biological value of this area and would incrementally increase the amount of area available for recreational fishing the outer harbor.

Public Hearing Transcript, continued

PH-4, Cont.

PH-5

is of concern because the rest of that habitat has become very clogged with kelp. Those of us that have sailboats, my sailboat draws about seven and a half feet. We catch -- we catch the kelp on the keel and on the rotor, so we're basically procured from using that area any more. However, we used to sail there a lot.

In Section 3.11.6.1 of your S -- or the draft EIR, you make a very -- an extremely faulty determination that while this takes about 40 acres out of the area for recreational boating, there's lots of other areas to -- for recreational boating. And you will notice a lot of other areas, Pier 400 wiped out a huge area. In fact, while we're here on this picture, you can see it better. This used to be a very -- sorry about that.

SPEAKER: There's laws against that, Dave.

MR. NICOLS: Used to be a very big area for recreational boating, and it's not there anymore.

We would appreciate it if you would find another site for the eelgrass or for the spoil from the dredging.

MR. CALDERON: Thank you very much, Mr. Nicols.

Robert Perrell.

MR. PERREL: Yes.

MR. CALDERON: On deck is Tom Politeo.

19

PUBLIC HEARING

BARKLEY Court Reporters

PH-5 As discussed in detail in the response to comment number PCAC-7, the Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

Public Hearing Transcript, continued

PH-6

MR. POLITEO: You got it.
MR. CALDERON: I'm sorry?
MR. POLITEO: You got it.
MR. PERRELL: I represent Leeward Bay Marina. And our concern is possibly depending on how they operate with their barge on the dredging operation, the position of Manson Construction vis-a-vis Leeward Bay Marina. I'm making the presumption that when they dredge materials from the channel, they will take it and put it into a deep barge and not just a flat barge.

The problem where we have is, and this occurred to me as I was feeding my dogs the other night, and I saw all of this debris clung to the can. I could take it then and wash it out, turn it over, and get rid of it.

On this barge, what I presume they're going to do is they are going to take the dredge material, they will offload it. But there's going to be the contaminants that are going to stick to the sides and to the bottom of the barge. Manson Construction is right next to us. I don't know if they are going to take the barges when they are not in operation like over the weekends, and night, or whatever, and put them somewhere elsewhere, or they plan to bring them back to the marina. Not only is it a marina that's adjacent to

20

PUBLIC HEARING

BARKLEY Court Reporters

PH-6 Please see the response to comment number RP-1.

Public Hearing Transcript, continued

PH-6, Cont.

them, but it's a restaurant that operates within the marina.

If you have these contaminants and they are highly hazardous, and they cling to the barges, and they are right next to us, and this operation is going to go on for a long time, I don't know whether you have a health environmental hazard.

So rather than having them just go ahead and do it, and then all of a sudden we find out there is a problem, I think it's well advised to analyze the situation. Maybe they can be moved somewhere else. Maybe the barges could be moved somewhere else. Hopefully, the marina, the restaurant won't be moving somewhere else.

But I do think that from the environmental and health standpoint, somebody better look into this because I'm starting to realize what the problem is going to be. That's basically it. Okay.

Thanks.

MR. CALDERON: All right. Thank you very much, Mr. Perrell.

Tom Politeo and on deck is Donna Ethington.

MR. POLITEO: Hi. My name is Tom Politeo. I live here in San Pedro, and I'm going to be speaking on

21

PUBLIC HEARING

BARKLEY

Public Hearing Transcript, continued

PH-7

PH-8

behalf of the Sierra Club. Can we have --

I will be handing in a better copy of that image with my testimony. It needs some color correction. It looks like it was shot through rose colored glasses.

But you can see there is fugitive dust rising from one of the places where the dredging material has been stored in San Pedro. There have been similar problems over in Long Beach.

One of the things we ask with any form of the projects that are done is to first ask here tonight is that you handle these materials carefully. We breathe some of the worst air in the nation here. There's no reason at all it should be compounded by having this kind of stuff blowing into the air.

The second point I want to talk about, it's been already addressed by the prior two speakers. And it may not seem like the Sierra Club would be on board with trying to keep eelgrass out of an area, But in the mix of environmental things that we work with, part of the Sierra Club's mission is to be able to enjoy natural areas, as well as we need to protect them.

And working through Livable Cities Program, we recognize the importance of regional swimming and recreational facilities of outdoor nature

22

PUBLIC HEARING

BARKLEY

PH-7 As discussed in the response to comment number AQMD-5, Mitigation Measure AQ-2.5 essentially requires a 100% fugitive dust control efficiency. The construction contractor would comply with this level of fugitive dust control.

PH-8 As discussed in detail in the response to comment number PCAC-7, the Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

Public Hearing Transcript, continued

PH-8, Cont.

PH-9

to be able to help make an urban area livable and to encourage equal development for people who might not have -- living in the city have a cause to do that.

And we are very concerned with the proposed eelgrass location and the wall around it. Aside from that, we have some questions as to how effective this habitat would be anyway, particularly with the wall around it.

We are very interested when we are working through something like this to be able to have as many uses, multiple uses, coming out of an area as possible, recreation, habitat, and aesthetic.

And in this particular instance, the habitant won't be as good as it might be because of the wall. Aesthetics will be impacted, and the recreation is definitely going to be impacted. The flaw on your report, to say there's not a significant impact on recreation, we consider this a very big impact.

Now, they talked about sailing. There's also wind surfers out here and numerous swimmers out here. Now, a swimmer may actually enjoy having the wall, but the same problems exist for the wind surfers.

The third thing we walk want to talk about is the concept of master planning with respect to the Port and how various things that the port does in or

23

PUBLIC HEARING

BARKLEY Court Reporters

PH-9 With regard to Port master planning, please see the response to comment number SPPHC-1. With regard to the Eelgrass Habitat Area, as discussed in the response to comment number PCAC-7 this disposal location has been eliminated from further consideration. With regard to addressing future dredging this SEIS/SEIR evaluates the impacts associated with implementation of the Proposed Action, which is to dispose of approximately 3.0 mcy to complete the Channel Deepening Project.

Public Hearing Transcript, continued

PH-9, Cont.

around. There's a possibility that the Port may be putting a large cruise ship coming in at Kaiser Point, which is right near this eelgrass area. The cruise ship would have some form of safety zone around it, and this would further restrict it making even more issues here with respect to recreation.

We, of course, want to deny that the cruise ships from being placed in that location, nor do we want to see this eel habitat created.

Last, with respect to that, we know that this isn't the last time this port is going to have to dispose of dredging material. We would like to see part of this supplemental EIR to include some form of sustainable long-term planning in how we are going to deal with the dredging material that's going to happen, because this bay is going to be closing up. It's dredge or silt. I mean, if you're not involved in the constant dredging program, the bay will silt up because that's what the L.A. River would do to this channel. And the outflow from Bixby are going to do this to this location.

MR. CALDERON: Thank you very much, Mr. Politeo.

MR. POLITEO: So we would like to make sure that this is taken care of. And I hope in your final

Public Hearing Transcript, continued

PH-9, Cont.

EIR, you have an alternative that works with necessary projects without putting this eelgrass habitat in that location.

Thank you.

MR. CALDERON: Thank you for your time, sir.

Next is Donna Ethington, And Kathleen Woodfield on deck.

MS. ETHINGTON: First, I wanted to say that -- I want to preface my comments by saying that we really want the channel deepening project done so we can get rid all of that dredging equipment, because it's right in the middle of our Wilmington Marina over there, and it has been since what, early 2003, or something. So we will not hold up the project.

Let me read this really quick. The scope of the proposed project is the complete channel deepening of the main channel. The west basin and the east basin, Cerritos Channel to the depth of minus 53 to accommodate the new generation of deeper draft container vessels that require a depth of minus 53.

PH-10

My question is why is the Port proposing to dredge the Cerritos Channel to minus 53? You know, it was our understanding that the terminals along the south side of the channel would be used by smaller or narrower ships that wouldn't require this channel depth.

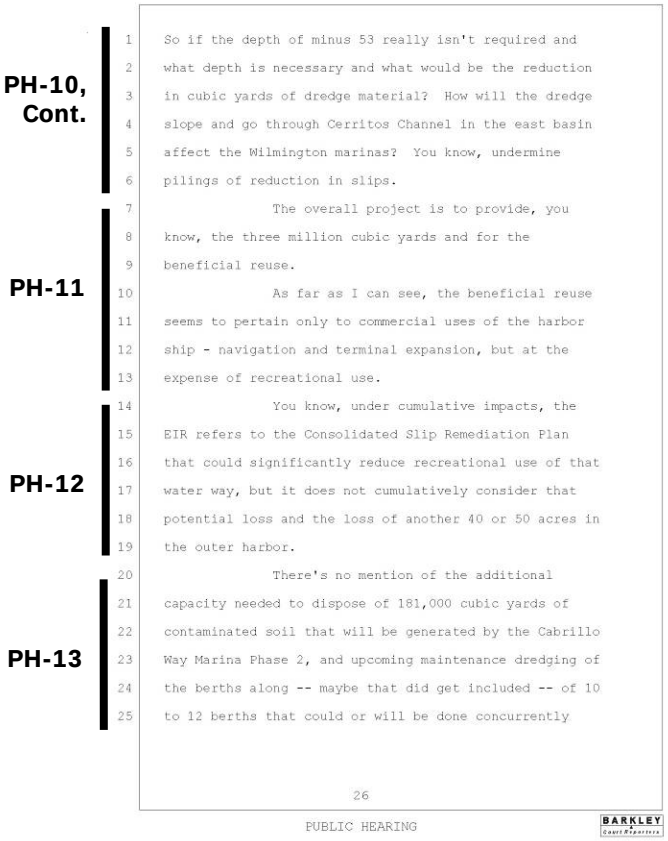
25

PUBLIC HEARING

BARKLEY Court Reporters

PH-10 Please see the response to comments WM-1 and WM-3.

Public Hearing Transcript, continued



So if the depth of minus 53 really isn't required and what depth is necessary and what would be the reduction in cubic yards of dredge material? How will the dredge slope and go through Cerritos Channel in the east basin affect the Wilmington marinas? You know, undermine pilings of reduction in slips.

The overall project is to provide, you know, the three million cubic yards and for the beneficial reuse.

As far as I can see, the beneficial reuse seems to pertain only to commercial uses of the harbor ship - navigation and terminal expansion, but at the expense of recreational use.

You know, under cumulative impacts, the EIR refers to the Consolidated Slip Remediation Plan that could significantly reduce recreational use of that water way, but it does not cumulatively consider that potential loss and the loss of another 40 or 50 acres in the outer harbor.

There's no mention of the additional capacity needed to dispose of 181,000 cubic yards of contaminated soil that will be generated by the Cabrillo Way Marina Phase 2, and upcoming maintenance dredging of the berths along -- maybe that did get included -- of 10 to 12 berths that could or will be done concurrently

26

PUBLIC HEARING

BARKLEY Court Reporters

PH-10, Cont.

PH-11 Please see the response to comment number WM-4.

PH-12 Please see the response to comment number WM-4.

PH-13 Please see the response to comment number WM-5.

Public Hearing Transcript, continued

PH-13

PH-14

PH-15

with the channel deepening.

So my question is: Can this contaminated soil be sequestered in one of the fills? Berth 243 to 245 of the northwest slip as opposed to disposing of it at the Anchorage Road site where residents, workers, and boat owners would be exposed to multiple contaminants in that soil.

Under alternatives eliminated from further consideration, both the Port of Long Beach, and Western Anchorage submerge material storage site and capping of the DDT site of Palos Verdes were eliminated.

Only the EIR simply states that the Port of Long Beach is not interested in temporarily placing POLA material at this site. But what is the reason? Would the Port of Long Beach reconsider temporary storage of the POLA material only until the USEPA approve capping of an DDT site on the sound three.

According to the USACE 2004 Dredged Material Management Plan, between 5 million and 28 and a half million cubic yards of contaminated material will be dredged out of the Port over the next 20 years. What is the long-term plan to disposal of this material if the Port is out of capacity now?

MR. CALDERON: Thank you, ma'am. I'm afraid that's your time.

27

PUBLIC HEARING

BARKLEY Court Reporters

PH-14 Please see the response to comment number WM-6.

PH-15 Please see the response to comment number WM-7.

Public Hearing Transcript, continued

PH-16

MS. ETHINGTON: I only have one line.
MR. CALDERON: Go for it. Let's hear it.
MS. ETHINGTON: Thanks.
Why doesn't the Port apply for a permit to dispose of a dredged material at a facility such as the Port of Long Beach North Energy Island Borrow Pit that is outside of the breakwall?
MR. CALDERON: Thank you, ma'am.
And now, our final commenter, Kathleen Woodfield.
MS. WOODFIELD: Good evening. My name a Kathleen Woodfield, another San Pedro residence. I'm also on the San Pedro Homeowners' Coalition and various other groups.
But I wanted to talk about several things. My son is in the Cabrillo Beach Yacht Club youth sailing program for the first time this year. And I have found out that this proposed -- I believe there's several components of this project. One is the eelgrass, and then there's another component that I'm not quite sure of at this time. I mean, we still have another month almost to review this project. But that's actually going to decrease their access and get in the way of the water access that they are using right now.
And I find it very ironic that this

28

PUBLIC HEARING BARKLEY

PH-16 Please see the response to comment number WM-7.

Public Hearing Transcript, continued

PH-16, Cont.

project would impact a youth sailing program because in Wilmington, they're trying to create a youth sailing program using the settlement funds from the China shipping lawsuit. So here we have an opportunity to preserve an existing youth sailing program, and I think we need to take every precaution to make sure we don't under mind these types of activities that these communities can enjoy, especially when Wilmington is having to go through so much to try to create a youth sailing program.

PH-17

I also find it ironic that the eelgrasses of litigation for impact yet it actually diminishes recreational use. So here we have -- we're seeing a mitigation that's actually working against the community. So I hope -- and I think you've had other testimony before me that has mentioned this same concern about a reduction of recreational use.

PH-18

We are finding more and more in this community that we are getting squeezed out from the waterfront. We are supposed to have the right to a waterfront. I believe the L.A. City Charter guarantees us two miles of linear waterfront in the harbor area. We are not finding -- we are not seeing this. We would like to have it identified as to where this two miles is within the harbor, the Los Angeles Harbor. And we're

29

PUBLIC HEARING

BARKLEY

PH-17 As discussed in detail in the response to comment number PCAC-7, the Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

PH-18 Please see the response to comment number KWJM-5.

Public Hearing Transcript, continued

PH-18, Cont.

PH-19

noticing that more and more because we're getting squeezed out.

And so I want to mention Pier 400. Pier 400 was created, and I think the Corps was involved in this project. It was created in order to relocate hazardous facilities for storage liquid bulk. And at the time, my understanding from some voters, was that the voters were actually approached and said, "Yes, we understand that we are going to be reducing the recreational boating area and your access, but this is for the good of the community." And yet once Pier 400 was built, those facilities were never relocated. And so it was not for the good of the community. It was then changed -- turned into a mere container terminal.

We are also concerned about Cabrillo Beach, that we already have an F grading for Cabrillo Beach, and we worry that this project with the fill and the eelgrass will actually reduce the water circulation near Cabrillo Beach and make it worse. Water circulation has been identified as a problem that is contributing to the F rating there.

I would like to say that cumulative impact, we are also seeing that Pier 400, there's a new project that's a tanker facility. It's the proposed All American, I think you're aware of that one as well.

30

PUBLIC HEARING

BARKLEY Court Reporters

PH-19 With regard to the Eelgrass Habitat Area, please see the response to comment number PCAC-7. As discussed in Section 3.13 of the SEIS/SEIR under Impact WQ-4, the water circulation report prepared for Alternative 1 concluded that increased bottom current velocities and the formation of an eddy would occur immediately to the west of the CSWH Expansion Area in the vicinity of the Inner Cabrillo Beach. Most changes in residual currents would be on the order of 0.1 cm/sec. Due to the localized and small changes in current velocities when compared to baseline conditions, the predicted changes in water movement were considered to be less than significant and impacts to the overall circulation system in the POLA would not be significant.

Public Hearing Transcript, continued

PH-20

PH-21

The Port is also proposing putting cruise ships in the outer harbor. Again, all of these cumulatively are squeezing the community out of the recreational use of these waters.

And the Master Plan is also supposed to provide us access. We are supposed to have the right to this access as recreational use.

Thank you.

MR. CALDERON: Thank you very much, Ms. Woodfield.

Carrie Scoillo.

MS. SCOILLO: Good evening. My name a Carrie Scoillo. I'm a San Pedro resident as well.

And I wanted to speak a little bit about the eelgrass habitat area. And I want to let the Army Corps know that this area, if you look at that map, the outer harbor area used to be a prime spot for sailing in Southern California. We were able to hold big boat races here.

The reason why it is a prime location for sailing and the best in all of Southern California is that there's consistent winds that come over Point Firman, plus you're inside a break water so you're away from the wave chop of the ocean, and it makes for the best sailing in all of Southern California. And

31

PUBLIC HEARING

BARKLEY Court Reporters

PH-20 With regard to the Eelgrass Habitat Area, please see the response to comment number PCAC-7. With regard to the Port Master Plan, please see the response to comment number KWJM-5.

PH-21 As discussed in detail in the response to comment number PCAC-7, the Proposed Action has been modified such that the Eelgrass Habitat Area proposed under Alternative 1 and Alternative 2 in the Draft SEIS/SEIR has been eliminated from further consideration for disposal of dredge material.

Public Hearing Transcript, continued

PH-21, Cont.

PH-22

when Pier 400 came in, that was the end of the big boat races in the district.

I'm really sorry and disappointed to see an eelgrass habitat come in and block off and restrict still more sailing in the area.

I also want to say that I happen to live across the street from the side where Mr. Politeo just showed photos that he had handed you. And that is the dirt pile and the China shipping terminal that where the charge is now. And it's a dirt pile that the winds often, often take the dirt out off the project site, and the dust comes into the ocean. And the dust goes into the drainage channel that goes alongside of it, which is the watershed for all of Palos Verdes. The dust goes across the street into our neighborhood, and we can see it. The skies turn orange at night when the streetlights are on. You can see the dust in the air. You can see the dust go as far as the Harbor Freeway inland.

I'm concerned that we are going to -- if we are going to continue using these facets for landfills for compressing land. I wish to see them covered and other kinds of alternatives be used.

I am also concerned that Alternative 3, the no project alternative, means not removing that

32

PUBLIC HEARING

BARKLEY Court Reporters

PH-22 With regard to dust, as discussed in the response to comment number AQMD-5, Mitigation Measure AQ-2.5 essentially requires a 100% fugitive dust control efficiency. The construction contractor would comply with this level of fugitive dust control. With regard to Alternative 3, the commenter is correct when stating that if Alternative 3 is implemented, the surcharge located at the Southwest Slip would remain in place.

Public Hearing Transcript, continued

PH-22, Cont.

charge and leaving that dirt pile the way it is. It needs to go. It needs to go whether or not any other channel deepening is performed. That needs to go right away.

Thank you.

MR. CALDERON: Thank you very much, ma'am.

Ladies and gentlemen, that concludes your comment period.

On behalf of the Corps of Engineers and the Port of Los Angeles, I would like to thank you all for coming out. We do appreciate your time. And the comments and the transcript will be available on-line as soon as we can get them.

Thank you very much. Have a good evening.

LIEUTENANT REED: We just want to make a quick comment here if we can, before we close it out. And see if anybody else wants to --

Ladies and gentlemen, I just want to tell you that we sincerely appreciate you coming out and addressing these comments with us. I would tell you that this kind of discussion interaction is very healthy, and it helps us all make sure that whatever decisions we make is the right one for this great nation and for the region and for this community.

I want to let you know also that -- I want

33

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued

to reemphasize that Cornel Magness is very aware of all the environmental impacts here, and I would tell you that he -- not only is there a district commander, he is one of your neighbors in this area. He lives on Port Mac Arthur, and he's raising his two daughters there in this environment, in the community, and he's very concerned about the issues as well.

And so I really appreciate you showing up and just having this discussion. And have a great evening.

Thank you.

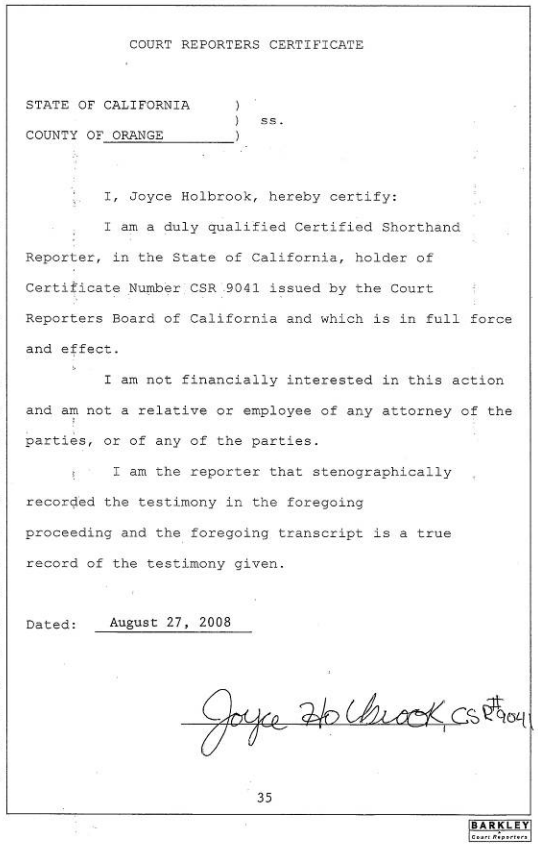
(Whereby the Public Hearing ended at 7:00 p.m.)

34

PUBLIC HEARING

BARKLEY Court Reporters

Public Hearing Transcript, continued



COURT REPORTERS CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Joyce Holbrook, hereby certify:

I am a duly qualified Certified Shorthand Reporter, in the State of California, holder of Certificate Number CSR 9041 issued by the Court Reporters Board of California and which is in full force and effect.

I am not financially interested in this action and am not a relative or employee of any attorney of the parties, or of any of the parties.

I am the reporter that stenographically recorded the testimony in the foregoing proceeding and the foregoing transcript is a true record of the testimony given.

Dated: August 27, 2008

Joyce Holbrook, CSR #9041

35

BARKLEY Court Reporters

Public Hearing Transcript, continued

Public Hearing Transcript, continued

Public Hearing Transcript, continued

Public Hearing Transcript, continued

Public Hearing Transcript, continued

Public Hearing Transcript, continued