BERTHS 136 - 147 CONTAINER TERMINAL

DRAFT ENVIRONMENTAL STATEMENT (EIS)

ENVIRONMENTAL IMPACT REPORT (EIR)

PUBLIC HEARING

TUESDAY, JULY 31, 2007

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

REPORTED BY: NICOLE R. HARNISH, CSR No. 13101

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MS. KNATZ: Welcome everyone. My name is Geraldine Knatz. I'm executive director of the Port of Los Angeles. Welcome to the public meeting on the draft EIR/EIS for TraPac Terminal. Thank you all for coming. I do want to introduce our board president, David Freeman. He is here. He may not be in the room right now, but he should be here shortly. He's in the building. And we may have another commissioner joining us as well. And there she is in the back. Our board vice president, Geraldine Mendoza is in the back. So it is great to have board members coming out for our public meeting. I just want to start out by saying I appreciate you all for coming. I know that the EIR that we put out is a formidable document. And we have had some requests for extending the review period. And we have agreed that we are going to extend the public review period. We are going to make it a 90-day review period. So the public comment period will end on September 26th. And we will be sending notices out to our mailing list just so you have an official notice of when the new public review period ends.

So what we are going to do this evening is also ask that you either turn off your cell phones or put your cell phones on vibrate so you don't disturb the public hearing.

As you know the port of Los Angeles is applying to our agency for a permit to construct work terminal improvement at the existing TraPac container terminal. The current effort is the expansion of this container terminal. Under our federal permit program the Corps of Engineers is responsible for regulating dredge and fill activities in waters of the United States. The ports proposed activities are regulated under both Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act.

The port is also considering the transport and dumping of the cleared dredge material at approved ocean disposal sites, which would require authorization pursuant to Section 103 of the Marine Protection Research and Sanctuaries Act. Federal actions such as Section 404 and Section 10 and Section 1034 permit decisions are subject to compliance with a variety of federal environmental laws. Consequently the Corps has a responsibility to evaluate the environmental impacts that would be caused by the proposed project prior to making permanent decisions. Meeting its regulatory responsibilities, the port is neither a project proponent nor an opponent. In addition, to evaluate the environmental direct and indirect cumulative impacts of the port's proposed project, the Corps must determine whether the proposed project is the least environmentally damaging practical alternative that meets the overall projects purpose. Also no permit can be granted if we find that the proposal is contrary to public interest. The public's interest determination requires careful weighing of those factors relevant to a particular project. The project's benefits must be balanced against its reasonable foreseeable detriments.

For purposes of testimony you will hear tonight, we will concentrate on the issues specifically related to the port's proposed project the TraPac container terminal, berths 136 through 147. At this public hearing the board's requesting input from the general public concerning specific physical, biological, and human use factors that should be evaluated in greater detail as part of the final EIS and EIR. And the proposed course permit action for the proposed project. The corps would like to emphasize that we will carefully consider all comments that we receive with the proposed project,
and that they will be given full consideration as part of the final permit decision. Some speakers will be opposed to the project while others will be in favor of the project. I hope and expect that when we speak we will respect each other's opposing views and allow speakers to make their statements without interference. Following this hearing all parties will be given, like Dr. Knatz just specified, until September 26th to provide any written testimony or rebuttals.

With that Dr. Ralph Appy from the Port of Los Angeles will now provide a 10 to 15 minute presentation on the project, following this presentation I will come back up and I will go over the mechanics of how we are going to address public comments.

DR. APPY: Thank you very much and welcome. Thank you all for coming tonight. I would also like to make some introductions here. Sitting at the table is Dr. Spencer MacNeil, who is the project manager for the U.S. Army Corps of Engineers on this project. So, we work daily with him on doing the assessment. And also Lena Maul-Desantis, who is a Port of Los Angeles project manager for this project. So, we have now prepared an environmental document, and we love acronyms, so EIR stands for Environmental Impact Report. And that is the State name for the document that has been prepared. I mean, it is quite a large document. And so, the purpose of the port being here is that we are what is called the lead CEQA agency, California Environmental Quality Act. So, under the State law we are the lead preparing the environmental assessment for projects that happen in the harbor district. So, we are kind of -- we are on the same lines the port is. So, we actually get together and do these documents jointly so that there is not a waste of paper and time to get these assessments done. So, we combine documents and you see the acronym EIR/EIS, or EIS/EIR. And the EIS part is the Environmental Impact Statement. That is the federal document. So, we combine them and they -- in most cases they are more similar than they are unlike each other to laws. So, we can do them quite easily together.

I would also like to state tonight that we also have translation services. (Spanish segment.) So, we are the lead agency. It is our responsibility really to then look at the environmental substance of the project, which identifies the impacts of that; looks at alternatives to the project, looks at mitigation measures, and perhaps most importantly of all it's identified facts so that when the decision makers eventually look at the project and decide whether or not to approve that project that they are well aware of the environmental consequences associated with that action.

So, having said that I would like to just briefly go over the presentation we have here. Kind of give you some of the just general findings. I would like to point out tonight that our purpose tonight is not necessarily to engage in dialogue on each of the issues, otherwise we could be here for three or four days. It's really to get your input. And we have another month of opportunities for you to provide input and we will be telling you about those later. So, next slide.

So, I think we've been through the introduction here. We do have -- I mention here we talk about mechanics a little late. We do have two special commentors, NRDC and Los Angeles Chamber of Commerce, here who especially asked for additional time to speak at the beginning.

The birth 136 to 147 project is seen -- it is outlined there. You can see it has a black line around it. And that is the project itself. And there's actually four major components to this project. The first is the terminal itself. And that's where you see the dark line around the project. And that is an existing terminal presently run by TraPac. So, the project is going to involve dredging, work up raise, and crane replacements. There will actually be one less crane out there than was at the beginning and onset of this assessment. If the project is approved there will be a 30 year lease associated with that. So TraPac can operate there for 30 years.

One of the really special parts of this project is the application of a new on-dock rail facility. This will be our last major container that does not have its own -- have access to its own on-dock rail facility. So this is a really good project benefit. There is going to be a new lead certified building, a green building, new lighting throughout, and also new truck entry gate to help with some of the ingress and egress problems that occur at this facility.

The second part of the project is a large buffer area. A number of years ago there was a large piece of land behind it. It was actually going to be
part of the terminal itself. Previous board decided that that buffer area -- or that area would be better served for a buffer between the terminal and the Wilmington community itself. So this project also as a separate item looks at that 30-acre landscape buffer area. And there has been some design work done on that particular area. So that is included as part of this project as well.

The third part of the project is the Harry Bridges Boulevard. And that particular boulevard runs just to the north of the project in between the buffer area and terminal. And there is not a relocation of that roadway. It stays generally in place, although will be widened by about 30 feet. So, that will be occurring on either side of the road. So, the road will be two lanes both ways with a median in the middle.

And the final part of the project that resulted in basically new dock -- new on dock rail yard is the Pier A rail yard relocation. The Pier A rail yard is an existing rail yard that presently is on the back lands of the TraPac terminal. That facility will be relocated up to near the consolidated slip back in rear. You can see up there in the right-hand corner the area where that rail yard will be located. So this document assesses all those portions of the project.

Okay. Just to give you a little, brief introduction of what the project really means, these are some general numbers related to the project itself. So, for instance, it talks about what happened at the beginning of the project, which was in 2003 what we called a baseline. So, this is the area we start from. So, as you can see the terminal acreage at the onset is 176 acres. And then as you look at the end of the proposed project in 2038, the terminal is 243 acres. I won’t go through these in detail, but you can see some of the differences. One of the large ones to pay attention to here is that you can see the annual -- which we measure -- we call TEUs, or 20 equivalent units which is a major cargo or containers is 891,000, approximately. In 2003, you can see it goes to about 2.4 million in 2038. So, this is a large increase for this terminal. And that is achieved through the physical changes that we talked about earlier, as well as some operational changes. So, we will be working longer days and things like that.

So, you can see down here as well, on-dock rail under the CEQA baseline when we started there wasn’t one, so we will have a rail yard there. So this is kind of the way you can compare the documents and there is a table just like this in the environmental document and also on the back wall.

So the step in the documents is also to identify the impacts and this is the impacts for the proposed project. I want to explain just briefly what these different meanings are. An unavoidable significant impact needs to be identified in an environmental effect that we cannot apply alternatives or mitigations to do to get it down to so it is unavoidable. So, in this case we were finding significant impacts in these areas: Air quality, geology, noise, transportation, and water quality. In some cases we identified a significant affect and then we can reduce it after mitigation to below significance. And then finally we have some areas that we looked at where we have less than significant impacts. So, these are all the technical areas that we assessed in the project. And then in addition to the assessment of the project itself, here are the project alternatives. And by the way, there are five different project alternatives that we looked at in addition to the project. We also look at cumulative impacts. So, what are -- how does this project relate to other projects that have gone on in the past, present, or reasonably foreseeable timeframe. So, these are the technical areas where we found cumulative affects.

There is something very significant about an unavoidable significant effects because it would generally require from this document and this project and our board for them to make findings, if they elect to approve the project, to make findings in regards to those impacts.

In other words, are there overriding considerations that would lend their belief that this project should be approved. And that occurs not now, but that occurs later on. I will show you later a little process diagram where that actually occurs. Next slide.

So, to give you an example of one of the technical areas and that is air quality, which one of the more significant areas, as you know, that we are dealing with here in the part -- in the port, dealing with the emissions from all the diesel emissions that we have. And so, the analysis of criteria includes, and those are like nitrogen oxide, sulfur oxide particulates as examples, and it also includes a health risk assessment. We looked at cancer causing,
acute risk. Also this document is probably one of the first that actually looks at green house gases. And it does an assessment of that. And also we looked at morbidity and mortality as it relates to environment effects for the project.

In the case of air quality we found unavoidable significant impact for criteria for construction in operations in 2007. We looked at several different years.

We found significant unavoidable effects for green house gases, construction operations, and cumulative effects for criteria for green house gases, HRA, and also associated with some indirect effects.

What is really probably a major effort on perhaps -- on the behalf of fine litigation for a lot of these effects on air quality is that for one of the first times, in any of our environmental documents here we've actually identified enough mitigation that will actually bring the operation to this facility below significance in 2015, 2025, and 2038, for the operation of the terminal. So this is a major benefit of this project that has actually been able to reduce emissions below baseline level. And the HRA, we've actually -- going to be meeting our threshold for significance for health risk assessment that we carried out.

And finally this just gives you a list for some of the mitigation pages. I'm not going to go through all these. These include plugging in the vessel that is amp using, low sulfur fuel in the engines, speed reduction program and some technical things we can do on the ships, meeting truck requirements reductions of emissions by trucks by certain years, yard tractors, other equipment within the terminal, all of these are included in there as mitigation measures.

So we know the document is lengthy but it also has some summary pages in there that also review these impacts tables. And also you may want to some time, start your review of it looking at those tables perhaps before. They will be in individual chapters.

So as kind of an overview, what the process is -- these are the generalized steps that I have -- we've put up here. And this is kind of the generalized steps associated with both the EIR and the EIS. And so, we have already released a notice that we are going to prepare the EIR, back in 2003 and we gave a 45-day review period, got everybody's comments. We used those comments then as a guideline for scoping of preparation of the draft review, and that is what you have before you now, is the draft environmental impact report, draft environmental impact statement. And so, now in this box right here, it is a public comment and review period. And we are actually right here, this is the public comment meeting we are having tonight. So as Dr. Knatz mentioned we have extended that 45-day period until 90 days, until September 26th to provide comments. So you can provide us written comments before that period or up until that period of September 26th.

And finally this happens there's a final document prepared. We do that by taking all the comments we receive from everyone and we number them and respond to them individually. So your comments will be -- actually be responded to individually. And then eventually that final document goes to our board of harbor commissioners. Prior to that happening, anybody -- the final EIR/EIS will be made available so everybody can see how we responded to your comments. And then for the port there is a public hearing and a project decision on this environmental document and on the project itself. We anticipate that will happen in the fall of this year. So it will take a little while for us to get your comments and respond to all of them.

So, then finally after all of this there is public notices issued. One is called notice of determination or port issues. And the Corps of Engineers will do their record of decision in regards to their decision on the project. So this is the generalized CEQA NEPA process. And, again, if any of you have questions about that you can certainly ask us about that process later on. But we do have -- there's additional time between now and the end of the comment period. We want to get your comments. And then, again, we have an opportunity for the board of harbor commissioners again to stand up and let them know your feelings at the end of the project, whether or not we have addressed your concerns in that document.

So for tonight we are going to talk a little bit more about how we are going to handle comments, but also to just make sure you've filled out a comment card. And later on we will have up on the screen here some additional reminders for your comments. So before you leave tonight we will have up here on the screen identification how to respond. There's a whole bunch of ways you can respond to us.
on the draft document. So, with that I will turn the
microphone back to Lieutenant Colonel Blackburn.

LIEUTENANT COLONEL BLACKBURN: Okay. I am
going to go over some of the mechanics of how we will
hear public testimony or comments. We will be taking
oral testimony from the public in two sessions. The
first session will be devoted to hearing from
selected representative from significant interest
groups. Because these speakers represent the
significant numbers of people, they will be allowed
up to 15 minutes to make their statements. In
fairness, the order of the speakers will be randomly
determined.

The second session will be for members of
the public who would like to present their views as
individuals. During this session speakers will be
given three minutes to make their comments. If you
would like to speak during this second session, you
must fill out a speaker card and give it to one of
Corps staff or to one of the port staff.

All oral or written testimony will become
part of the administrative record for permanent
application. Once we have written transcripts of the
testimony they will be published on a regulatory
divisions web site and the ports web site which are
posted on the walls behind you, as well as up on the
screen to my left.

Again, if you want to present your
testimony to us directly, you will fill out a speaker
card and hand it to one of the staff that is around
the area and towards the back. We will make the
section section in order for folks to be able to
participate or contribute their comments in the
second session. As you make your comments, please
note that on the table right in front of me and in
front of you there's a speech giver's timer which is
down on the floor. The light will be green when you
begin. And then when you are about a half a minute
out, the light will turn yellow. When your time is
up, the light will turn red. Please respect these
time limits so all who desire to speak have an
ability to do so.

So having said that, Dr. Appy, who is our
first contestant?

DR. APPY: I think the lieutenant colonel
forgot also to mention that if the red light goes on
and you see this big trap door come out and open
up -- so we have two speakers initially that have
additional time. And so those are the National
Resource Defense Counsel and the L.A. Chamber of
Commerce.

So what I'm going to do is be calling
people up two at a time. So the first person comes
up and the second one can be waiting so that we can
move through the comments. Introduce yourself.

MR. MARTINEZ: Hello. My name is
Adriano Martinez and I'm an attorney for the National
Resources Defense Counsel, NRDC. First I want to
thank the port and Army Corps of Engineers for
accommodating the request for additional time to
present NRDC's testimony for the TraPac project.

NRDC will be submitting additional comments
before the end of the comment period, and comments
here tonight are based on a preliminary review of the
lengthy DEIR/DEIS and do not reflect the complete
thoughts of NRDC on the project and the accompanying
environmental documentation.

At the outset, let me put my comments in
context, it is important to note that the economic
benefits of the freight transport industry are
juxtaposed by a myriad of effects on the environment
including air quality, land use, noise, water
quality, aesthetics, traffic and health impacts. The
port is the crucial entity in dealing with these
impacts because of its intermediary role as holding
the lands in trust for residents, but also dealing
with the economic beneficiaries of the goods movement
industry such as TraPac. I understand navigating
this divide is difficult, so your board of harbor
commissioners has the incontrovertible commitment to
grow green. It is staff that is charged with making
this phrase a reality.

With a multitude of massive port and
freeway expansion projects fast approaching, there is
an acute need for a new vision for how the business
of freight transport is conducted at the port. As
Los Angeles leads the nation in poor air quality, it
is incumbent upon wise choices by our governmental
entities, especially the ports because they are the
major drivers of the air pollution crisis in Southern
California.

While several components of the TraPac
draft EIR/DEIS show promise in attacking some of these
problems, there is still a lot of work to be done to
truly assess and mitigate the impacts from this
proposed project. My testimony today will focus on
five main points. First the alternatives analysis;
second, a minor public process issue; third, air
quality issues; fourth, the aesthetics analysis; and
fifth, the land use analysis.
The alternatives analysis is an area of particular interest for environmentalists and other advocates because the Board of Harbor Commissioners for the Port of Los Angeles sent a strong and explicit message to staff that it wants a new way for goods to be moved in Southern California. Specifically, I point to the unanimous adoption of the CAAP, which included a provision on a green container transport system. In reading the alternatives section, there was no mention of such technologies, not even a consideration of any of these alternatives mentioned in the China Shipping DEIR. Understanding alternatives and moving away from the traditional needs of doing business is crucial. And it is incomprehensible why the port has not elected to analyze these alternatives in this EIR. The CAAP notes that we will not make any progress in creating an alternative way to transport goods unless we start now, and this analysis needs to be part of the DEIR.

The second issue is public process. Actually it is a -- I just want to say I appreciate that the port and Army Corps are giving additional time. It is quite a lengthy document. So it is much appreciated to have the extra time to read, I think, 6,000 pages of EIR.

Now on to the air quality issues, and I am going to focus mainly on mitigation and leave comments on the emissions analysis to my written comments. As such, I mentioned earlier, this is the first DEIR since the board unanimously adopted CAAP. Throughout that process, it was NRDC's understanding that the CAAP served as the floor for air quality mitigation -- or a launching off point -- because of the intractable air qualities caused by port operations. I must admit disappointment in analyzing the mitigation section, which read as if CAAP was the ceiling for air quality mitigation. As a global comment, it is incumbent upon the port to provide for more aggressive mitigation of the impacts from the Trapac terminal. Today I'm going to focus on a few select mitigation methods. First, for marine vessels, as everyone knows this is a very important source of emissions for diesel pollution. The marine vessel mitigations are not nearly strong enough. Two examples. The first is low sulfur diesel for marine engines. The project does not require all ships to use a .2 percent fuel until 2015, nine years from now. This is unacceptable given Maersk's current use of the fuel and the port's own feasibility findings.

In fact, we think the mitigation needs to be strengthened. Ships should use .2 percent sulfur fuel in the auxiliary and main engines as soon as possible and phase in .1 percent sulfur fuel starting in 2008, with 100 percent use by 2010. On alternative marine power mitigation measure AQ-6 has too slow a phase-in period. The DEIR has an 11-year phase-in period, 100 percent of total ship calls to use alternative marine power. Given that 70 percent plus of the ships at the China Shipping terminal have been cold ironing since 2005, this is an excessively long phase-in period. This needs to be greatly enhanced, and the phase-in period needs to be accelerated.

On truck mitigation, we appreciate the ports hard work on the Clean Trucks Program. We are also pleased to see that this DEIR has corrected a mistake from the China Shipping EIR in not including mitigation for heavy-duty trucks, a major contributor for harmful diesel pollution. With that said, it is unclear why the mitigation solely speaks in terms of model year 2007 trucks. While we understand that a port-wide program is great, the ports need to use the lease and CEQA process to push cleaner trucks.

On the rail mitigation, it is unclear why Mitigation measure air quality 14 does not extend to the relocated Pier A rail yard. This relocated rail yard clearly falls under the definition of new and redeveloped rail yards. Thus, triggering Rail measure three from CAAP. Thus, both rail yards that are part of this project must, at a minimum, comply with Rail measure three.

Now, I'm going to turn briefly to greenhouse gas emissions. We were happy to see that the port and Army Corps has included an analysis of greenhouse gases in the DEIR. As you know, it is one of the more profound environmental issues that we face today. I acknowledge the tremendous hurdles in battling climate change in an industry that it -- so heavily relies on diesel fuel. However, numerous feasible options exist to mitigate the climate impacts this project will impose.

In the EIR it is predicted that at full build out, the project will more than double the greenhouse gas emissions. This is problematic in the context of Trapac, but also cumulatively poses a threat if all the major projects are combined.

These dramatic increases. The increase in greenhouse gas emissions bolster the need for a more robust
alternatives analysis. In addition, it provides more
fodder for mitigation measures such as alternative
rich in power, which in addition to green house gas
benefits -- gives a great public health benefit.

And then there is some other mitigation
that needs to be included like the China Shipping
DEIR, there is no mitigation for harbors with
the document. We find this troubling given CEQA's
mandate that all feasible mitigation measures must be
used, and there are several effective technologies to
reduce emissions from harbors.

The DEIR should also include a mitigation
fee for each container that exceeds the projections
for container throughput. This is necessary because
emissions from these containers will remain
unmitigated. Further, it is my understanding that
the port is touting its accuracy in predicting cargo
throughput. So it shouldn't be too much of a
problem.

I also remain concerned that the report
does not contain any sensitive site mitigation.
There are several schools and other facilities close
to the port that need respite from severe air quality
impact.

And one other thing on the air quality
analysis, it is important to note that while CEQA --
the document predicts that there is not significant
impacts, but under NEPA it does predict significant
air quality impacts out -- throughout the various
project years.

And now moving on to aesthetics just
briefly. NRDC is concerned that the project has
severely minimized and not truly analyzed the impacts
this expansion will have on the aesthetics. The DEIR
appears to brush aside the numerous visual impacts
that occur as a result of port operations, including
stacked containers, trucks, increased ship visits.
In addition, the DEIR includes greatly increased
operations at night, which greatly changes the
landscape of port operations.

Now, on to land use. Like in the
China Shipping EIR, we remain very concerned about
the ports apparent unwillingness to accept the fact
that dramatically increasing operations at TraPac
will have an impact on surrounding residents.
We found it incomprehensible how the port
has made a determination, quote, "proposed project
activities associated with truck/rail operations and
container storage activities would not significantly
impact surrounding communities." To the contrary,

the project will place thousands of more trucks each
day on the streets and freeways that serve not only
port, but also nearby communities. Trucks and rail
are part of the project's operations, and their
routes must be considered as part of the project's
land use. Accurately assessing this land use impact
is imperative because trucks and rail will impose
additional industrial impacts on existing residential
land uses. Such impacts include additional
industrial level-noise, traffic, and air pollution,
to name a few. These considerations are a crucial
factor in weighing the benefits and burdens of this
project.

On the mitigation measure in the land use
section related to trucks, we are concerned that it
severely lacks specificity. For Mitigation measure
land use one, the port does not denote how many signs
it will put up and where these will be placed and on
what schedule. On Mitigation measure land use two,
the port police -- states that the port police shall
increase enforcement of prohibition against truck
traffic within Wilmington. This must be much more
specific and include how many officers will be placed
in detail, how many more resources are need to ensure
that traffic laws are obeyed.

Finally the "Land use section" and the
"cumulative impacts section" appear to ignore the
associated impacts from massive levels of
construction predicted at TraPac and several
terminals that the port wants to build between 2008
and 2012. These ongoing construction activities will
undoubtedly have a huge effect on surrounding and
uses and aesthetics.

It's true that the project would be part of
one of the busiest port complexes in the country, but
the EIR cannot ignore that the port -- and this
proposed project -- are neighbors to established
residential communities.

Thank you for the opportunity to present
these comments tonight. And I look forward to
working with the port and other stakeholders on
reducing the impacts of these port operations, and
thank you.

DR. APHY: Thank you very much.

MR. PUGH: Good evening. My name is
Alexander Pugh. I am with the Los Angeles Chamber of
Commerce. We are here as part of a coalition of
businesses including ourselves, Future Ports, and the
Central City Association. And we thank the Port of
Los Angeles and the U.S. Army Corps of Engineers for
providing us an opportunity to make public comments on the draft DEIR/DEIS for the TraPac terminal site redevelopment.

The Los Angeles area Chamber of Commerce is the largest business advocacy organization for the Los Angeles region representing 1,600 member businesses and over 600,000 employees. As a trustee for the current and future welfare of the region, the Chamber of Commerce economic prosperity and quality of life.

The Port of Los Angeles is standing at a crossroads. This project represents a way to manage expected increases in the container volume while being sensitive to the environment in which it exists.

At the very minimum the retrofits and redesign of the TraPac terminal will fix existing inefficiencies in the current configuration, and allow the operator to incorporate environmental features at an incremental cost instead of a crippling one.

This project has a greater significance portwide and to the region than just mitigation to local air quality congestion concerns. The expected growth in San Pedro ports is dramatic and we need to effectively manage the expected container volume.

The ports of Los Angeles and Long Beach are potentially facing major capacity crisis and intermodal demand will exceed capacity by as early as 2010. And this assumes only modest growth at 6.4 percent. In their May forecast the Los Angeles Economic Development Counsel predicted that the ports would grow 9.2 percent this year, to 17.2 million TEUs. The ports predicted a 6.4 percent increase to 16.8 million TEUs.

The ports handled 210.4 million tons of cargo last year, or 58.3 percent of the West Coast total. To put it in perspective, just last years increase over the previous years was more tonnage than the total processed by the Port of Portland.

Indeed, congestion is already posing problems for shippers and terminal operators. APL recently reported that its customers were able to take advantage of the alternative gateways, avoiding pressured Southern California ports, with APL offering increased capacity via Seattle and Oakland and all-water services to the United States East Coast. Similarly, OOIL recently stated that the potential for congestion on the North American West Coast is once again becoming a concern. A capacity shortfall will also mean fewer jobs. The ports are responsible for over half a million jobs in Southern California. The Southern California Association of Governments predicts an additional 1.3 million or more direct and indirect jobs will be created as the ports grow in construction.

People who tout diversion of traffic from Los Angeles/Long Beach have recognized that most, if not all of the ports, are struggling with capacity issues. If the ports of Los Angeles and Long Beach do not prepare for this very realistic possibility, they will put themselves and their cities and their communities at significant risk of economic, goods movement, and environmental disaster. If containers cannot move on trains, they will move on a truck, which means more traffic, congestion, and pollution. The ports can lessen this risk by encouraging green growth projects that effectively manage the container volume. Looking at the regional context, it is important not to forget that the San Pedro Bay Ports are the major economic engine for Southern California and provide high quality jobs to the area.

The Port of Los Angeles and Long Beach provide the second largest source of jobs in the five county region, approximately 500,000 jobs. And approximately 1 million jobs statewide and more than 3.3 million jobs nationwide are connected to the movement of imported and exported goods throughout L.A. county ports.

Port jobs represent 22.7 billion in regional wages and 7 billion in state and local taxes. The L.A. Times stated in January 2006 "With thousands of freight filled containers hoisted or and off ships each day, the L.A. Port is vital to the region. The $52 billion it injects into the economy each year dwarfs the $34 billion from the entertainment industry."

And the Press Telegram quoted Dr. Hasan Ikhrata, Director of Planning and Policy for the Southern California Association of Governments, saying that "One out of every 12 jobs in the Los Angeles area are related somehow to goods and movement, with the average wage about $45,300. And with 26 million people in the region it is inevitable that product manufacturers will continue to ship goods to the area. The responsible thing to do is prepare for the growth, not ignore it. This year the total value of two-way trade handled by the Los Angeles Customs District will increase by 13.3 percent to $373.4 billion. The redevelopment of the TraPac terminal is an effective and necessary way..."
to efficiently manage the expected growth in container volume and to mitigate environmental impacts. Without any changes in the current facility, the container cargo volume at TraPac is expected to nearly double with any environmental benefits of redeveloping the site.

Terminal efficiency will significantly increase, from just over 5,000 TEUs per acre to just under 10,000 TEUs per acre, by making use of several new features including fewer, more efficient gantry cranes; new truck gates to decrease surface street congestion; improving Harry Bridges Boulevard; maximizing gate time especially during off-peak hours; implementing a computerized container tracking system, and an appointment-based truck delivery is important as well.

Even if the container volumes were frozen at today’s levels, no growth means more, not less pollution and congestion in the San Pedro Bay communities. The TraPac Draft EIR shows that by 2015 the proposed project will reduce emissions of greenhouse gases and criteria pollutants to below baseline levels. And certain mitigations can only be provided with a site design. 100 percent of the ships berthing at TraPac will use alternative marine power by 2018, but major infrastructure improvements will be needed. Up to 30 percent of the cargo will be loaded on to trains by way of an on-dock facility which will utilize Tier 2 or better locomotives.

Reduced truck congestion off Figueroa and idling from improved traffic flow by adding a new main truck gate, widening Harry Bridges Boulevard and installing truck turn outs and pockets will also be important too. Creating grade separations in the northeastern corner of the terminal to resolve current roadway delays caused by train movement. I was actually blocked by a train on my way, so I know where that is.

The proposed project will provide a 30-acre landscaped buffer zone separating residential neighborhoods from port operations. This will provide a much needed green space to community members with open space for recreation and enjoyment. Previous community comments recorded during the scoping process show a clear demand for such public open space.

The proposed project also illustrates the green growth strategy outlined in the Clean Air Action Plan and significantly reduces health threats to local communities through several stellar environmental features, in addition to the on-dock rail, new cranes, buffer strip, AMP congestion mitigations previously mentioned. The project will include a new LEED Gold certified administration building, which will be used, as well as 100 percent low-sulfur fuel by 2015, 100 percent of yard equipment less than 750 horsepower will meet USEPA Tier 4 standards, and new vessel -- all new vessels will include NOx and PM controls.

Our coalition urges the timely completion of the Draft EIR/EIS for the redevelopment of the TraPac terminal site. The project is significant to the Port of Los Angeles because of it’s strides to meet the green growth goals put forward in the Clean Air Action Plan and the environmental review process will vet its achievements.

The Los Angeles business community applauds the Port of Los Angeles and U.S. Army Corps of Engineers for seeking out maximum public input in this review process. We encourage the Port of Los Angeles as the lead agency to continue working with industry community stakeholders to achieve the green growth we all desire.

DR. APPY. Thank you very much.

LIEUTENANT COLONEL BLACKBURN: Just a few public service announcements. Don’t get offended if we stop you and slow you down. It is for our court reporter to catch up.

Point number two, before we turn this over to the second session of individuals are there any other interest groups that are representing several folks who would like to get up and talk?

MALE SPEAKER: I am representing the Sierra Club and I only need about four minutes.

MALE SPEAKER: Audubon Society society, but we will go to the second.

LIEUTENANT COLONEL BLACKBURN: Okay. So with that we will transition into the second session in which we will call up a series of individuals. I will turn this back over to Dr. Appy who is going to call up one and two people. One person will be going up to the podium the other person will be standing on the sidelines getting ready to speak. So with that --

DR. APPY: Okay. The first speaker is C. Thomas Williams with the Audubon Society. You were here early, so -- all right. And Cecilia Mora will be our second speaker.

MR. WILLIAMS: My name is
Clyde Thomas Williams: I live in El Cerrito in Los Angeles. I am representing the conservation chairperson chair person of the Los Angeles Audubon Society. We are quite interested in the operations of the ports. Many Audubon chapters that are surrounding the port and that actually use the port and the San Pedro water. However, we have also been pushing slowly to --

LIEUTENANT COLONEL BLACKBURN: Sir, I'm going to ask you to slow down.

THE REPORTER: The microphone -- can you put his microphone -- thank you.

LIEUTENANT COLONEL BLACKBURN: She gave me the high sign. I thought --

MR. WILLIAMS: Returning to the 6,000 page document reminds me in the 1970s when similar Corps of Engineer report's were usually about a yard long. We found many inconsistencies, even tonight the presentation on the screen and in the back, there's no biological resources. Although in a section of the report it says "That our invasive -- or nonindigenous species are coming in, which we have seemed to experience with birds and other organisms" that is not considered a significant impact as to presentation tonight.

So we are confused with the inconsistency and how to react to each one of the inconsistencies that we find.

There's also -- the basic element for the Audubon Society is the lack of real surveys within the northern parts of the Port of Los Angeles. These are in the areas going -- leading up to Dominguez Channel and eventually through the L.A. River. We disagree with the assumption that there is no corridor along which animals and special birds fly between the Port of Los Angeles and the L.A. River, which is also undergoing green through the Los Angeles River project. And that's not in here. Okay.

There's a total avoidance of the impacts of the -- of the impacts upon the operational activities of the port and the birds using the port. There is mitigation for capital filling and bridging, however, we also are looking for mitigation for the operational aspects. In conjunction with this there is the operations in "Acts" of the water quality, which includes oil spills, illegal discharges, and leechings coming from the fills. We are concerned that these are getting into the ecosystem and aquarium. So written comments have been submitted.
specifically stop all the air pollution or our health problems. We the public want zero air pollution and expect the port to use the best available technology: The truth is that they are not. The port has failed to conduct any public health interview or surveys of the Wilmington and harbor residents to determine our health status or the kind of health problems we have. As a public government agency you are responsible for our well-being and mitigating the public health problems you have caused.

Two, the Port of Los Angeles has deprived the right to live a normal and healthy life. The port contributes to a significant amount of toxic air, land, and water pollution, which have long caused cancer and numerous other public health problems. My husband has been in the hospital for seven years now dying of --

LIEUTENANT COLONEL BLACKBURN: Ma'am, you time is up.

MS. MORA: Oh, I'm sorry.

LIEUTENANT COLONEL BLACKBURN: Are you going to wrap up here?

MS. MORA: Okay. Just a little bit more.

LIEUTENANT COLONEL BLACKBURN: Well, are you going to --

MS. MORA: One line, about one line.

LIEUTENANT COLONEL BLACKBURN: One line?

MS. MORA: No, just one line, one or two lines.

LIEUTENANT COLONEL BLACKBURN: Okay.

MS. MORA: Okay. Contributes to a specific amount of air, toxic, land and water pollution, which are known to cause cancer and numerous other problems. And the port is -- particularly is not 100 percent responsible for the illness. The port has failed for the treatment of air, water, and health qualities.

Thank you.

LIEUTENANT COLONEL BLACKBURN: Thanks for your comments.

DR. APPY: Juan Carmony followed by Dr. John Miller.

MR. CARMONY: I would like to ask for an additional two minutes, please, if possible?

LIEUTENANT COLONEL BLACKBURN: Two minutes?

MR. CARMONY: Yeah. So it is five minutes in total.

LIEUTENANT COLONEL BLACKBURN: No. We are going on three minutes.

MR. CARMONY: Okay. Well, then I will try to read this as fast as possible.

LIEUTENANT COLONEL BLACKBURN: But we will take your written comments afterwards.

THE WITNESS: Okay. My name is Juan Carmony. I am here on behalf of Jesse Marquez for Coalition for a Safe Environment. The TraPac terminal Draft Environmental Impact Report fails to address and mitigate the numerous negative environmental and public health --

LIEUTENANT COLONEL BLACKBURN: I'm sorry, sir. You are going to have to slow --

MR. CARMONY: Too fast?

LIEUTENANT COLONEL BLACKBURN: Yeah.

MR. CARMONY: Okay. The TraPac Terminal Draft Environment Report fails to address and mitigate the numerous negative environmental: health, public safety, truck and train traffic, aesthetics, economic and community effects of daily business activities. The DEIR/DEIS fails to acknowledge that the existing TraPac container terminal was built illegally and the Port of Los Angeles and U.S. Army Corps of Engineers intentionally failed to prepare an EIR/EIS for the terminal per the California Environmental Air Quality and the National Environmental Protection Act. The Port of Los Angeles and the U.S. Army Corps of Engineers and California Coastal Commission illegally approved the port project in violation of CEQA, NEPA, and the California Public Trust Doctrine. The Port of Los Angeles has failed to mitigate the past and current date of environmental biological resources, public health, public safety, traffic congestion, aesthetics, community, economic cumulative impacts that have been verbally stated and submitted in writing at previous port public hearings and public meetings. The proposed mitigation measures failed to completely address or include all recommendations that have been verbally stated and submitted in writing by organizations and the public.

The DEIR states that the use of that -- they used the 2003 baseline when in fact it should be using a 1991 or earlier baseline on planned area pipes for construction of the TraPac Container Terminal.

The coalition requested and requests that the Port of Los Angeles immediately prepare an EIR for the existing TraPac container terminal and mitigate all past and current TraPac container terminal negative impacts prior to requesting
approval for the current proposed DEIR. The coalition recommends the Port of Los Angeles immediately approve the construction of the Wilmington Waterfront Development Buffer Project both Phase 1 and Phase 2 as partial mitigation for the TraPac Container Terminal. The TraPac DEIR fails to adequately mitigate the past, current, and proposed increased air that impacts the southbay area. The Port of Los Angeles contributes a minimum of 25 percent of all toxic air pollution in the harbor causing significant short-term and long-term public health problems. The Port of Los Angeles has deprived numerous residents and children with the right to live a normal and happy life. The port contributes and causes a significant amount of toxic air -- is my time up?

LIEUTENANT COLONEL BLACKBURN: Yes, sir, is it another 10 minutes.

MR. CARMONY: Can we catch your written comments -- everything is right here.

LIEUTENANT COLONEL BLACKBURN: I think we are going to hold -- unless you got previous consideration, we are going to hold for three minutes, otherwise we will be here --

DR. MILLER: Okay.

LIEUTENANT COLONEL BLACKBURN: Thank you.

John.

DR. MILLER: I am Dr. John C. Miller a San Pedro resident and medical doctor, member of the board for the Coalition for Safe Environment and a member of NRPC.

Several things stand out in this large document. There are many useful features in this DEIR; however, the committee and myself view this document as fundamentally flawed. As in previous EIRs there emerges a picture of systematic problematic effort to underestimate the impacts of this project. Of course, with systematically underestimated impacts, needed mitigation is minimized. For example, ship calls are estimated to increase by only 25 percent from 2003 to 2015, but TEUs throughput are estimated to increase by 96 percent, and a number of containers per ship call will be 191 percent of 2003s values over this period. This minimizes the number of projected ship calls which are a major driver for increases in local air pollution. This is all based on the assumption that the plan -- larger ships that can carry more containers will be built, and will call a lot of this facility. What happens if these ships aren't built in the next 8 years? What happens if these ships don't call at this facility and the numbers projected -- we may get unanticipated extra ship costs. A further example on -- in 2015 ship calls were estimated at 279 in one area of the document, but 309 in another area of document. What is up with that?

Projected ship call numbers are most likely low as a result, projected impacts will be low. For rail capacity it appears to be over estimated, which would lead to an underestimation of a number of truck trips on our freeways that this facility will generate. For example, one area of the document says the rail yard will handle 374,331 containers annually, whereas another area of DEIR says max train capacity is 231,000 containers per year. We are missing 143,000 some odd containers here, which these will have to leave the port by truck giving us 410 more truck trips a day. And this doesn't figure on the in-bound truck trips associated with these containers. It appears these truck and train idling times estimates are unreasonably low. This will also underestimate the passing of this -- this project to have a negative impact.

The total capacity of the facility is likely to be seriously underestimated. I go through all -- of how we reassert that this is true, but it looks like the true capacity of this facility is closer to 6 million TEUs per year as opposed to the anticipated 2,400,000 TEUs per year.

I thank the port and the Army Corps for this opportunity to speak. And I thank you for the opportunity to have an extended comment period.

Thank you.

DR. APPY: Okay. Hud Warren followed by William Lyte. Did I get that right? Did I pronounce that --

here. I am here today to represent the Board Trade
Association, for which I am vice president. And the
Propeller Club of Los Angeles/Long Beach, for which I
am president.

I'm here. I will keep it very brief. My
membership of both organizations combined is just
under 500 members. These are firms and individuals
that are present here in the Southern California
area.

We wish to comment that we are in favor of
the EIR process. We are glad to see it moving
forward. We see this as an opportunity to enhance
on-dock rail, as well as improve air quality while
allowing commerce to grow. We are in favor of the
EIR. Thank you very much. I appreciate the time.

DR. APPY: Thank you. William Lyte
followed by Richard Havenick.

MR. LYTE: Good evening. My name is
William Lyte. I'm the first vice president of the
Harbor Association and Business Commerce. Our
organization also has large and small business
members, all primarily local here in the area with
many local residents being employed by these firms.
We are very much in favor of this project. We fully
support it. In part based on the types of analyses

that were discussed by the representative of the L.A.
Chamber. We have studied the through quick numbers.
We believe this facility is vital to the carrying
capacity of the goods movement system here in
Southern California. And we think it is only one
component of a larger program that is absolutely
necessary. We would like to commend the staff for
their extraordinary efforts, not only in outreach or
meetings with our organization, but with all
organizations here, pro and con. We think that this
is probably one of the most detailed environmental
documents produced in the United States today. And
we are very, very pleased to be part of the review
process for this.

Finally, we are very supportive both of
on-dock rail component and also of the deployment of
new technologies. We recognize that these are early
stage technologies in many cases, but as a business
organization with experts in many of these fields, we
are committed to help make these technologies work
and are deployable. And frankly to making this --
these two ports, Port of L.A., Port of Long Beach, a
showpiece for deployment of environmental technology
on a global basis.

So in summary we fully support this project

and urge its approval. Thank you.

DR. APPY: Thank you very much.

Richard Havenick followed by Tom Politeo.

MR. HAVENICK: Good evening.

Richard Havenick. I am a San Pedro resident. I have
a share of the PCAC Air Qualities subcommittee.
Three points I am going to make briefly, the first
one is a statement regarding the Clean Air Action
Plan, the second one regarding some specific
mitigation measures within the EIR, and a third one
regarding some general plans -- comments --
statements in the EIR.

First off, did I tell you thanks for that
4 Clean Air Action Plan lately? You have made some
progress. Actually you have also given us a stick by
which to measure your progress, and I am grateful and
let's use the Clean Air Action Plan. Excellent.

We have a Clean Air Action Plan requirement
that we have been requesting that now we see the port
has planned. We are grateful to the ports, both
ports.

Specifically where the EIR, I believe, needs to be changed or strengthened is in the
implementation of the low sulfur fuels, applicable
propulsion engines, and auxiliary engines --

surprise, I don't know how many times you've heard
this, but I have to do it again -- because here is an
opportunity, certainly with Clean Air Action Plan
mitigation by September of 2007 of the .2 percent
requirement to be the TraPac EIR would support --
would not undermine or fall short of the Clean Air
Action Plan, certainly a minimum requirement we would
expect. And we would also think that TraPac would be
happy to comply with a .2 percent in auxiliary and
mains.

And secondly, on the heavy duty vehicles.
I understand that TraPac is not going to be able to
control the trucks. However, implementation of a
2007 EPA or newer requirement through a pool of
trucks, through an organization of trucks, is within
the realm of possibility and the ports can do it.
The ports are doing big things, and certainly the
measure within the TraPac EIR applicable to heavy
duty trucks could be strengthened to implement '07
requirements sooner than is currently stated in the
plan, you know what it is.

The third item within these specific
changes applies to rail, where we would like
something more specific than is in the EI -- that is
in the CAAP, and that is similar to what you are
1. doing also in port rail.
2. Harbor craft absolutely needs to be
3. included in the TraPac with mitigation measures for
4. Tier 2 and Tier 3 when available. Certainly,
5. certainly -- think there must be a mistake why that
6. wasn't included.
7. Lastly, the health risk standards for
8. the -- combined for the total port operation needs to
9. be established and verification of compliance prior
10. to opening up the project.
11. Lastly, the use of overriding
12. considerations must be withheld due -- and could
13. be -- could be unnecessary, no longer necessary.
15. LIEUTENANT COLONEL BLACKBURN: Sir --
16. MR. HAVENICK: With the implementation of
17. the measures at an increased time schedule of more
18. rapid implementation of what you know you can do and
19. we hope you will do in the TraPac EIR. Thank you.
20. DR. APPY: Thank you. Tom Politeo followed
21. by Tracey Chavira.
22. MR. POLITEO: It is my understanding from
23. our little back and forth speaking that I will have
24. four minutes now?
25. LIEUTENANT COLONEL BLACKBURN: No. You
26. said that you can handle everything in three minutes.
27. MR. POLITEO: I said four.
28. LIEUTENANT COLONEL BLACKBURN: Sir, we are
29. going to stick to three minutes or we will be here
30. forever.
31. MR. POLITEO: You know what? I just won't
32. speak at all. The hell with you. You had agreed to
33. four. The hell with you.
34. MS. CHAVIRA: I mean I am up now.
35. DR. APPY: Tracey will be followed by
37. MS. CHAVIRA: Good evening. My name is
38. Tracey Chavira. I am with the Central City
39. Association of Los Angeles. Established in 1924 --
40. THE REPORTER: If you can talk a little bit
41. louder too. it would be great, but --
42. MR. CHAVIRA: CCA supports the TraPac draft
43. EIR. Container volume is expected to increase at the
44. ports of Los Angeles and Long Beach. This project is
45. a responsible means to manage that growth while being
46. mindful of the environment and community. The
47. proposed new gate will allow trucks to enter and exit
48. with less community impact and improve efficiency.
49. A new lead certified building, energy
50. efficient lighting, a new 30-acre landscape buffer
51. area are all mitigations that will contribute to
52. reducing the health risks associated with port
53. operations.
54. Most importantly the project is consistent
55. with the ports Clean Air Action Plan and epitomizes
56. green growth. Again, CCA supports the TraPac Draft
57. EIR and EIS and thanks the Port of Los Angeles and
58. the U.S. Army Corps of Engineers for bringing us
59. together on this important issue. Thank you.
60. DR. APPY: Thank you. John Howland
61. followed by Donald Compton.
62. MR. HOWLAND: Good evening. My name is
63. John Howland. I am with the Cerrell Associates. I
64. am here to speak tonight on behalf of WSPA. The
65. Western States Petroleum Association, WSPA, were
66. encouraged to see the TraPac Container Terminal
67. Project EIR/EIS that is moving forward. WSPA has not
68. yet completed their review of the entire EIR/EIS
69. 6,000 page document, but we will likely have more
70. comments at a later date and we will submit them in
71. writing.
72. The environmental review process is
73. critical to ensure that we continue upgrading and
74. expanding California waterfront infrastructure to
75. accommodate state and regional growth and consumer
76. demand, while protecting the environment of local
77. communities. WSPA believes in maintaining the
78. existing facilities and expanding infrastructure to
79. petroleum must be a priority. California ports play
80. a leading role in the delivery of affordable energy
81. to California's consumers. Petroleum industry
82. applauds the Port of Los Angeles and the Army Corps
83. of Engineers for seeking public input in this
84. critically important environmental process. We
85. encourage the port and the Corps as lead agencies to
86. continue working openly and collaboratively with all
87. communities and industry stakeholders. Thank you.
88. DR. APPY: Thank you. Don Compton followed
89. by Susan Nakamura.
90. MR. COMPTON: Yes. I am John Compton. I
91. am the outgoing chair of the Wilmington Counsel
92. Education Caucus. Like my parents before me I have
93. been an educator until my eyes went bad. I am moving
94. over to become the unofficial public advocate for
95. Wilmington with a law degree.
96. So I am here representing two different
97. groups here and we are wondering since this has been
98. an industrial area all my life, 65 years, we
99. seriously object to a project like a landscaped
100. hillside, AKA buffer, that is deliberately designed
to attract school children to climb to its top and
have a good time up there and gulping down what may
be toxic ultra fine diesel particulates. I am
speaking of children from Hawaiian Avenue and Benning
Elementary No. 1, because before and after school
that hillside is going be like a magnet.

Now, please be reminded that one year ago
almost to the day on August 2nd in San Pedro, the
preeminent expert on diesel particulates,
Dr. John Froines, invited by Dr. Knatz herself, spoke
to this very issue that these ultra fine diesel
particulates are not cleaned up and cannot be cleaned
up inside existing diesel engines. There are not
such things as a scrubber or a particle trap that
will work. Because ironically when these vapors come
from the exhaust pipe, they begin to cool and rise
into these ultra fine diesel particulates that are so
minute they get through the membranes of the lungs
and the brain and the heart.

My question then are two. Chapter 3.2 of
the Trapac EIR page 200, ironically it's apparently
the last two pages of this 6,000 page document or
whatever it -- -- this resume -- deals with a brief
mention of Harry Bridges Boulevard and these
particles. But this is the question: Are those
ultra fine diesel particulates safe enough to be
breathed by these children 18 feet above that Harry
Bridges, which is the hillside going -- setback only
45 feet.

Now, I think we should have Dr. Froines
here before the commission again perhaps to respond
to that question. The final question is page 201 of
chapter 3.2, I think it is the very last page of the
entire thing which talks about "Within five years
some 80 percent of this particle problem is going be
resolved through modification of these diesel
engines." That is a complete falsehood, if indeed
you go back and review that August 2nd, 2006, port
commission DVD or MP3 available upon request from
Mr. Brian Montgomery of the -- the ports own graphics
unit. Listen to that. Both Mr. Freeman and
Dr. Froym said there's no such thing as a safe diesel
fuel. That, in fact, the only thing that is
reasonably safe is electric or hydrogen power.
Nothing else.

So I think that page 201 should be cleansed
of any remarks "Within five years this thing will be
cut 80 percent." That is a complete falsehood, if
indeed Mr. Freeman and Dr. Froym were telling the
truth.

LIEUTENANT COLONEL BLACKBURN: Sir, your --

MR. COMPTON: My money is on the science.

DR. APPY: Thank you, Don. Susan Nakamura
with AQMD followed by Elizabeth Warren.

MS. NAKAMURA: Thank you for the
opportunity to comment. My name is Susan Nakamura.

I'm a planning manager at the south coast AQMD. AQMD
staff has not completed a review of the draft EIS/EIR
for the proposed Trapac Project. AQMD staff is
reviewing in detail the air quality analysis and HRA
to ensure impacts are appropriately quantified and
the project includes all feasible mitigation measures
where appropriate. Our comments tonight will focus
on alternatives and mitigation benefits. Upon
completion of our review AQMD staff will be provicing
written comments to the lead agencies.

In regards to alternatives. The AQMD staff
is concerned that the percentage of TEUs transported
by truck increases while the percent of TEUs
transported by on-dock rail decreases between 2015
and 2038. At full implementation the percentage TEUs
transported by on-dock rail is less than 30 percent
while the percent of TEUs transported by truck is
greater than 60 percent. The AQMD staff recommends
that the lead agencies consider additional
alternatives that will minimize emissions such as
more on-dock rail, increasing the number of TEUs
moved by on-dock rail to reduce the number of truck
trips. And another alternative that would consider
moving unsorted containers by rail in a remote area
possibly outside of the basin.

In regards to mitigation measures, the AQMD
concludes that the lead agencies have incorporated
mitigation measures that are consistent with the
CAAP. It is imperative that the mitigation measures
represent the cleanest available technologies as this
project represent a 30-year lease agreement. To
ensure that long-term air quality impacts are
minimized and the basin can achieve state and federal
air quality standards, measures consistent with the
AQMD's 2007 should also be incorporated.

In regards to construction mitigation
measures AQMD staff recommends that the Mitigation
Measure AQ2 for all trucks and Mitigation Measure AQ3
for construction equipment be modified to include the
cleanest available trucks for use of model year 2004
or newer trucks. For construction equipment we
recommend the use of the cleanest available
equipment.

In regards to operational mitigation
measure for Mitigation Measure AQ9 we recommend that
the mitigation measure incorporate the CAAP HQV1.
And that trucks entering berths 136 through 147
will meet or be cleaner than EPA 2007 automobile
emission standards and the cleanest available NOx
technologies at the time of replacement.
In regards to mitigation measure AQ6, we
recommend that changing the target deadline from 2015
to 2014 is consistent with the 2007 AQMD.
In addition, lead agencies should commit to
100 percent AMP for all ships retrofitted with AMP.
To further mitigate emissions from cargo handling
equipment AQMD staff recommends the use of electric
rail mounteC ampacurries whenever possible.
Consistent with the 2007 AQMD it can be staffed with
a .1 percent sulfur content for main and auxiliary
engines 2010.
LIEUTENANT COLONEL BLACKBURN: Your turn.
The WITNESS: Can I just -- I have like two
sentences.
LIEUTENANT COLONEL BLACKBURN: Two lines?
Okay.
MS. NAKAMURA: Yeah.
For rebuilds we recommend use of similar
technologies to the 2007 AQMD that would achieve a
50 percent reduction in retrofits and 80 percent for
rebuilds. And for harborcraft, we understand the
ports implementation of this as a port wide measure,
but we would still recommend that the lead agency
commit to using the cleanest available technologies
for harborcraft.
LIEUTENANT COLONEL BLACKBURN: Thanks.
MS. NAKAMURA: Thank you.
DR. APPY: Elizabeth Warren followed by
Arthur Hernandez.
The WITNESS: Good evening, Lieutenant
Colonel, Dr. Appy. My name is Elizabeth Warren.
I am the executive director of Future Ports and a
resident of San Pedro. Thank you for the opportunity
to provide comments this evening.
For the record, Future Ports is a
membership based organization that represents
companies that depend on the ports to operate their
businesses. Our members have thousands of employees,
and most of them work in the harbor area. On behalf
of our members we advocate for balance between
growing and being green. We believe we can have
both, and we believe that quality of life begins with
a job. On behalf of future ports member we would
like to commend the Port of Los Angeles, staff and
the board for producing the draft EIR for the TraPac
Container Terminal Project. This is the first step
in ensuring that our ports can efficiently manage
expected growth while mitigating environmental
impacts. This project represents an important step
to insure green growth for the port. And we hope
that the port will continue this by moving forward
with draft EIRs for future projects that we expect to
follow swiftly on the heels of TraPac.
We firmly believe that port growth and the
appropriate accommodation of that growth is critical
not only to the Southern California economy, but --
LIEUTENANT COLONEL BLACKBURN: Malam, I'm
sorry. Can you slow down just a little bit.
MS. WARREN: That is it also important to
our national economy and to our air quality. The
redevelopment to the TraPac terminal is an important
step towards efficiently managing the expected growth
in container volume while mitigating environmental
impacts. Terminal efficiency will nearly double
while minimizing truck driving and increasing use of
rail. As a result, the EIR shows that the proposed
project will reduce emissions of greenhouse gases
and criteria pollutants below baseline levels. The
proposed project also meets the green growth goals of
the Clean Air Action Plan and significantly reduces
health risks of local communities for numerous
environmental features. This project exceeds the
obligations and authority granted under CEQA. And if
TraPac agrees to additional mitigation that is fine,
but it should not be considered as a precedent for
other CEQA projects. Additional mitigation should be
considered outside the CEQA process and implemented
by voluntary agreement.
Conversely, the no project alternative
clearly shows that the failure to complete this
project is detrimental to air quality in the local
community and the region. Even if no changes are
made to the facility, the container cargo volume at
the TraPac Terminal is expected to nearly double
without any of the environmental benefits of the
redevelopment of the site.
And while we may not agree on every aspect
of the TraPac Project EIR, we do agree that we have a
common goal of green growth and we look forward to
continuing our work together to find solutions on how
to best accomplish our mutual interest in moving this
project forward.
We, therefore, support the project with

some exceptions to the mitigation measures and encourage the port to continue moving the approval process quickly forward -- quickly to completion by following the fair CEQA process.

Thank you, again, for the opportunity to speak. We look forward to more EIRs soon.

DR. APPY: Thanks, ma'am. Arthur Hernandez followed by David Wright.

MR. HERNANDEZ: My name is Arthur Hernandez. I am -- I thought it was important to come down here today to speak about the 136 through 147 Trapac environmental impact. The importance of this meeting is that the community of Wilmington will be impacted. The Watson Yard is being impacted to the point where there's -- everything is cumulative. There's noise, emissions, horn noise, horn blowing noise over there, red label, there's dehydrated coal being shipped, tank cars are coming in, and there's a problem in the Wilmington community with tank cars. There's a health and safety factor in our community as a result. The elimination of the United Line, the "A" area stated as relocated in the "1A" area where the consolidated slip is, we do not want to see any elimination of any yard, because if there's an elimination of that yard it is going to impact Wilkinson. As it is now there's a crisis with tank car shipment. As you all know there's been dehydrated coal being shipped from the refineries -- northern -- adjacent to the Alameda corridor. And the impact of that dehydrated coal is being shipped -- and the reason in the Watson Yard -- and that -- that line south of -- north of -- north is the industrial area, the south side of the PCH bridge is residential and the environmental impact factors are so great now that we can't even hardly stand the -- I wrote up an EIR, I haven't submitted it to the port yet, but it will be forthcoming on the EIR development of the Watson Yard and the impact of the BMSF Railroad. In San Pedro we have had over 25 railroad lines eliminated. And my representation is not to eliminate anymore rail lines at the United Food Line of Wilmington. The "A" area are relocated over to the "1A" because the -- there will be more impact coming into Wilmington, North Wilmington. And some of those lines that are eliminated in San Pedro, such as behind Knoll Hill, should be reconsidered to relocate cars that come off of Amerigas and some of those other ones. They have a fuel that can be stored there and all the impacts coming to and from Wilmington.

So there's more impact. There's other areas. And some of these tank cars with dehydrated coal and fuel can be sent over to Terminal I where they once were. And between Ocean Boulevard and Cerritos Channel, put three lines in there. And they are a mile long and that would have to facilitate the movement of tank cars.

LIEUTENANT COLONEL BLACKBURN: Okay.

MR. HERNANDEZ: That is my recommendation.

DR. APPY: Okay. At this point David Wright, if you could hold one second, we would like to have about a five-minute break so our court reporter can allow her fingers to come back to their normal shape. So we will reconvene then at 20 minutes until 8:00 and receive more comments. Thank you.

(Recess.)

DR. APPY: Our next speaker is David Wright followed by Patrick Wilson.

MR. WRIGHT: You guys ready?

DR. APPY: Go for it.

MR. WRIGHT: Okay. Most of what I was going to say got said, so --

DR. APPY: Hold on one second. Could -- could we please have it quiet please. Thank you very much. David.

MR. WRIGHT: I was going to say that I am used to delays, so it doesn't bother me. Cheap shot. No, actually a number of comments that I was going to make have already been made. I do want to commend the port and the harbor and the Corps of Engineers in terms of the very comprehensive document, the EIR. We, of course, have been working on a similar document for a number of years. And as I was reading about a third of this, I find that it is extremely comprehensive and it is extremely conservative. The other thing that I would like to echo is one of the comments that was made by the Southcoast Air Quality District. In looking at the document, one of the areas that seems to stick out quite a bit is the amount of truck driving and the related emissions and the greenhouse gas impacts involved with trucks. So I would encourage that as much on-dock rail and as much post-in rail activity -- truck to rail activity be accomplished as quickly as possible minimizing the number of trucks that are out on the freeways.

And I say that in particular when we consider that the Alameda Port is only at about half its capacity, about 10 million trucks a year going up
1 and down along the freeway. If there's anything that can be done to accelerate the activities around that area, I think it would be very helpful to put in the entire basin.

2 The other thing I would say is that -- one thing that's probably most important to everybody in the whole region is a job. And I feel that there's a number of projects that have been held up for many years. There's many jobs that have been withheld from the market. People that have jobs have the ability to have a good income, have insurance to do a number of things that can help for their health, the livelihood of their families. Also, strong industry here helps build a tax base that can be used to accomplish infrastructure projects that are going to improve the air quality in the entire region. So I would strongly suggest and support that this is a good project. And looking at the project alternative, it looks very clear to me that this project should go forward.

3 Thank you very much.

4 DR. APPY: Thank you very much.

5 Patrick Wilson, followed by Frank O'Brien.

6 MR. WILSON: Colonel Blackburn, Dr. Appy, my name is Patrick Wilson. I am president of the Wilmington Chamber of Commerce. It's been six years since the last EIR was certified. Time has marched on as -- compete for the Port of Los Angeles. The Clean Air Action Plan is dependent on projects like the TraPac expansion to implement pollution and mitigation measures. No matter how hard we try we can't but the genie back in the bottle. Americans are growing accustomed to low priced high quality goods manufactured overseas. And it is that demand that is driving the increase in port activity. We have an opportunity to aggressively address the pollution impacts resulting from the increase in activity by tying limitation to growth. Doing nothing, as indicated through the draft EIR, will result from putting our collective heads in the sand and ignoring all that is going on around us. We will not see a decrease in traffic congestion. We will not see any structure improvement. We will not see any reduction in emissions. We will not see -- we will not see terminal efficiency improved. While the Wilmington Chamber of Commerce has not had the opportunity to go over the entire draft EIR, we applaud the ports courage to put this draft EIR out to the public domain knowing full well that there will be criticism from certain corners. But the

7 Chamber has many members who are also waiting for their EIRs to be released and are anxious for the process to begin and to have the opportunity to expand their operations knowing -- even knowing full well that the cost associated with their projects have increased spectacularly since the projects were first considered. Also, I can't emphasize the importance of a buffer area for the community of Wilmington. This has been promised for years and the residents have been exceedingly patient, but now it is their turn to benefit from port expansion. The Wilmington Chamber will be following up with our formal comments on the draft EIR before the end of the comment period.

8 Thank you.

9 DR. APPY: Thank you. Frank O'Brien followed by Andrew Mardesich.

10 MR. O'BRIEN: Thank you, Ralph.

11 I want to talk a little bit about the proposed project and the CEQA document in the context of the environmental review role of full disclosure and as an information vehicle for helping the public and the decision makers to value the project.

12 I want to talk about three elements, the off board impacts, that is the impacts of the project beyond the tidelands boundary, how will -- how will you measure cumulative impacts. And also the role of the statement of overriding considerations and how that flows into these other elements.

13 In terms of the off port, it seems kind of evident from a common sense point of view that a port of this scale operates functionally beyond the tidelands. The area of land within the tidelands is not enough to do all the things the port needs to do. So there are land use and other impacts that go beyond the tidelands that have to be evaluated.

14 Secondly, in terms of cumulative impacts, the City right now uses a standard of projects that are in the EIR que and that is the outer outer limit of reasonably foreseeable and has been mentioned the projected growth rate of the port is in the 5 to 10 percent annual range and to make a meaningful assessment of future impacts you probably want to have a standard of reasonably foreseeable, that aligns with some sort of middle range of growth. Otherwise you are always playing catch up trying to catch up to the new mitigation measures.

15 And the last issue is the notion of "Overriding considerations." And basically if I understand it right, that says "The agency can say we
want do this project even though we know there are impacts because there are benefits that are worth capturing and we want to be able to get them." And the -- if the calculation of benefits includes benefits beyond the tidelands, such as jobs and other economic positives, then the other side of the ledger which is the negatives also has to include the negatives that go beyond the tidelands if any exist. And to that point I refer you guys to the "Public policies study" on this issue.

So, here are the three things that I specifically recommend that the port conduct and the Corps conduct a land use study of Wilmington that you've calculated cumulative future impacts, to agree on a growth rate of about 9 percent, 8 percent. And that for a statement of overriding consideration really do a comprehensive cost benefit analysis.

And finally I will say that the -- this EIR which I think is the first industrial project EIR that has come out since we put together a template back under the leadership and administration of Commission President Thompson, we look forward to seeing how it works in practice. These are the unresolved issues, and thank you for the opportunity to comment.

DR. APPY: Thanks. Thank you.

Andrew Mardesich followed by Janet Gunter.

MR. MARDESICH: Andrew Mardesich speaking for the San Pedro Peninsula Home Owners Association. We will be submitting written comment later.

I hold in my hands the report dated August 2004 that was submitted to the past EIR subcommittee. And there was a common thread of the past EIRs that there was a problematic omission of doing a true assessment or revealing assess -- aesthetic impacts off of port lands. And this is true to the current TraPac EIR.

There is a problematic omission of addressing, or reviewing, or of CEQA making known to the public what those negative impacts are. And that was even mentioned by some of the earlier speakers with that common thread.

I have got three photographs. One is a rig that is parked in a Wilmington residential zone. It happens on a daily basis. I have another giant shipping rig in a Wilmington residential area, common occurrence. And the third photograph is a rig.

C Line rig, in Wilmington that is being questioned or briefed by port police and L.A. P.D., but was not cited. And this is clearly a violation of code, but the violators are not employees of the City, but the
as in this report, that the filling in of ten to
twelve acres of blue water has no aesthetic impact is
absurd. To say that the replacement of the existing
cranes, which will be many, many feet higher has no
affect visually, is ludicrous. To ignore the fact
that -- already been replaced over the past decade
without an EIR to establish visual losses at the
time, and remark now that there is no discernible
visual loss is reprehensible. Why was it noted in
the EIR that views from the freeway onto San Pedro,
of Vincent Thomas Bridge have been seriously
obstructed by cranes of this terminal, the document
glosses over this as an already established condition
and minimizes it further since the freeway is not
designated as a scenic highway. How outrageous is
that in light of the fact that it is the only
real access way for most commuters into our
community. Does that lack of designation make it any
less important to establishes first impressions of
our community? I think not. There is no recognition
of the addition of more terminal lights, glare, and
their effect on the area. Surely if you -- the
accumulation of these lights can be seen from outer
space, you better bet that increase in those lights
will be recognizable here in our localized niche on
this earth. Whether you have better lighting aimed
more appropriately or not, it will not -- it will
still represent an increase in total lumens and an
increase in light to the area. This simply must be
addressed. There are a number of other issues, and I
know my time is up, so I will respond with my written
comments.

LIEUTENANT COLONEL BLACKBURN: Thank you ma'am.

DR. APPY: Dan Hoffman followed by
Colleen Callahan.

MR. HOFFMAN: As the -- good evening. As
the director of the Wilmington Chamber of Commerce I
applaud the port for moving forward with the EIR
process, along with them providing this opportunity
for the community and the industry to give its input.

I would also like to mention that we hope
that in the future we can see additional EIRs that
are crucial to our infrastructure released very soon.
As an individual and a member of the
Wilmington community I have been -- lived here for
30 years and my children have been raised here. And
I hope to live here for another 30 years. And if I
live that long, I will probably want some more,
because obviously I am older than 30 years old. The

redevelopment of the TraPac facility will prevent us
from losing additional business and -- to other ports
because of the increase of efficiency it will provide
for the goods movements. I think it is important. I
think a lot of people are under the misconception
that these businesses won't go somewhere else. And
if it is economically viable for them, they
absolutely will. I would also -- it will create an
additional -- create additional good paying jobs and
insure the port continues to be the economic engine
of Southern California. I have a lot of -- many of
my neighbors, probably a third of them, work for
port-related industry. And they are good paying
jobs. In the long run it will improve our
environment. And I know that in the short run that
is going to be tough. And if they're subject to some
of the other clean air actions that can be
implemented, certainly I am all for that. Like I
said, I would like to live for another 30 years, and
probably want more after that. But the on-dock rail
facility will improve the traffic flow -- and will
have improved the traffic flow for the trucks with
the new design and the out turns. It will improve
that and help out our quality. And with that I would
like to thank you very much for your time.

DR. APPY: Thank you. Colleen Callahan
followed by Gisele Fong.

MS. CALLAHAN: Good evening. Thank you for
the opportunity to comment. Colleen Callahan with
the American Lung Association of California. We will
be submitting comments in the future detailing our
concerns with the TraPac draft EIR including our
concern regarding what we believe is significant
underestimation of impact. Tonight I will focus on
the rail component of this draft environmental impact
report.

The American Lung Association agrees with
IPC that there is an acute need for a new vision for
freight transport. Unfortunately the draft EIR does
not provide this provision. We are concerned about
the lack of consideration of innovative technologies
for container transport. Locomotives are among the
oldest and dirtiest ethyl forces. Diesels count
pollutions, as you are aware of significant public
health impacts, responsible for thousands of
premature deaths in California per year. It is
crucial that we limit public exposure to diesel
emissions and to that effect make land use decisions
that will separate residential areas, establish
communities away from industrial areas.

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Integrated on-dock rail container terminal project is of great importance. At the start, but more needs to be done. The Port of Seattle has committed to utilizing 70 percent on-dock rail. The port should commit to a similar percentage of on-dock rail usage -- regarding all mitigation measures, so not just rail, but that would be included in that. There must be compliance with the Clean Air Action Plan at the very minimum. CAAP should be seen as a floor not as a scene. I am concerned that some aspects of the project do not even comply with the Clean Air Action Plan. For example, the draft EIR does not require the relocated Pier A rail yard to comply with Rail measure three from the CAAP clearly it falls within the parameters so it's crucial that the mitigation measures extend to the relocated -- through Pier A rail yard.

In conclusion, the ports are considering a 30 year lease. Let's get it right. Did you show me an EIR that does not underestimate the considerable impacts and also contains appropriate innovative and health protection alternative mitigation measures? Thank you.

DR. APPY: Thank you. And sorry if I mispronounced your last name. Giselle Fong followed by Kathy Woodfield.

MS. FONG: Good evening. My name is Giselle Fong and I represent Communities for Clean Ports, a nonprofit pollution campaign based in Los Angeles. We are here -- environmental, public health, and community groups, and residents because the deadly multibillion health and economic costs of port related pollution are very well established. Dangerous smog, heart and lung disease, shockingly high cancer risk rates, unconscionable numbers of children with serious asthma.

The TraPac container terminal project is part of the ports aggressive extension plans and it does have serious public health and environmental consequences. The draft EIR estimates that the project will result in residential cancer risks of 272 new cases per million. The site of highest impact will be C Street and Marvin here in Wilmington.

The TraPac project would increase noncancer risks like asthma, respiratory, and cardio vascular illnesses which are already sky high in port communities. Indeed the polluted air will affect the health of everyone in the south coast air basin.

This is why the Port of Los Angeles must insist that the TraPac project be built and operated under the cleanest available technology standards and it must use the requirements in the Clean Air Act Plan as a floor and not a ceiling for environmental standards.

Specifically the TraPac project should require mitigation measures which expedite the implementation of shore side power. This summer the Port of Oakland successfully tested a mobile liquid natural gas generator for coal, iron, and electrification. The ports can and should electrify diverse for the long-term, but in the meantime there is no reason to continue allowing ships to burn dirty diesel fuel while idling in the harbor.

Second, require that yard traffickers and other cargo handling equipment meet the cleanest available technology standards and remove the existing diesel loophole in the cap that allows the dirtier diesel equipment and places much cleaner alternative fuel equipment. Require that the port trucks also meet the cleanest available technology standards. And while we recommend trucks meet EPA 2010 standards for the time being, the objective really should be putting vehicle in service which meet a clean truck standard. That is the cleanest available individual truck at the time of purchase based on that trucks toxic criteria pollutant and green house gas emissions the port should not rely on aggregate or other loopholes.

And finally explicit criteria that insures 50 percent of the trucks that service the TraPac terminal are replaced with clean alternative fuel trucks as the pollution of the Clean Air Action Plan. And the port is going to expand and as a result needs to be responsible for the environmental impacts of this. And for these reasons please strengthen the environmental mitigation measures in the project. Thank you.

LIEUTENANT COLONEL BLACKBURN: Thank you.

DR. APPY: Kathy Woodfield followed by Pate Nave.

MS. WOODFIELD: Good evening. My name is Kathleen Woodfield. I am a member of the San Pedro Peninsula Homeowners Association also named PCAC. I think this is the first EIR that has come through since CARB has identified that 5,400 California citizens die prematurely each year due to air pollution. And I think they are also identifying about 2,400 of those deaths are due to the ports.

So it is particularly concerning that this
EIR comes through without mitigating to a level of significance for air quality impacts. As a matter of fact it is unconscionable. Because we the public have come to understand the problematic process here at the Port of Los Angeles which is equipped for EIRs then do not mitigate to levels of -- and then I approve them through the CARB Commission using a statement of overriding considerations. It comes to my mind that this is now an act of gross negligence, reckless endangerment and conspiracy to do harm. I did not have a chance to read the 6,000 page EIR. And I actually believe that having 6,000 pages undermines the public's ability to understand the project and give comprehensive comments.

I personally take great offense to being slowly poisoned by the State of California and the City of Los Angeles -- the Port of Los Angeles. PCAC put forward a motion, motion no. 67, that gave a methodology for mitigating to a level of insignificance any project, and that is to once you exhaust project level mitigations to move on to port fine level mitigations. This is absolutely feasible, possible, and there's no reason in the world why this should not be done. There is no reason why an EIR should come forward at this time with the types of technology we have available to us for air quality mitigation, ro EIR should be coming forward that does not mitigate to a level of significance for air quality.

I would also like to say that this EIR does not evaluate air pollution as an aesthetic impact. If you look to the skyline here, you can see that the air pollution is so severe that it actually creates an aesthetic impact. It is ugly. It is very offensive when you look at it. And everybody knows when they look at it that something is terribly wrong. And I think when -- because we know that the statement of overriding considerations will be done -- we absolutely know this, because it has always been done -- we ask that you evaluate how many jobs are actually lost from this one sided trade that goes on here at the Port of Los Angeles. We ask you to evaluate the cost of the 2,400 deaths cumulatively that are attributed to these ports. And not only the deaths, but the lives that prevail even after fighting cancer.

MR. NAVE: Good evening. It has been a lot of very good comments tonight. But the bottom line is that you are putting out on the street a project -- it is going to have no curious impact on the air and on the traffic. You have the project in such a way that you don't have those kinds of things. So when the rubber meets the road, you try and do things to clean-up the air and put out a project that has a zero net increase. You might have to expand your vision a little bit. Frankly I am very disappointed in a mayor that would allow an EIR to come forward with an increase in air quality. Expand your horizon a little bit. You know Frank O'Brien had it right when he said you got impacts off of the port property. It is no accident that property values closer to the port are lower than the property values when you get further away from the port. It is just a matter of time before you are going to get hit with a condemnation suit as long as you keep doing this.

DR. APPY: Tom Poe followed by John Schafer.

MR. POE: Good evening. Thank you for allowing me to testify tonight. My name is Tom Poe and I'm the western regional manager of Port Vision.

A high technology company that has recently been created to look at ways to enhance commercial vessel's safety, to enhance efficiency of vessels in terminals, and so doing to mitigate environmental concerns which we have here in the ports and throughout the United States.

I think the Port of Los Angeles has done a monumental job in addressing the environmental concerns of the communities surrounding it, of the ports, of the region, and its effect even in the nation.

There are many, many new high technology companies that are coming into being now that will help to address the environmental concerns which the individuals here have addressed tonight. And it is happening very quickly.

Now, from a personal view point I have lived in the San Pedro Bay port area and lived and worked here for over 50 years. And I remember going through the ports in the 50s, the 60s, and the 70s when they were smelly, dirty, and toxic. And great strides have been made since that time by both of the ports in addressing those concerns. And now with the Clean Air Action Plan and other efforts that are being made by them, and with new technology coming to

Thank you for your comments.

MS. WOODFIELD: And thank you so much.

DR. APPY: Pat Nave followed by Tom Poe.
the forefront each and every day, I have no doubt that concerns which these residents and others have expressed tonight will be mitigated and will be well -- that we will all be well served and healthier tomorrow.

Thank you.

DR. APPY: Thank you. John Schafer.

MR. SCHAFER: Schafer.

DR. APPY: Sorry about that.

MR. SCHAFER: It's close enough.

DR. APPY: Your S was a little --

MR. SCHAFER: I know.

DR. APPY: Followed by Mary Lou Tryba.

MR. SCHAFER: Good evening. My name is John Schafer and I am a life long resident of San Pedro. I also work in -- my office is in Wilmington. I represent about 1,000 pile drivers, bridge, dock, and wharf builders, which most of our members live in one zip code at the post office, it is 90744, which is in the Wilmington area.

I just wanted to -- things come up and you sort of change what you wanted to speak about. As far as the extended effects of this project, I want you to consider the extended effects that the port brings in regards to the high number of people who have benefits with pensions. For example, longshoreman, I know, have retiree benefits that -- for pharmaceutical -- for medicine, you know, that has minimal effects. I want you to consider the job opportunities for at risk use. I have a job orientation that is going to be occurring tomorrow at 8:00 o'clock behind the lagoon. I want you to consider the new environmental standards that you are trying to implement and the attraction that will bring to have high tech firms to participate in those efforts. And I want you to also consider the fact that what happens to communities that don't have that -- that have low income that don't have those type of job opportunities. I'm sure you've considered the environmental impact of these people who would not be working here, who then have to travel -- people living in the local area -- who then have to try to find jobs like that.

I really want -- originally came up was I wanted to discuss the fact that doing nothing is not zero. The effect of doing nothing is not zero, and I am glad that you put that into the EIR/EIS. But it is really important -- I have a mother who passed away from asthma. I have an eight-year-old who grew up a child -- you know, had child asthma. And I was born and raised in there too. I want the port to improve. And if we continue to debate amongst the engineers, the lawyers, the activists, everybody else, for ten years or 20 years, you are going to have more traffic, you are going to have infrastructure that gets old just like our houses, our cars, everything else, they break down. And you are going to continue to have people who are going to be suffering from these air quality effects. We want to put the most modern technology to work for us. And somewhere along the line my neighbors -- who I have heard talk today -- have got to realize they have got to put their money where their mouth is. Because sooner or later these standards are not going to be put into effect. Those projects, those jobs are going to go to Mexico. You are not going to have those environmental standards put into effect. And you can say, "Oh, well, those are just Mexicans. They will suffer from cancer and every other thing. They deserve it because whatever." If you want the one of worlds most important ports to set the standard for the world, which is talking about an inconvenient truth, you eventually have to agree to something.

LIEUTENANT COLONEL BLACKBURN: Okay. Sir, your time is up. Thank you.

MR. SCHAFER: Thank you.

DR. APPY: Mary Lou Tryba? Did I say that right?

MS. TRYBA: That is fine.

DR. APPY: And followed by the last speaker, Mike --

MS. TRYBA: Hi. I'm Mary Lou Tryba from Harbor City. I would just like to go on the record and say that I concur with everything everybody said tonight, because I agree with all of it in regards to being around here since the 60s and 70s. Reality at Harbor College -- stay behind Randy McDonald and all this kind of stuff. So I have been here, done that.

And my thing is who is going to deal with the reality and pile up of the yellow sulfur out there in the community? Besides the oil company, who's going to handle it? Like they keep saying they are going to put a tarp over it or whatever. So my thing is things like that that people look at because we are seniors and we are aware, and we are not afraid to get up and say what we think. So that is my two cents.

Thank you for having me. Take care.

LIEUTENANT COLONEL BLACKBURN: Thank you,
ma'am.

DR. APPY: And our final speaker

Mike Buckantz.


have gotten way worse than that, way worse.

Since I am the last, do I get as much time

as I want? Just kidding.

My grandfather always told me know where

you stand, and I stand between everybody and going

home and having dinner or going to see their

families, so I will stay easily within my three

minutes.

Good evening. I am Mike Buckantz. I am

the president of the Long Beach based environmental

consulting firm Justice and Associates. I am also on

the board of directors of Future Ports. And I work

as an air quality technical representative for the

Construction Industry Air Quality Coalition. We

believe that we have common goals with the port,
simultaneously grow and clean the air. And we

believe that these concepts are not mutually

exclusive. Building on statements Elizabeth Warren

made earlier, we are in support of the green port

growth that this project clearly represents. The

TraPac project has many positive elements that will

enhance efficiency, increase emissions and it is

clearly beneficial particularly when compared to the

no project alternative.

We do have concerns with some of the

mitigation measures outlined in the CAAP and draft

EIR. For example, we believe that some measures such

as the truck plan may be too aggressive and may not

represent the most efficient and cost effective ways
to clean the air.

However, while we may not agree on every

aspect of the TraPac project draft EIR, we do agree

that we have a common goal of green growth. And we

look forward to continuing our work together to find

solutions on how best to accomplish our mutual

interest and move these projects forward.

I thank you for your consideration. And I

will give back about a minute, and you can continue

the meeting. Thanks a lot?

LIEUTENANT COLONEL BLACKBURN: Thanks

DR. APPY: Okay. I just want to make a few

comments in closing here. First of all, I want to

thank all of you that stuck through here, through to

the very end. I guess it is heartening to know a

number of years ago we used to do environmental

impact reports and we would hold hearings and no one

would come. And so I think there -- it is really a
positive thing to actually get a lot of community
involvement on these issues, and that makes the
document certainly better. And also perhaps a little
thicker than you would probably like.

I would like to summarize briefly some of
the things we heard tonight. I think a lot of the
comments -- I think are probably addressed in there,
but maybe not to the extent that we would like. So
we heard, for instance, that maybe we ought to be
looking at a system alternative and maybe an inland
terminal. Along the air quality lines I think we
heard about the more aggressive application of air
quality measures and -- particularly related to
harbor craft and rail.

The compliance of a Clean Air Action Plan
is a very important topic. As you know the Clean Air
Action Plan is going to rely on the EIRs to implement
that. So there is a relationship there and we need
to show compliance with the Clean Air Action Plan in
the document.

And also we also heard that reduction of air
quality measures is also important. To implement
on-dock rail we need to maximize the use of the
on-dock rail facilities. We heard that the buffer --

some people thought the buffer was a benefit to the
community in terms of having opportunity for them.

On the other hand we heard that perhaps it's an
opportunity also as an attractant to people that
might come and be subjected to high levels of air
pollution.

We heard some comments about the baseline,
where we should begin the baseline. So we will be
looking at that. And also the relationship of the
project impacts to that baseline, and the estimates
we made. So we will be looking at all that.

We also heard some kind of positive things
about the benefits of cargo handling efficiencies and
the long term benefit of growing green and having the
projects available then that allows us to implement
some of these mitigation measures.

There were some comments about the process,
particularly in regards to overriding considerat
and the use of those by our Board of Harbor
Commission. Off port impacts was an item as well,
that we felt the document could perhaps have
additional assessment for off port impacts
particularly related to land use issues.

And finally, some comments we received
discuss the accuracy of the aesthetics findings of

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the document.

So these are all comments that we are going
to then take back and take individual comments we
have received from everybody. If you do not respond
in writing, we will use the comments here that you
gave us tonight earlier. We will have a transcript.
And by the way, that transcript will be up on the web
site, the Corps website that is shown up there at
the very bottom right. And so you will be able to
see the transcripts in due process. You will
probably need to give us a little time to get those
all up, but we will be taking everybody's comments
that we receive now until the end of the comment
period, which is September 26th. And we will be
assigning numbers to each of those and we will be
responding individually to all the comments that we
received.

Again, I appreciate you being here, and
look forward to receiving additional comments from
you. And with that I would like give it back to
Colonel Blackburn.

LIEUTENANT COLONEL BLACKBURN: So for the
next 30 minutes I am going to do a recap. No, I'm
just kidding. Ladies and gentlemen, I want to thank
you for your attendance, your comments, and your
counsel. This has all been very well documented, as
Dr. Appy just talked about. So having said that,
that concludes tonight's counsel. Thank you.

(Proceedings concluded at 8:31 p.m.)

* * *

I, NICOLE R. HARNISH, Certified Shorthand Reporter
for the State of California, do hereby certify:

That the public hearing was taken by me in machine
shorthand and later transcribed into typewriting
under my direction; and that the foregoing contains a
true record of the public hearing.

Dated: This _____ day of ______________________
at San Diego, California.

____________________________
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