PUBLIC HEARING
BERTH 97-109 (CHINA SHIPPING) Draft EIS/EIR
THE PORT OF LOS ANGELES

RE:

FOR THE CONTAINER TERMINAL PROJECT RECIRCULATED DRAFT ENVIRONMENTAL IMPACT STATEMENT/EIS/EIR

TRANSCRIPT OF PROCEEDINGS
Wilmington, California
Thursday, June 5, 2008

Reported by:
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PUBLIC HEARING
BERTH 97-109 (CHINA SHIPPING) Draft EIS/EIR
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RE: )
FOR THE CONTAINER TERMINAL )
PROJECT RECIRCULATED DRAFT )
ENVIRONMENTAL IMPACT STATEMENT/ )
ENVIRONMENTAL IMPACT REPORT ) (EIS/EIR)

TRANSCRIPT OF PROCEEDINGS, taken at
Banning's Landing Community Center, 100 East
Water Street, Wilmington, California, commencing
at 6:16 p.m. and concluding at 7:50 p.m., on
Thursday, June 5, 2008, reported by ANABELE M.
MONTGOMERY, CSR No. 13231, a Certified Shorthand
Reporter in and for the State of California.

APPEARANCES:
For the US ARMY
CORPS OF ENGINEERS,
LA DISTRICT: COLONEL THOMAS MAGNESS
DR. SPENCER MACNEIL

For the PORT OF
LOS ANGELES: RALPH APPY, PH.D.
LENA MAUN-DESANTE

Also Present: DAVID PETTIT
RICHARD HAVENICK
JOHN SCHAFER
EDWARD HUMMEL
RAJAN SIMY
MARY LOU TRYBA
JANET GUNTER
ANDREA HRICKO
KATHLEEN WOODFIELD
SUSAN NAKAMURA
MARTIN SCHLATEGEL
JOHN CROSS
ELIZABETH WARREN
KYLE BALLARD
RICHARD PAWLOWSKI
KERRY SCOVILLE
MEMBERS OF THE PUBLIC

Wilmington, California, June 5, 2008
6:16 p.m.

MR. APPY: For starters, I appreciate you all coming
out to speak on the China Shipping environmental
document. So the general purpose here tonight is
actually to get your oral comments on the documents. We
also have the ability to receive written comments later,
and we'll go into the details of that later.

My name is Ralph Appy, and I am the director of
environmental for the Port of Los Angeles, and I am here
to discuss the China Shipping Draft EIR, and so generally
we're going to give a brief presentation and then receive
comments to fill in your time. So our presentation will
be fairly brief, but it's worthwhile, perhaps, to kind of
feel obligated to -- it's a pretty large document -- to
get a list of the summary for what the project will look
like and what we're anticipating in regards to future
steps in evaluation. So I appreciate you being here

The evaluation is an environmental evaluation. It
serves two purposes: One is a State purpose, where the
Port of Los Angeles is the lead agency preparing the
document, but it's also combined with a Federal purpose,

which is called the "National Environmental Policy Act,"
to require documentation on the Federal level for issuing
of the permits to occur in the long run, building the
wharfs and fixing the channels -- things like that.

So we have two different parties here who are
actually responding to your comments tonight. In that
regard, I would certainly like to introduce Colonel
Maugney, who is the commander and engineer in the Army
Corps of Engineers, and so he is here, and I'll introduce
him; and also with him is Dr. Spencer MacNeil, who is the
Corps environmental manager on the environmental
evaluation and for the Port of Los Angeles;lena
Maun-deSanit is the project manager for the Port of Los
Angeles on the CEQA portion of it. So we work together
with the Corps to produce a combined document. With
that, I'd like to turn the microphone over to Colonel
Maugness to do a brief presentation.

COLONEL MAGNESS: Well, good evening, everyone. I'm
Colonel Thomas Magness. I'm the commander of the Los
Angeles District of the Army Corps of Engineers, and on
behalf of the Corps, I'd like to welcome you all to this
meeting, which we're also conducting in Spanish as a
courtesy to you, the interested public.

As you know, the Port of Los Angeles has applied
to my agency for permits to construct wharf and terminal
improvements at Berth 97-109, the China Shipping container terminal. The project's Joint Environmental Impact Statement and Environmental Impact Report, which you are currently reviewing, evaluates all three phases of this project, including the first phase, which was constructed under Corps and Port permits and has been in operation since 2004.

Under our Federal permit program, the Corps of engineers is responsible for regulating dredge and fill activities in waters of the United States, including activities that may affect navigation. The Port's proposed activities at Berths 97-109 are regulated under both Section 404 of the Clean Water Act and 10 of the Rivers and Harbors Act.

Federal actions such as Section 404 and Section 10's permit decisions are subject to compliance with a variety of Federal environmental laws. Consequently, the Corps has responsibility to evaluate the environmental impacts that would be caused by the Proposed Project prior to making a permit decision. Immediate regulatory responsibilities -- the Corps is neither a project proponent nor an opponent.

In addition to evaluating the environmental direct, indirect, and cumulative impacts of the Port's Proposed Project, the Corps must determine whether the all parties will be given until June 30th to provide any final written testimony or rebuttals. 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 discuss how we will take oral testimony from you this evening. Until then, if you know you would like to speak tonight, fill out a speaker card, as many of you have already done, and give it to one of the Corps or Port staff at the front. I imagine if you wave it, we'll find it, and this will help us transition to the public input session. And, with that, Ralph, if you would take it from here.

MR. APPY: Thank you very much. Okay. Tonight we're here to discuss the China Shipping Environmental Impact Statement and Environmental Impact Report, and those two names -- the Impact Statement refers to actually the NEPA or Federal portion for the evaluation of the impact report, terminology, "EIR," for the CEQA portion of it. And this is a little bit of a different type of a document. We actually submitted this document previously. We sent out the Draft EIS/EIR. And the Draft -- you can think of it as a Draft; you can also call it a Public Review Document, if you want, because that's really what it is.

We sent it out for a certain period of

Proposed Project is the least environmentally damaging practicable alternative that meets the overall project purpose. Also, no permits can be granted if we find that the proposal is contrary to the public interest. The public interest determination requires a careful weighing of those factors relevant to the project -- to the particular project. The project's benefits must be balanced against its reasonably foreseeable detriments.

For purposes of the testimony I will hear tonight, I will concentrate on issues specifically related to the Port's proposed China Shipping container terminal at Berths 97-109. At this public hearing, the Corps is requesting input from the general public concerning its specific physical, biological, and human use factors that should be evaluated in greater detail as part of the final EIS/EIR and the Corps permit action for the Proposed Project.

The Corps would like to emphasize that we will carefully consider all comments that we receive for the Proposed Project, and they will be given full consideration as part of our final permit decision. Some speakers will be opposed to the project, while others will be in favor. I hope and expect that you will respect opposing views and allow speakers to make their statements without interference. Following this hearing,
NEPA.
Anyway, so some of the requirements are that we
would start in -- March of 2001 would be our baseline.
So any time you do an environmental evaluation, you peg
the beginning of it at a certain level, like a flat line,
we call it the baseline, and the year that we picked it
was 2001, and so that's quite a while ago. Also, it
required us to analyze the project in certain phases, in
particular, Phase I, and Phase I is actually part of the
project that is now operating out there, and so we were
allowed to move forward and operate the terminal, but
when we assessed it environmentally, we have to assess it
as if we are starting it from scratch, okay? So we are
reassessing -- even though it's operating out there,
we're reassessing that part of the project.
It also requires us to look at the non-shipping
as an alternative. Quite often, the port lands are
specifically zoned, and we have Federal and State
mandates that say we are supposed to look at
international cargo-handling opportunities. And so as a
part of the judgment, we also agreed to look at a
non-shipping use as an alternative. And so if you look
at the document, there's a whole bunch of alternatives in
this document. There's the project we're proposing.
Then there's also a smaller project, and there's a
non-shipping alternative, amongst others. And so those
alternatives, by the way, are looked at in a very equal
way. Each one is -- the same analysis, essentially, is
done on each alternative so that at the end of the day,
you can look at it or compare how much cargo comes under
each alternative and what are the environmental effects
of each of those alternatives. So you can line them up
and compare them.
Finally, there's the mitigation requirements
because that terminal is operating already, that we
agreed to some mitigation measures, and you can see up
here, AMP is "Alternative Maritime Power" or cold
ironing. That's where you plug the ships into shoreside
power. And so as part of the judgment, we agreed by 2005
that 70 percent of the ships would be cold ironing. So
we actually provided money to China Shipping for them to
retrofit their ship, and we built the infrastructure in
that terminal. By the way, this is the first container
terminal in the world to have ships that actually plug
in. There's no place else that that exists. Then we
have the second terminal. Our NYK facility is also
retrofitted -- has been retrofitted to receive ships to
plug in to shoreside power.
The other thing is to look at what -- that
condition of low-profile cranes. There was concern -- we
have what's called A-frame cranes, which are the
predominant cranes you see out in the harbor, and there
was some concern about is there not a feasible lower
crane? And so we have -- the document also looks at
low-profile cranes. Since that time, low-profile cranes
have been identified as not being feasible for our use in
the harbor, but there's still a discussion of that in the
environmental document.
Another requirement is to use alternative fuel
in yard tractors. Yard tractors are those little things
that look like a truck that handle -- that pull the
containers around in the container terminal, and so this
terminal has all those yard tractors powered by propane,
and so that has been happening since the onset and the
operation of the terminal.
Finally, there's a requirement to use a special
type of fuel and DOCs for Top-Picks and Side-Picks, and
so that was implemented as well, and DOCs are a
post-combustion treatment, if you would, on the yard
tractors that helps remove the particulates from the
emissions, in particular. Emulsified fuel is a little
bit of a difficulty because that was a requirement that
came unavailable. The company that produced the fuel
no longer uses it, and so that was one that became
difficult to actually implement.

Okay. So that is kind of the general outlay of
the background for the project, and what I'd like now is
to have Lena, the project manager from the Port, to come
up and describe what are the key elements of the project,
to give you -- show you some maps to give you a picture
of what the project actually looks like and describe some
other factors including some of the mitigation measures
we're looking at, which are very significant for this
project.
The difficulty we have with our terminals in
particular, too, is that some of them are very close to
the community, and so the mitigation measures need to fit
the environmental effects we have, and so we look at a
wide range of effects. We look at environmental -- we
look at cancer risks through health-risk assessments, and
what's real interesting is California is the only state
in the United States that actually has a requirement to
look at air toxins in this manner. So there's health
risk assessments. So we're really set apart from a lot
of ports in the United States as well. So the health
risk assessment is a very critical part of our assessment
of these documents, and we spend a lot of time and effort
in doing those health risk assessments. So, with that,
I'll turn it over to Lena to probably give you a
description of the terminal.
MS. MAUN-DESAINTIS: Hi. I'm Lena. So there was
one thing I did want to mention: Although this is a
recirculation of the Draft EIR/EIS, the project itself
has not changed since 2006. So if any of you had read
the 2006 Draft EIR/EIS, the actual project that we're
trying to do the environmental analysis on actually has
not changed in that. It was just our analysis of how we
looked at it from an environmental perspective.

So this may look very familiar to some of you.

It is -- we're going to do some dredging and some wharf
upgrades. We're going to put in 10 new cranes. Again,
we're looking at this project as if there's nothing out
there right now, so the 10 cranes includes the 4 cranes
that are actually out there. So that may also be
confusing as you read through. I try to remind the
reader, as you go through that, we're reanalyzing Phase
I, so some of the things that you don't see on the
terminal or you do see on the terminal we treat as you
can't see on the terminal.

It's a 40-year lease. Again, you'll see it's in
2005, so that's when that lease began. So it's that
reanalysis of the Phase I. We're going to use Berth
121-131, on-dock rail yard. That's Yang Ming. As many
of you know, Yang Ming and China Shipping are close
together, and they will be using -- there is not an

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And then Phase III is some more fill here and some
backland development here, and then we'll be extending
the wharf.

Right now they only have this amount of wharf, and
if we approve this project and go forward with what's
under the Proposed Project, we'll have a full wharf here.
And then, again, Yang Ming is up -- I'm sorry. You can't
see it. It didn't kind of show up. It's actually right
here. Unfortunately, it's not showing up in this
projection. It's on my computer, but the Yang Ming
facility is right here, so what happens is that Yang Ming
and China Shipping use the same terminal operator, and so
that terminal operator will bring the boxes up to the
Yang Ming facility and use the on-dock facility there.

They won't have to go out into the road. They'll do that
all internally through these bridges.

Okay. So the Draft EIR/EIS looks at seven
alternatives: The no project, no Federal action, a
reduced fill -- two reduced fills, actually, a reduced
construction, an OMNI terminal, and a non-shipping use.
Non-shipping use, again, was part of the Amended
Stipulated Judgment. So, sorry that this is a little bit
small for you to see, but on our Web site -- and the Web
site will be up on one of the end slides -- we have all
of this information up there in a reader's guide and a

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on-dock facility on that -- on the China Shipping
terminal, but there is one on Yang Ming, so they will be
using it there.

The terminal buildings will be LEED-certified.
There will be new energy-efficient and shielded
lighting -- and, oops, it looks like one of the
bullets wasn't there -- there will also be a new truck
entry gate. There will also be, as part of this project,
relocating the Catalina Express to Terminal 95 -- or
Berth Terminal 95, excuse me. So here's a little bit
more so I can show you a little bit more visually.

I wish I -- do you have a pointer by any chance?
Oh. There we go. So Catalina is here, the Vincent
Thomas Bridge, right here. The Catalina Express is right
here. It will be moving just right next to it. So if
any of you are taking it, you still have to go through
the same place; it's just that they'll just be moving a
little bit south. This will be -- this is Phase I here.

This has already been built, and so Phase II will be some
more fill and an additional bridge here.

As some of you may see, there is a culvert here
that we will keep open, so we won't fill this in, but
there will actually be water here, so it necessitates two
bridges. One of them has been built already, although
we, again, are reanalyzing like it hasn't been built.

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project overview, so you can get much more information
there, much more detailed information about the project.

If you get -- obviously, the Draft EIR is there,
too, but the Draft EIR is very large, and sometimes
people want a synopsis, so we created two synopsises
called a reader's guide and a project overview, and you
can kind of see these blown up so you can actually read
them. But you see we'll compare the differences in
terminal acreage, in ship calls, in TEUs, and cranes,
total fill, and new wharves. There is -- one change that
we've made to the project is that we included one more
alternative, so the last -- the 2006 document had six
alternatives; we now have seven we've included in this
reduced construction. But everything else is the same
again. It would be the same terminal acres, the same
throughput, and the same TEUs.

So the Proposed Project, again -- and this is at
full build-out, we're looking at about 234 annual ship
calls, about 1.5 million annual TEUs, about 10 cranes,
the total fill will be about 2.54 acres, and then we'll
have -- sorry. This is feet of wharf, so the length of
the wharf is going to be 2500 feet. So I'll just go over
the alternatives really quickly again. There's a much
more detailed, full analysis in the draft document.

We're looking at no project and no Federal action. No
we did look at two HRAs, just for informational purposes. The 2004 HRA, which is the one we base significance on, is significant, so we did exceed the 10 million. We're at 11 million.

Aesthetics and individual resources -- that's a significant unavoidable impact, mainly because of the cranes blocking the views of the bridges. Biological resources -- there's a potential for spills. We took a very conservative stand there and we said that if there's a potential for spill, that we would consider that avoidable. Geology -- there's a seismic issue. We're building something in an area of seismic concern.

Noise -- construction noise will be significant; operational noise will not be significant. Water quality -- there's a potential for discharges, even though it's illegal and we will try to do everything to prevent that, there is still a potential, so we want to make sure that we're assume that. And then transportation -- there's a possibility for rare delays in some areas outside of the Port boundaries. We do apply mitigations to all of these things, but it's not enough to -- either we find that there's not enough mitigation to make that be less insignificant. So, for instance, in air quality, there's a number of mitigations that we still find were above the thresholds.

Phase II and Phase III. Six is an OMNI roll-on/roll-off. That's the railroad, when you hear it sometimes, or a break bulk terminal, so, meaning, it would be a non-compared use, but it would still be for some sort of Port industrial use of the area. And then seven would be the non-shipping use, so that would be no industrial -- it would be looking at a retailer office in that site. So I'm just going through the Proposed Project impacts, and, again, all of the alternatives have slightly different impacts and they would have their own analysis like this, but under the Proposed Project, we do have a number of unavoidable significant impacts: Air quality, our construction emissions and our operating emissions exceed our thresholds, our greenhouse gases, and then our 2004 HRA.

We did do two HRAs as part of the assessment for this document. The main one is the one that we'll base significance on, and then we did the second one just for informational purposes only. So it was not -- it's in there for people to look at. Because we're doing a reanalysis of Phase I, we wanted to give you an idea of what would happen if what this document really is looking at is basically a zero baseline, meaning, nothing is on the terminal; and then about five years of very little mitigation; and then a lot of mitigation from now on. So

Impacts that are less insignificant as to the mitigation these are the things that we've applied mitigation to, and we've gotten them below significance: Groundwater soils, utilities and public services. Less than significant impacts are cultural resources, land use, hazards, and marine vessel transportation. Some of those also have mitigation. Just because they weren't found to be significant, doesn't mean that we didn't have the mitigation. And then we have a number of cumulative impacts.

So I selected a couple of project mitigations. Again, I'm sorry, this is tough to read. We have quite a few mitigation measures in this document. There's actually, on the back wall, if you're leaving, I put the full list out there. And, again, in the reader's guide and in the project overview, there's the full list of all the mitigation measures in the document and then, again, as you're reading through the document, they're also in the document, so some of the -- we have some aesthetic mitigations: We're going to do some landscaping along Front Street, color studies for the cranes to see if maybe some of the colors can make it not as a visual impact; we're going to do the plaza park improvements as part of this document to give it another area where people can view the Port without -- and view the Vincent
1 Thomas Bridge without the cranes in the way.
2 Under air quality, we're doing a number of
3 operational -- we also have a number of air quality
4 construction mitigation measures that have come. We
5 should have highlighted some of the operational
6 mitigations. It's definitely the most aggressive
7 mitigation scenarios we've done at the Port of Los
8 Angeles thus far, and we're up to 100 percent very
9 quickly. There's a vessel speed reduction, low-sulfur
10 fuel, slide valves, rerouting the cleaner ships -- that
11 means that they're MARPOL Annex IV compliant.
12 We're looking at new vessel builds so that if a
13 customer orders new vessels, they could potentially look
14 at different technology that they could build
15 structurally into the ships. Yard tractors -- looking at
16 alternative fuel, yard equipment at the rail yard because
17 China Shipping will be using the Berth 121-131 rail yard.
18 We're going to assume that all of the equipment that's at
19 the 121-131 rail yard that's handling China Shipping
20 boxes are also clean.
21 We're going to -- this is the first terminal that's
22 got electric RTGs on it. We're going to have a
23 hundred-percent electric RTGs. Electric RTGs are the
24 Rubber Tyred Gantry cranes. They're the large cranes;
25 you see them sometimes. They look like big -- I don't

1 meeting on that Web site. It'll take a couple
2 of -- probably a couple of weeks by the time we get it
3 posted, but that will be up there. And as we move to the
4 final, that's where the final will be as well.
5 The public notice of the joint document and the
6 joint public notice, that is on our Web site, but it's
7 also on the Army Corps of Engineers' Web site. We have
8 hard copies for review. They're very big. If anybody's
9 seen the full copy. It's almost 6,000 pages, so we're
10 trying to print very few of those these days. I'm down
11 to 20. That's about how many I've printed this time.
12 So we have -- you can come in any time you want
13 and view them at the Port of Los Angeles. We'll set you
14 up in a room, and you can flip through the hard copy. I
15 know sometimes it is hard to look at them electronically.
16 They're also available in a number of public libraries.
17 So you can go to the public library and ask for this
18 document. Then you can go through a hard copy there as
19 well. There's the Central -- the main Los Angeles Public
20 Library, the Central branch. They're also at the San
21 Pedro and Wilmington main branches, and then in Long
22 Beach.
23 Okay. So I'm going to let the colonel speak a
24 little bit more about this, but I just want to let you
25 know, comments -- the comment period ends on June 30th,

1 even know how to describe it. It looks a square at the
2 bottom or rectangle without the bottom and two big two
3 tires, rubber tires, basically like this, and they sort
4 the boxes and those will be electrified by other things.
5 So looking at the Clean Vehicle Program, truck
6 highway reduction, we've got a bunch of greenhouse gas
7 measures as well. And there's the greenhouse gas
8 measures, but we also have a specific one. LEED
9 certification, compact fluorescent light bulbs, solar
10 panels, regular energy audits, recycling, and tree
11 planting.
12 So, again, this whole list is in various places,
13 and we'd love to hear your comments on those tonight. So
14 we do have a couple of ways to get them. CDs and
15 executive summaries -- if anybody doesn't have a copy of
16 the document yet, they do have CDs and executive
17 summaries. Those are available free of charge. We
18 actually have a bunch here. You're welcome to pick them
19 up. They're on our Web sites for the Port of Los
20 Angeles. If you go on our main Web site, there's
21 actually a link to the home page. You can just click on
22 the picture, and you'll get to the full document, along
23 with a lot of those other documents that I've been
24 talking about.
25 We will also be posting the transcript from this

1 so we have a little less than a month to go here. If you
2 would like to send comments on the document, please send
3 them after the colonel does this. I'm going to leave
4 some addresses up on this PowerPoint presentation so that
5 you can know what addresses to send them to. Please send
6 them both to the Port of Los Angeles and to the US Army
7 Corps of Engineers.
8 You can also e-mail your comments. What we ask
9 of you, if you do choose e-mail, is that you put the
10 project in the subject line and in the body of the e-mail
11 and that you make sure you include your name and your
12 address. That's just so we can get back to you if we --
13 so we can respond to your comments. I also wanted to
14 tell you -- I actually haven't been very good at this
15 tonight, but if you could, when you come up, please
16 pronounce your name and speak clearly for the court
17 reporter so we can make sure that all of your comments
18 get to be part of the administrative record and that we
19 fully get a chance to respond to all of those comments
20 tonight. So I'll just put this up and turn it over to
21 the colonel. Thank you.
22 COLONEL MAGNESS: Thank you, Lena. So to
23 reinforce her last point, when you do come up to speak,
24 speak slower than Lena just did. Speak into the mic and
25 all of this will be obviously part of the formal comment
period on the record. And then that transcript will be
available, and that will be available on both the Port
and the Army Corps Web site. There was a question
earlier as to whether or not all of the comments would be
available that we have received, both the questions here
tonight and then the written comments that we receive,
and they all will be available on both our Web site and
the Port's once the comment period closes on June 30th.
Before I go any further, I want to make sure I introduce
Dr. Spencer MacNeill, and Spencer is the project manager
overseeing this analysis.

We'll now take oral testimony from members of
the public, and during this session, speakers will be
given three minutes to make their comments. I mentioned
erlier, if you would like to speak, you must fill out a
speaker card and give it to one of either my staff or the
Port staff, and I think most of you have had a chance to
do that, but we do not want to miss anyone.

All oral or written testimony will become part
of the administrative record for the permit application.
Once we have written transcripts, they will be published,
as I indicated. Again, if you want to present your
testimony to me directly, you must fill out a speaker
card and hand it to one of my staff. As you make your
comments, please note that on this table there is a
timer, and that timer is my watch right here. We
couldn't get anymore sophisticated than that.

So please do not interpret anything as rude. I
will do the best that I can to very politically indicate
to you that your time is up so that someone else has an
opportunity to speak. So I acknowledge the importance of
this issue, and I'll do my best to just let you know that
it's time for another person to speak. And, of course,
you have the opportunity to, as they say in Congress,
"revisit and extend your remarks," and submit the
remainder of your concerns or comments in written form.
We'd be happy to take those. At this point I think we're
ready to hear from you, and we're going to call people
forward by name, and --

MR. APPY: Can you tell him about the trap door
that's right there at the end of five minutes?

COLONEL MAGNNESS: I'm confident that they won't,
okay? So I'm going to call up -- I'll take one more.
I'm going to call up three people, and if you three want
to come up to make your comments in this order, please.
The first to make comments would be David Pettit. David,
do you want to come up and speak first? After David
would be Richard Havenick, and after Richard would be
John Shelfer.

MR. PETIT: Good evening. I'm David Pettit

from the Natural Resources Defense Council. I'm happy to
be here tonight after spending an hour and a half trying
to get here from Santa Monica. I've submitted written
comments by e-mail today. I've also handed in the hard
copies of those comments. So I would just like to sort
of hit the high points and respond to any questions if
you folks have any. Let me start by saying I appreciate
the work that Ms. Maun-DeSantis and her staff have put
into this Draft EIR/EIS. It's a very impressive
document. And I'm not here to criticize her or her
staff; I'm here to suggest things that I think we can do
to improve this document going forward. And we'll
one final preparatory remark -- I talked to David Compalatoe
(phonetic) of the Sierra Club, and he asked me to convey
that he also agrees with the written comments that we
sent in today on behalf of the Sierra Club.

The first thing I'd like to bring up is that
there's no mention in this extensive document of electric
port drainage. As you folks know, very recently, to
great, you know, public hoopla, the electric drainage
truck that's been in development by the Port and the AQMD
was literally rolled out. Mayor Villaragosa drove it
around the parking lot and the like, and there's been all
kinds of great statements on the Port's Web site, some by
President Friedman, about how great these trucks are, how

many the Port's willing to buy and the like, but the
potential mitigation based on use of those trucks as they
become available is not discussed in the document, and I
understand the document went to the press. It may have
gone to the press before some of these developments
occurred, and I think this is something that can be
fixed, although it may lead to a little delay in the
schedule.

The reason I think this is a particularly good
thing is that, as Ms. Maun-DeSantis said, the air
emission numbers are over a certain threshold based on
the assumptions in the DEIS/DEIR, and I think that if we
worked in some sort of reasonable rollout of the electric
donage trucks, we can get those numbers down, possibly
under the threshold of significance, and that's going to
make the whole project look a lot better and that's going
to ripple through -- if what I say actually pans out,
that's going to ripple through into the health-risk
analysis, which, as she said, it shows more than a
10-million increase of the cancer risks based on the
project. A substantial amount of that risk is, as I'm
sure you all know, comes from diesel particulates
contaminated from Port operations. If we can get those
down by having electric drainage or a substantial portion
of electric drainage, I think we're going to see a
tremendous improvement in the health risks that are
associated with the China Shipping project.

So I think those are two good reasons that we
need to kind of go back and look at when are these things
going to be available? What's a reasonable expectation
for how soon they can be rolled out and how many? How
many can we reasonably expect to be rolled out, and what
can we ask China Shipping to do in that respect? The --
I also -- and, also, there will be --

COLONEL MAGNESS: David?

MR. PETTIT: Yes?

COLONEL MAGNESS: That's three minutes.

MR. PETTIT: Okay.

COLONEL MAGNESS: So the rest of you can get a sense
of how short three minutes can be, so could I just ask
that you --

MR. PETTIT: Yeah. Let me just finish up on that
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topic before I sit down.

COLONEL MAGNESS: Of course.

MR. PETTIT: The other benefit, I think, of looking
at these electric drainage trucks is the greenhouse gas
emissions will be zero, and, of course, you need to net
out what is emitted in producing the electricity that
powers them; but certainly that's -- I think that's going
to net in a positive way and to see the greenhouse gas

emission situation of this project will be much better.

Thank you very much.

COLONEL MAGNESS: Thank you.

MR. HAVENICK: Good evening. I'm Richard Havenick.

I'm representing the Coastal Neighborhood -- San Pedro
Neighborhood Council. I'm also chair of the Ports Air
Quality Subcommittee. I'm honored to follow Dave Pettit
and the NRDC, honestly and sincerely, but I'm not going
to use up my three minutes on you.

I'm going to take a new tack here and start with
actually based on the facts, acknowledging the Port's
progress and improvements in the EIR as written, and I
thank you. We thank you. The Coastal San Pedro
Neighborhood Council acknowledges the -- there are some
key improvements in this EIR. For example, the
throughput tracking is nice -- is a nice change. With
that, we request that some formal procedure be
established and documented in the EIR and state how that
throughput tracking will occur and on what basis. The
low-sulfur fuel basin was increased still not a hundred
percent on project operations, but we'll talk about that
before my three minutes is up.

The diesel particulate filter on the Tier 2
line-haul locomotives is certainly a nice part of the
project. The trucks program and the harbor craft

port-wide tier two -- all commendable. And I'm looking
at the area -- it will start cleaning up any day now. I
make some specific requests, please, and the same that I
always do, as ships are the largest contributor, by far,
whether it's by mass, whatever, the largest contributor
from Port operations is auxiliary engines and ships'
fuel -- bunker fuel, and I'm looking at the Clean Air
Action Plan, and I'm looking at the benefit we would all
gain, the whole basin, from implementation of the .2
percent, and you know that, and I'm saying the same thing
I do every time. We ask that you please consider and
that you please work to implement the hundred percent on
project's start. That is the greatest benefit from this
project -- low-sulfur fuel at 20 miles in auxiliary
engines, and, also, if you're going to AMP, I guess you
don't need it in auxiliary engines.

The most beneficial element in the Clean Air
Action Plan is the .2 percent low-sulfur fuel and
auxiliary engines and you've received awards and I
congratulate you on the awards you received. I won't
mention how I feel like I -- the community has been such
a big part of that and it hasn't been acknowledged.
That's okay. If we get clean air, we all win. As part
of receiving that award, I ask you, please, to walk the
talk. You've received the awards for the Clean Air
Action Plan which stated that low-sulfur fuel would be
implemented on lease revision, lease modification, new
projects, and we have a lease modification which would
result in low-sulfur fuel, .2 percent, at project's
start.

So I ask you, please, walk the talk, show us why
you won the awards, and help clean the air on project's
start as well as show your commitment to the low-sulfur
fuel, working with the ARB, who has a huge challenge with
the shipping industry as well as you do, too, but please
walk the talk. Thank you.

COLONEL MAGNESS: Thank you, Richard. John?

MR. SCHAFER: All right. I'm going to try to take a
new tack here, too, so to speak. My name is John
Schafer. I'm from San Pedro, life-long resident. I
have -- my mother passed away from asthma at the age of
66, living in the coastal San Pedro area, which me and
all my family and my younger son have lived in. My
father passed away at 56 of brain cancer, and my son just
couldn't complete the school olympics a couple of days
ago because of asthma or bad breathing at White Point.
So it's really important to me to make sure we address
this air quality thing -- the air quality as an issue,
but I put sort of general on this comment because what my
concern is is particularly not necessarily the project as
much as the process that has been established.

What my concern in particular is that as we propose or might possibly set the standard of 3 to 6,000-page EIRs for every single project and we try to install a wave of technology that's unprecedented and we don't know whether that technology will actually sustain long-time -- long-term activities, what we've done is we've set a bar so that will stop other potential shippers and berths hand so forth to get modernized, you know, that -- that really the industry is at a crossroads right now, say, well, do we even want to go here anymore? If we set up a standard that's not going to be modernized, you know, everywhere else, are we going to get to a point to where we don't do things? You know, we could go some place else. We could go to San Francisco. We could go wherever -- Portland, New Mexico.

The fact of the matter is that for my son, this thing -- I've been doing this for six years, discussing this stuff -- for seven years. Literally no Port projects have been done during this time, so while attorneys and activists and engineers and everybody else have gotten some monies and activities of the debate, my son, who went from two years old for the last six years (sic) has been dealing with the existing standards. And so I want this to go forward and then

local organization in the South Bay attempting to educate and responsibly involve local residents in important environmental issues.

I'm here particularly to bring our profound concern about the current effect that low -- ultrafine particulates are having on all of us, particularly children and seniors. I personally have a wife who has just been diagnosed with something called, "reactive airway disease," which is not actually having asthma, but she had some very painful coughing that she's experiencing, and I cannot but presume there could be some link to these ultrafine particulates that we all breathe every day, wherever we are in the South Bay and the whole county.

We drive out periodically to Hemet to see my older brother in our car, and by the time I get out there, my eyes are watering so much, I have trouble seeing sometimes. I've had our local minister report the same thing. He gets on the 91 Freeway; you go east and you experience it with a vengeance. And we can't say for certain that this comes right out of the Port of LA, but we know these ports. Particularly, I concur with the remarks made about the ships burning bunker oil. That's an extremely important factor, along with the trucks that are piled end-to-end on the 710 Freeway, and

I hope every effort will be made to remedy this with every ounce of effort in imagination and conviction that we can bring to it. Thank you very much.

COLONEL MAGNESS: Thank you, Edward. Rajan?
MR. SIMY: Good evening. I just have one question.
We all remember the oil -- the spill which happened up north, the San Francisco Bay. If something like that happens here, are we prepared to handle that? I just wanted to know about that. Thank you.

MS. TRYBA: Good evening. I'm Mary Lou Tryba. I live in Harbor City, so I'm a concerned senior citizen, et cetera, with various organizations. I just wanted to make a comment that I hear around different meetings that people are afraid to ask. Is the reality of the ships coming in with all the containers our link to the cities, counties, states -- whoever, when you place these containers in different cities or streets, how much do they get paid for each one? That's the number one question, bottom line.

And the second reality is when you do the research in regards to the health issues, does it get typed up and sent to every entity besides all you guys? In other words, does Arnold get it in the State? Does Mayor Villaragosa get it and this kind of thing? And being that China's going to have this -- what do they
call it -- in August, the Olympics, is anything different
going to happen being to and from here and there, et
cetera, in that time frame? Thank you for your time, and
good luck.

COLONEL MAGNESS: Thank you, Mary Lou. Next up,
please, Janet Gunter, followed by Andrea Hricko, and then
Kathleen Woodfield, please.

MS. GUNTER: Good evening. First of all, I have a
real hard time with the fact that citizens are not given
hard copies of this document. While I totally appreciate
the environmental stewardship of not destroying trees to
produce unneeded documents, I find that this lack of
availability limits concerned citizens from proper access
to this document. Obviously, the reproduction costs of
these immense reports are very prohibitive to the average
person. I believe that a limited supply of this document
and hard copy should be made available to community
groups who are serious about stepping in, ours being one
of them.

Accessing the document by computer is confusing
since many times, the pages will not open up, as what
happened with me and since sections are broken up, the
continuity of the document is lost. Since the document
most easily studied is the summary, it becomes
immediately -- immediately obvious that that document in
and of itself is flawed. In looking at the summary, it
is extremely unclear and confusing. The summary plan
gives two separate maps describing the projects, which
are entirely different in the placement and number of
buildings at the terminal, so which of these is the
proposed terminal?

Also, pages ES11 -- on page ES11, it states that
the project will add 10 new cranes, and while we were
just told that that is relevant to the China Shipping
document and the fact that 4 of those cranes have already
been installed. You see, on page 13, it talks about 6
cranes, but it doesn't relate back to the reason or
rationale for doing this.

And then the other thing that I wasn't aware of
because the aesthetics page would not open up is that
what I have heard is that the aesthetic impact had not
reached a designation of significant impact. You're
saying it does. I know what the -- the landscaping is
supposed to be in mitigation, but the magnitude of the
effect of the cranes on the beauty of this and to the
community far exceeds a mitigation measure of mere
landscaping. So it's insulting, in my view, to see that
landscaping is supposed to take away this huge impact.

Although the summary references Settlement A on
a number of -- the settlement agreement on a number of
occasions, it's non-responsive to the agreement itself
and non-definitive about the details of that agreement,
so how can a layman, anyone that's not familiar with the
lawsuit, like myself, respond to a terminal project if
they don't understand the changes incorporated by that
agreement and its relationship to the proposed terminal?

Also, there are references to page 3 in the
summary and its potential use of the Catalina terminal,
which is supposed to be in terminal -- in Phase III, but
it's not -- on the map it's not clearly defined whether
that is Phase II or Phase III, and obviously that means
Phase III. There's been much discussion about
alternatives, yet none of the alternatives I saw discuss
the alternative of using a terminal that only receives
cargo that's immediately removed out of the Port on a
conveyor system such as Maglev.

This has been one of the most discussed
options for Port operations and should be seriously
considered when weighing alternatives for the future.
The summary discusses some 234 ships which will operate
out of this terminal by 2030. Does China Shipping have
such a large fleet as this, or will other shipping lines
be coming through this terminal? If --

COLONEL MAGNESS: Janet?

MS. GUNTER: -- if that's so -- and I'll just finish

my last sentence here --

COLONEL MAGNESS: Thank you.

MS. GUNTER: -- where is the additional land coming
from to accommodate this cargo, and are we to expect
Rolling Hills to be incorporated as backlands? Thank
you.

COLONEL MAGNESS: Thank you, Janet. Andrea?

MS. Hricko: Yes. I almost forgot. My name is
Andrea Hricko, and I'm with the University of Southern
California School of Medicine. Thank you for the
opportunity to comment on this Draft.

I think that we actually need more time to
evaluate the 6,000-page document. I think that even
though it's not normal procedure, it might have been a
good idea in the technology to red-line the document so
we could see what the changes were that were made between
this document and the last one. You can't search the
document because it's all the independent separate
documents. You can't search the entire document for
something like "on-dock rail," so it makes it hard to
comment on that.

I would question whether it's wise to issue a
40-year lease. I would urge the Corps to have it lowered
to a 20-year lease or to reevaluate the lease at 20 years
and only continue to 40 years if all the measures that
were supposed to be in place actually in place, and I
would say that we've seen quite a few problems with some
of the leases that we've had for 30 or 40 years, and then
we are trapped.

And there's new evidence, new science that keeps
emerging. We have new studies now about ultrafine
particles. We know that there are health risks from
proximity to freeways and traffic that we didn't know a
few years ago. There are new studies about how extensive
and how high the risk is of premature mortality from
exposure to particulate matter. So I think that 40 years
from now we're going to know a lot more than we know now,
and I would suggest that opening up this lease at 20
years for reevaluation would be a good idea.

I think we need to take the health risks more
seriously. We can't continue to allow significant
impacts form NO2, PM2.5, and PM10, and yet that's what
this EIR/EIS says it will do. Remaining significant are
the effects of PM2.5 and PM10, yet these are the very
constituents that led the California Air Resources Board
last month to update its premature mortality risk
statements by saying that many more people are dying from
exposure to particulate matter than they previously
thought.

So this doesn't seem to be a time when we should
move forward with a 40-year lease on a project that
doesn't actually take care of the PM10, PM2.5, NOS
problem, leaving them with significant impacts. I would
also suggest that I don't understand why when the CAAP
says the on-dock rail should be maximized while I -- this
new terminal is being built actually without any on-dock
rail using Yang Ming's on-dock rail from next door. If
you look at the statistics, the rate, the percentages of
on-dock rails will diminish year by year, and I recommend
that the number of containers will go up, but the
percentage, which is 20 percent now, will be only 17
percent through 2040, and I think that's the wrong
direction.

Let's see here. I would comment that in the
section on parks, which no one has mentioned, there is a
statement that says the Proposed Project would not result
in a substantial loss or diminished quality of
recreational resources, and I think that if we have
problems with significant impacts from NO2, PM2.5, and
PM10, then the parks, like Leland Park and others that
are really close to this facility are obviously going to
be having a diminished recreational resource.

I think you're going to tell me my time's up,
and I thank you.

COLONEL MAGNESS: Perfect. Thank you, Andrea.

Kathleen?

MS. WOODFIELD: Good evening. I'm Kathleen
Woodfield with the San Pedro Homeowners' Coalition. I'd
like to state first that if there is a mass exodus from
Southern California due to air pollution and its related
health concerns, the economics of this region will
collapse. I'm concerned about -- there's a tape recorder
up here. Does this work?

COLONEL MAGNESS: Yes.

MS. WOODFIELD: Okay. I'm concerned about the
section of morbidity and mortality, which serves to
evaluate -- I think this is the area where they do the
premature deaths caused by chronic disease. It's the
non-cancer case component. My concern is there is a
finding that there are no additional premature deaths
from this project. I find that very difficult to fathom,
due to CARP's (phonetic) newly released numbers that are
24,000 deaths per year, prematurely, in California alone,
due to air pollution. This is a 40-year study or 40-year
lease. That's a million premature deaths. This is the
most polluted area. We know that the Port is the
greatest source of pollution, and this is a large project
within the Port.

I do not see how out of a million premature
deaths, none -- zero -- can be associated with this
project. And because I find that so difficult to fathom
mathematically, statistically, even common-sense-wise, I
ask that this section of the -- of the document be
vigorously studied and reviewed, perhaps by a third
party.

Another reason why this is so important is
because the -- we know that the commissioners are going
to be asked to do a statement of overriding
considerations in order to approve this project. If they
are going to be doing a statement of overriding
considerations, they need to know exactly what they're
overriding. If this document fails to indicate that
there are additional premature deaths, then the
overriding considerations finding will be incorrect.

We also have to be concerned about the
economics, and, again, I go back to these premature
deaths because -- and, also, cancer cases because
this -- this document actually does include some of the
new technologies and some environmental elements for
keeping air pollution down, but we have to be concerned
about how the feasibility is determined and it ongoing
could determine in this document because there are
opportunities in this document to reevaluate the
feasibility of certain technologies as they come along,
but if the economy is going to continue to falter and
feasibility is based on economy or economics, then I think we can -- it would be foolish for us to assume that feasibility would be considered to be more -- more available. I think it might become less available. So that would also cause more premature deaths and more cancer cases. Thank you.

COLONEL MAGNESS: Thank you, Kathleen. Next three, please, Susan Nakamura, Martin Schlagerter, John Cross.

MS. NAKAMURA: Good evening. I am Susan Nakamura. I am the planning manager at the South Coast Air Quality Management District. I thank you for the opportunity to comment on the proposed China Shipping project.

The AQMB staff has begun revealing the Draft EIS/EIR but has not completed its review and will be providing written comments. I'd like to acknowledge improvements to the previous Draft EIR. We're pleased that the lead agencies have included incorporated comments that we have made on the previous Draft EIS/EIR in regards to the baseline, significance determination for health risks, and evaluation of peak daily emissions.

We've made this comment before, and to reiterate, in regards to the need for the San Pedro base standards, AQMB wants to emphasize the importance of the need for the San Pedro base standards and urges support to proceed as expeditiously as possible to develop these standards. Assurance is needed that individual projects, when cumulatively considered with other Port sources will not interfere with the San Pedro base standards.

In regards to on-dock rail, the AQMB staff encourages the lead agency to ensure that the Proposed Project maximizes on-dock rail. Although the existing on-dock rail facility -- rail is not fully utilized, it appears that the Proposed Project will eventually utilize the capacity of existing on-dock rail. AQMB staff is concerned that the Proposed Project offers no increase in on-dock rail as the Proposed Project will increase the number of TEUs by over 30 times.

In regards to mitigation measures, we are pleased that there have been improvements since the Trade Pact Project. Vast implementation of AMPing, slide valves, early implementation of slide valves, electric RTGs, and LNG trucks. However, AQMB staff remains concerned because the air quality and health risks are significant.

So our comments tonight focus on two mitigation measures: the field sulfur content and new vessel builds. In regard to local sulfur made in auxiliary engines reducing the field sulfur content, it's one of the most important measures of the region's' air quality plan in terms of health benefits. AQMB believes that anything short of using a hundred-percent low-sulfur fuel shortly after the project approval is inadequate.

AQMB recommends the following: A hundred-percent compliance with 0.2-Percent low-sulfur fuel within six months of project approval and a hundred-percent compliance of 0.1-Percent low-sulfur fuel by 2010. These comments are consistent with our comments for the Trade Pact Project.

Use of low-sulfur fuel is cost-effective and feasible. Maersk is currently using low-sulfur fuel; so is the Port of Long Beach for the Proposed Harbor Project, has committed to using low-sulfur fuels upon project approval and the argument in the trade pact in regards to third-party invitees is not applicable to the China Shipping project. In an --

COLONEL MAGNESS: Susan, do you want to quickly say your other point? Because I'm about to have to cut you off. You had another point you were going to make.

MS. NAKAMURA: Yes. In regards to the new vessel builds, the Draft EIS/EIR, it must include enforceable provisions. It's inadequate in regards to commitment and enforceability of committing to advanced technologies.

We fill this could be a lost opportunity in closing, an air quality analysis means to separate reductions required under state and Federal regulations or just voluntary beyond regulatory requirements, and we look forward to working with the Port of LA.

COLONEL MAGNESS: Thank you, Susan. Martin?

MS. NAKAMURA: Next time I'll do the -- I'll put all the nice things at the end.

MS. MAUN-DeSANTIS: Just as a note, really quickly, though, if you would like to get more time, you have to request it as part of our cover letters on the Web site.

There's a process to doing that, and you can actually request a little bit more time if you know you're going to have more comments. You just have to repeat that request ahead of the meeting, please.

MR. SCHLAGETER: Toward that end --

MS. MAUN-DeSANTIS: For organization, let me -- so for AQMB --

MR. SCHLAGETER: Sure.

MS. MAUN-DeSANTIS: -- we could, because you're representing a large group of people. So just please let us know. You can let me know.

MR. SCHLAGETER: Well, toward that end, let me note the challenge of instructions to speak slowly for our court reporter and yet squeeze everything that we want to say in our three minutes. So thank you for your commitment to this and your fingers' commitment to this.

I'm Martin Schlagerter, and I'm with the
Coalition for Clean Air. I sure appreciate the chance to speak to you today and also want to thank you for a number of improvements in this, as was mentioned, the baseline improvements in this document; also, the inclusion of greenhouse gases as a consideration here. And, also, I want to focus my comments in on that in the sense that these greenhouse gases are troubling in the amount that is going to be produced, and yet even with the mitigations you've identified, still remain so significant. And I think the comments that Mr. Pettit made on electric trucks is a good example of one solution I would like to see more aggressively pursued in this project; that is, these drainage trucks are a new technology coming out. How, in a 40-year lease, can we more -- have greater insurance that as new technology are shown to be feasible and are in application can we get this project to use them? I would like to see a commitment to -- in this lease that the -- that the China Shipping would adopt these best available control measures on a more aggressive timeline, and while you have an energy audit in there, which is an example of something you would do regularly, I think we should also have a compliance audit and perhaps a new technology audit that then is written into the lease so we can have assurance that these new technologies are adopted. This certainly goes for locomotives where I'm challenged to see -- well, I certainly see the need for greater mitigation measures, faster mitigation measures. This is a significant component of the health risk that remains over the build-out of the project, and I think we need to see some more aggressive adoption of that, just as I agree with the comments about on-dock rail. How can -- is it not that we should have, perhaps, a more inclusive concept of the build-out of this project to increase the capacity of that on-dock rail and not be limited by what Yang Ming has there? And that may be a logistical challenge, a geographic challenge, but I'd like to have that more fully discussed in the document. And, finally, as we move toward electrification of many of the vehicles there, there remain some impacts identified, especially as related to the greenhouse gases due to the dirty mix of power that the City of LA has, and while there is some indication of a solar project related to this project, I was not clear on the assurance of the size and utility of that solar project and want greater assurance and clarity in the document about that. It could be it was in there in the 6,000 pages and I missed it, but I think there needs to be greater specificity of this so that it takes up a larger portion of that electric demand, and I appreciate the time to talk to you. Thank you.

Mr. Cross: Thank you, Martin. John? Mr. Cross: Yes. My name is John Cross, and I represent the Neighborhood West Long Beach Neighborhood Association, and that's the neighborhood that borders the Port of Los Angeles property in Long Beach just west -- oh, no -- west of what -- east of the western border of our city, from PCH all the way to the city limits, in the city limits, to the Port of LA property, and we've got great concerns about anything that goes on in the Port of Long Beach or LA. And I've got a question -- maybe you can answer me -- how much rail capacity is on the 121 to 132 pier?

Ms. Maun-Desantis: I'm sorry?

Mr. Cross: How much rail capacity do they have on that rail, 121 to 132 pier?

Ms. Maun-Desantis: I don't know that offhand. I apologize. We assume that it's about 50 percent of the rail, that China Shipping is about 50 percent of Yang Ming, so basically double what we have.

The Witness: Well, with the increase in the pier size and stuff like this, how much more traffic, like, another million coming through?

Ms. Maun-Desantis: I'd have to look that up. I don't know offhand.

Mr. Cross: So you don't have the rail capacity, basically, to handle what's going to be coming off of two piers?

Ms. Maun-Desantis: We do have rail capacity. I just don't have those numbers in front of me. I apologize.

Mr. Cross: But is it -- with the future growth of those piers, is it going to have the capacity on them?

Ms. Maun-Desantis: Just to let you know, we can talk about this afterwards.

Mr. Cross: Okay.

Ms. Maun-Desantis: This is just more receiving comments.

Mr. Cross: Because my concern is we've got a rail yard next to us, and we need to beat it without bringing all these trucks and stuff like that --

Colonel Magnes: What we'll do is we'll take that as an issue, and that's the purpose of kind of putting this before this group.

Mr. Cross: Yeah. That's one of the things that's really going to be a concern of the residents of West Long Beach. And another thing -- you said you're, what, 11 out of a million, you're one over or whatever it is, they've accepted. Not one loss of life for any of the project is worse than this. I mean, not one. This
project is not worth it if you have to lose one life.

The Port of Long Beach and Los Angeles should be
commended on trying to clean it up, but if the economic
impact on the schools, for kids missing school, the
medical costs that people incur, and, Colonel, you being
in the military, we’re not losing this many lives in one
year in Iraq and Afghanistan fighting war, yet we can
lose 1500 citizens of the United States right here
because of a Port that sits next to neighborhoods and
stuff like that? That’s not acceptable. I’m sorry.

You need to clean up the Port. You need to
clean up everything around it. And if you can’t do it
and if you can’t stop a loss of life because of the --
what comes out of the Port, then you shouldn’t do it
until you can. And the gentleman who spoke earlier --
we’ve got to start doing something. The Port of Los
Angeles can come up and start -- every time you do an
EIR, you do a big study and everything goes out there.
You can come up with a set of guidelines that work, and
when you do a project, you turn around and say, here’s
the guidelines. This is what you’ve got to follow. This
is what you’ve got to do. Don’t wait and mitigate
everything; have it done before you go and do a
project. Here’s what you need to do. If you can’t
comply with it, come back to us when you can.

I’m sorry. China is shutting down everything in
China, basically, not -- because of the earthquake, so
they can clean up their air so when the Olympics come
there, they look nice and pretty. So why don’t we clean
up our air so our people can live healthy, our kids can
go to school without having to worry about asthma, old
people don’t have to worry about asthma, cancer rates
will go down, and heart disease will go down? And you
guys can do that. Like I said, Colonel, we’re losing
more -- we’re not losing as many people in Afghanistan
and Iraq in a war than we are right now in the United
States because of these two ports. Thank you.

COLONEL MAGNESS: Thank you, John. Okay. The
next -- the next three will be Elizabeth Warren, followed
by Kyle Ballard, followed by Richard Pawlowski. So,
Elizabeth, please.

MS. WARREN: Excuse me. Good evening. I’m the
executive director of Future Ports and I’m also a
resident of San Pedro and my office is just up the street
here in Wilmington, so I appreciate the opportunity to come
in and address you this evening.

On behalf of the members of Future Ports, we’d
like to express our support for the project. I’m here to
talk about the jobs that are created by this project. We
feel that the project is going to meet the green growth
plans -- green growth goals that are put forward by the
green -- Clean Air Action Plan. And we support green
growth at the ports and the appropriate combination of
that growth.

If we are serious about cleaning up our air,
then it’s a fact that investments have to be made, and
China Shipping is going above and beyond the requirements
of CEQA to do so. Growing our ports in a clean and
responsible manner is critical not only to growing the
Southern California and national economy but to improving
our air quality.

You’ve heard me and others probably say before
that quality of life begins with the job. There’s also
another saying from Father Boyle: “Nothing stops a
bullet like a job.” And I have to make a comment about a
lunch I went to today. I went to a luncheon with an
alliance of mothers of murdered children, and these
mothers are getting together and they’re forming a group
against gang violence. Los Angeles has the highest
number of gangs and violence anywhere in the world per
capita, and we feel that jobs are a critical part of
stopping that gang violence. I don’t know of anyone who
isn’t aware of the gang problem in Los Angeles.

This project is going to be create 900
construction jobs and 4,000 permanent jobs, but these

ports provide 500,000 jobs in the region and a million
jobs nationally. So we think that’s very, very
important.

The project must move forward. Conversely, the
no project alternative is going to have a detriment to
air quality in the local community and the region as our
cargo volumes are going to increase. So we think this
project demonstrates green growth. It’s more than just
an idea; it’s a sustainable way of doing business. And
the goals of the CAAP supports the green growth and
cannot be met without major improvements. So, therefore,
we urge you to move forward with the project.

COLONEL MAGNESS: Thank you, Elizabeth. Kyle,
you’re next. Kyle, before you speak, could I beg your
indulgence and ask for a two-minute break? There’s one
person in this room that is working very hard right now,
and her fingers are going to fall off if we don’t give
her just a couple of minutes to crack her knuckles or
whatever they do. So could you just take two minutes and
introduce yourself to the person next to you, and then
we’ll start right back up.

(Recess)

COLONEL MAGNESS: Okay. We’re going to start back
up. Thank you for the two-minute break, and just so you
know, we have what I believe are three more -- two more
right here. I mean, I carried luggage as a kid and sold papers at the Longshoreman Hall here. I mean, I've been around this town for a long time and watched this thing grow, and I'm a contrarian. I do not think that the Port needs to grow anymore. You know, it's not just -- it's not just the growth. If people are saying that people are dying, and which they are because of the 50- or 60-year pattern of growth of the Port, why are we doing this?

You know, if we want a better quality of life, we have to start going backwards. I've submitted two different mitigation proposals, one for Wilmington and San Pedro, and they're kind of set aside because they don't show this kind of economic impact, but this is another kind of economic impact that we could have if we focused on different kinds of mitigation, and the mitigation that I've seen so far by the dozens of EIRS that are coming forward, they don't just line up. There's so many different kinds of EIRs, nobody seems to know what they all mean together. So there's a missing document somewhere that shows the total impact of all these different EIRs and construction of this is Port.

If you're going out 40 years and there's another -- there's another EIR for the ports at -- (unintelligible) -- and this one is a way of tying

happen is China has enormous numbers of treasures, ancient and modern, and those Chinese ships coming in and out of here, bringing what they bring and taking back what they take back, a lot of money is changing hands, but there's nothing coming off those ships to be displayed in a public room like this. I wouldn't call it a museum. That's why I'd call it a public courtesies room. But people would be able to come and see and have some interaction with the crew members and whatever that ship would bring. Before a ship would sail from China, they could put some treasures on that ship to stay an "X" period of time when they come to the public courtesies room that would be constructed.

And another benefit from that would be soon the idea, which no one has ever heard of before because I just thought of it tonight, that would spread to other piers around, from other piers to other ports and be in Seattle and New York, New Orleans, and so forth and so on, and pretty soon it would spread around the world. I think it would do a lot to promote interaction. So that's my recommendation. Thank you.

COLONEL MAGNESS: Thank you, Kyle. Next is Richard. MR. PAWLOWSKI: Pawlowski -- that's Chinese, by the way. I'm a 65-year observer of what's been going on in this Port. I literally learned how to swim off this dock

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across the street from the Port, don't necessarily have computers, don't necessarily have access to the media that the Port is supplying this EIR on. So since I haven't had a chance to review it, I'm going to talk for the remainder of my time about what it's like to live across the street from this project now and what it has been like since this project began.

I've lived there -- I moved before this project began, and since then, we've had an incredible increase in noise, obviously. I would like to see a Federal quiet zone for this area and all port areas in San Pedro and Wilmington. I would like to see the cargo-handling equipment right now -- when they load their containers onto the trucks, they honk their horn when the truck is right below the cargo-handling that's the loader. I would like it to, instead, at night, have them flash their high-beams, have them flash their lights, and not have to use their horn. It's extremely noisy in our neighborhood. I'm very glad that Westways is being removed because now the train does not -- the train does not go into San Pedro and cross the Pacific Avenue crossing and cause the signal to go off, but it's much, much better than it was previously. And I hope that continues. I would be glad to see that completely discontinued.

I would like to talk a little bit about the aesthetics. There's a dirt pile, a huge massive dirt pile that's been there for years, and I think that can be removed immediately. I don't think we need to wait for an EIR. It has served its purpose. It was put there in order to compress the ground beneath it and squeeze the water out. The time was supposed to be two years. It's been well over two years, and it's still a blight in our community. The wind comes up and kicks up the berths' dirt and sends it across the Harbor Freeway, out into the channel, and into our neighborhoods, and this dirt pile was made from channel dredgings.

Please remove this dirt pile or cover it or do something about it right away and not wait for this whole EIR process to do that. It also -- when it rains, the water runs into the adjacent storm drain, so, you know.

Our neighborhood, before this project started, we had waterfront property. The channel was there. It kept our neighborhood cool. It kept the area cool. Now there's landfill. The waterfront has been removed from our neighborhood and sent far back. On top of that, we are also surrounded by freeways, and so the 24-hour operations of the Port and the increased truck traffic from the Port sends us back from the Port. The noise sends us away from the Port and away from the highways.

It's a direct impact into the residential communities of this project and of the Port and 24-hour operations of the Port.

COLONEL MAGNESS: Kerry?

MS. SCOVILLE: Time?

COLONEL MAGNESS: Your time is up.

MS. SCOVILLE: Okay. May I say one more sentence?

COLONEL MAGNESS: You may. You are last.

MS. SCOVILLE: Thank you. Lastly, I want to -- I question why we need a container terminal here form the west basin next to residential areas and so far away from the Alameda Quarter because I feel that that just encourages truck traffic onto the Harbor Freeway, which was not built for that kind of traffic, and if we're going to have such a high volume container terminal, it ought to be near the Alameda Quarter, where it's supposed to be. Thanks.

COLONEL MAGNESS: Thank you, Kerry. That concludes our public comment. I'd like to say a couple of things.

First, let me remind you that this is not the end of our engagement, that the public comment period extends until the 30th of June, and I hope that as you've had an opportunity to perhaps think through some more about what it is that you'd like to say, that you do put that in writing, and that you share that with us. I commend you for your comments, for your professionalism in the way that you handled yourself while you spoke and while others spoke.

This Environmental Impact Statement goes under one person's signature, and that is mine, and I can assure you of a couple of things. Number one, everything that you have said will be addressed. While I won't sign it, it will be addressed. The purpose of providing those comments is in some way we will provide a response to everything that has been vocalized here.

Kerry, I'd like to see who lives closer to this Port, you or me, because I live right over there. And the concerns that you have, I share, and so we will do all that we can as we work together to make sure that the project, if it goes under my signature, is something that we can be proud of, and I know the people that are sitting up here at the front of this table are doing all that they can to make sure that that is the case.

So as a neighbor and as someone who is raising a couple of children right here, I commend you for your comments, and I know your concerns will be addressed. So, with that, sir, I know you wanted to say a few more things.

MR. APPY: Finally, I really want to thank all of you for coming tonight. I know that it's an

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imposition for you to come of your homes and spend time
with us this evening, and so I really appreciate you do,
and your comments received are taken very earnestly.
And I just want to kind of summarize. Sometimes I
think people kind of walk away from meetings and say,
gee, they were kind of sitting up there with it going in
one ear and out the other. We do listen, and some of
these issues we have heard are no secret, we've heard it
before, at meetings before, but I kind of want to go over
and summarize just a little bit some of the things I
thought we heard tonight that we -- I think, were
important and that we will indeed respond to. You know,
in the case of the final environmental document that we
will prepare next, we actually take to your comments, we
number them, responding to them specifically, and you
will receive those comments, sent to you prior to any
hearing on this so that you will then come and you will
actually be able to see our response and then appear at
the hearing before the Port of Los Angeles Board and
Harbor Commissions so that they do understand completely
the results of their decisions on whether or not to
improve a project or whether or not to improve one of the
alternatives to the project.
Tonight we've heard, I think, significantly
about air quality, and no big secret, ultrafines are a
significant issue. I've been involved with a lot of
youth recreation activities in San Pedro, and I'm very
well aware of the effect of that on young children and
the number of inhalers that are being used. It's a
significant issue, and we're really dedicated, I think,
to try to reduce that.
The electric drainage trucks -- or mitigation in
general, for reduction of air quality is a very difficult
task because we have changing technologies coming
through. The one thing about the Clean Air Action Plan
is it really has spawned a lot of new technology, and so
we're seeing that, and the drainage trucks are one
example of that. We will be looking at that and
considering that. We will be trying to roll out,
actually, some electric drainage trucks, hopefully within
terminals, to handle containers. So that's something
we'll certainly will consider, and the use of low-sulfur
fuel on ships is big. That's our big emission, so
Richard Havenick may have departed, but he is a soldier
on that issue.
Greenhouse gases are a very significant concern.
With our zero standard, we've determined it's very
difficult to get down to zero, so we believe that we will
always have significance, but we're always looking at new
ways to reduce that. We have a 10-megawatt solar power
project that we have committed to with the Attorney
General of the State. That's going into place. We'll
have our first megawatt valve this year, so we're very
serious about greenhouse gases and how to reduce them.
We heard about the term of the lease, which is a
significant issue, and the term of lease is very long for
these terminals. It has to do with the business plan, a
return thing. It allows to actually, in large part, to
add these mitigation measures to the terminal to
advertise costs, and so -- but that's something of
significance that we will certainly discuss.
We also heard health concerns. Andrea, you've
been to numerous meetings and carried that issue to us
many times. Asthma and how it affects us are certainly
very significant, and we'll look into the issue of
premature death and our analysis of that in our document.
Aesthetics is an issue. We did find significant
aesthetics were viewed from the Vincent Thomas Bridge,
and we've had offers of mitigation we've heard tonight.
I think that more of this craft is needed. Lena did
mention earlier the plaza park, which is actually a
mitigation measure that was approved by the Park
Community Advisory Committee as one of our community and
mitigation, and that is a park over by Beacon Street.
There's a park there that really needs refurbishing, and
so we're going to put a new deck and put a new park in
there, and that is a part of this project.
We hear dock noise at night for the communities
in the areas of these terminals, and that's a significant
issue we're looking at. Transportation -- interesting,
too, we do get a lot of comments on use of large-scale
transportation systems like Maglev. They're very
difficult to impose upon single projects, and so we look
at those in a larger transportation load, and so we do
have studies out there that are actually looking at which
of those has potential, and there's some. We're looking
at perhaps doing some kind of pile-up project in the
future in regards to Maglev or something similar to that.
Linear reduction is another potential cause, and those
are something that are difficult to run through a single
terminal. We have to be part of that -- a systems
network, and so we can't discuss that in a document where
there's an alternative that's for this project. It would
be very difficult.
And, finally, the throughput issue, as we know
that's an issue, we have added in new years in the past
in talks. We're going to go back and revisit
our throughput, but we believe they're very high and
conservative, but we need to go back and we're going to
look at those and then ground through them in the future.
to make sure that our cargo projections aren't, in fact,
going over the top.

So that is -- certainly, doesn't respond to all
your comments here. It's more of a summary, I think, of
what we've heard. And, again, I'd like to thank you.
Please, if you need to, respond to us in writing as well.
We'll take your comments in any way we can get them, and
that's a real value to this project, and, again, I thank
the colonel very much for coming. I guess he has a short
drive home, but I have to tell you a story about
the -- he lives at the Fort McArthur, and it has parade
(sic) grounds, but so many years ago San Pedro had very
much difficulty in finding spots for kids to play soccer
in, and the entire girls of San Pedro soccer program
played for many years on that parade ground, and they're
the best frickin' soccer fields west of the Mississippi
until 911, but anyway, so I'll thank the colonel again
for that as well. And, again, I want to thank everyone
from the Port of Los Angeles for being here tonight.

Thank you.

COLONEL MAGNESS: Thank you. And, everyone, thank
you; and, please, Linda, thank you; and to our court
reporter, thank you.

(Hearing concluded at 7:50 p.m.)