

**ILWU Dispatch Hall IS/MND  
Public Comment and Responses  
May 12, 2011**

**Transmittal No. 5**

COMMENT REFERENCE #	PUBLIC COMMENT	RESPONSE
Commenting Organization:	California Public Utilities Commission (CPUC)	
Committer:	Rosa Munoz, Senior Utilities Engineer	
Date Received:	May 9, 2011	
CPUC-1	The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.	The proposed Project does not include any modifications or alterations to crossings. The comment does not contain a specific question or concern regarding the adequacy of the environmental analysis in the IS/MND, no further response is required.
CPUC -2	The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the <i>Notice of Completion &amp; Environmental Document Transmittal-Mitigated Negative Declaration</i> from the State Clearinghouse for the proposed ILWU Local 13 Dispatch Hall Project. RCES recommends that a traffic study should be undertaken to consider traffic impacts at all nearby crossings. RCES is concerned with the increase in vehicular and pedestrian traffic to all nearby crossings.	In response to this comment, additional analysis is provided in the Final IS/MND, and Appendix E to the Final IS/MND, which discloses the evaluation of potential project related effects associated with traffic and rail crossings. The analysis establishes that vehicle delay at the two nearby rail crossings, Anaheim Street and Henry Ford Avenue, would increase nominally by up to 2.5 seconds per vehicle, but this would not affect traffic operating conditions. The rail crossing delay is independent from any delay at an intersection, although it is acknowledged that they could have a cumulative effect delaying vehicles through the combined at-grade rail crossing and intersection. However, the project-related affect on this condition would not cause a change in the level of service experienced by vehicles on Anaheim Street or Henry Ford Avenue.  No additional pedestrian activity is expected due to the proposed Project since all worker trips are expected to be by vehicle. Therefore the proposed Project would not cause a change in pedestrian activity at the at-grade rail crossings.
CPUC -3	Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes.	Based on the analysis included in the Final IS/MND in response to comment CPUC-2 above, no significant impacts would result from the project in relation to rail crossings and traffic that would warrant mitigation, including those suggested by the CPUC.

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Commenting Organization:	Peterson Law Group (PLG), Representing Waterman Supply Co., Inc.	
Commenter:	John S. Peterson	
Date Received:	May 9, 2011	
PLG-1	Peterson Law Group PC represents Waterman Supply Co., Inc. ("Waterman Supply") owner and operator of a marine equipment supply company at 910 Mahar Avenue, Wilmington, CA. This is directly north of Anaheim Street and west of Alamada, north of the proposed project. Waterman Supply has been in business for over 6 decades. It originally operated on Anaheim Street and was relocated to its present site in the 1990s through an eminent domain action commenced to acquire its original location for the Anaheim Street Grade Separation Project. Waterman Supply is a port related business and needs to operate in the vicinity of the Ports.	The comment does not contain a specific question or concern regarding the adequacy of the environmental analysis in the IS/MND, no further response is required.
PLG-2	Waterman Supply supports Port related growth, but is concerned that the environmental analysis for the ILWU Local 13 Dispatch Hall Project (the "Project") is not sufficiently candid or developed to enable an accurate mitigation program to address the traffic impacts that will result from the Project. For this reason, Waterman Supply objects to the adoption of the Initial Statement and Mitigated Negative Declaration as presently constituted and asks that the lead agency reject same and require an Environmental Impact Report that will properly and openly (i) address the new traffic impacts attributable to the Project and the cumulative impacts that will likewise result in excessively congested circulation and traffic patterns and (ii) identify practical mitigation measures to address the problems.	<p>This document has been prepared in accordance with CEQA, Public Resources Code Section 21000 <i>et seq.</i> and the State CEQA Guidelines, California Code of Regulations (CCR) Section 15000 <i>et seq.</i> Specifically, the preparation of an Initial Study was prepared in accordance with Section 15063; whereas the MND was prepared in compliance with Sections 15070–15075 of the State CEQA Guidelines.</p> <p>Preparation of the IS/MND was determined to be the appropriate level of documentation to meet CEQA requirements, based on the initial study, as the proposed project would not result in significant effects on the environment that cannot be reduced to a less-than-significant level with mitigation measures.</p> <p>The IS/MND and attached Traffic and Transportation Technical Memorandum provided a comprehensive analysis of traffic impacts employing the evaluation criteria established in the <i>L.A. CEQA Thresholds Guide</i> (City of Los Angeles, 2006), the <i>LADOT Traffic Study Policies and Procedures</i> (December 2010), and</p>

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		<p>other criteria applied to Port projects. The Technical Memorandum was prepared and incorporated by reference in the evaluation provided in Section 4.16, Transportation and Traffic and included as Appendix D in the IS/MND. The traffic analysis studied two key critical intersections near the proposed project during the A.M. (7 A.M.-9 A.M.) and P.M. (4 P.M.-6 P.M.) peak period of travel: 1) Alameda Street and Anaheim Street; and 2) Henry Ford Avenue and Anaheim Street.</p> <p>As discussed, the existing average daily dispatched number of workers is approximately 1,755 workers from the existing Dispatch Hall. The average daily dispatched workers during the morning shift from the existing Dispatch Hall are 842 workers, with 589 trips during the a.m. peak hour. There are 911 workers dispatched daily on average from the existing Dispatch Hall during the afternoon, with 728 trips during the p.m. peak hour. Relocation of the Hall would result in similar dispatched worker volumes and peak hour traffic volumes along the local roadway network. Future operations are anticipated to add 1,500 additional workers for a total of 3,255 workers to be dispatched. This would result in an increase in morning dispatches of approximately 721 workers with approximately 504 trips during the a.m. peak hour. During the afternoon dispatches would increase by approximately 779, resulting in approximately 624 trips during the p.m. peak hour. In order to determine potential traffic impacts, level of service (LOS) at the study intersections for the CEQA Baseline and the CEQA Baseline Plus Proposed Project scenarios were compared. Utilizing the LADOT threshold sliding scale for LOS levels, it was determined that the percentage change in the volume/capacity (V/C) levels at the study intersections would result in less than significant impacts. Therefore, no mitigation measures were required.</p> <p>Section 4.18, Mandatory Findings of Significance (Page 4-66 to 4-67), of the IS/MND addresses the cumulative impacts. The Future Cumulative analysis forecast utilized the Port Area Travel</p>

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		<p>Demand Model, which includes traffic growth for the port and the local area. Table 4.18, Future (Cumulative) Level of Service Analysis for the Proposed Project, provided a summary comparison of the LOS at the study intersections for the CEQA Baseline and the CEQA Baseline plus Proposed Project scenarios. Table 4.18-1, revealed that no significant cumulative traffic impacts are anticipated with the proposed project at local roadway intersections.</p> <p>The traffic analysis also evaluated the effects the proposed project would have on freeway segments that would result from cumulative projects in the year 2016, with and without the proposed project (Tables 11 and 12 of Appendix D). It was determined that the proposed project would not result in a change of 0.02 V/C ratio along any studied freeway segments and would not result in changes to the LOS of any studied freeway segments.</p> <p>As such, the proposed Project would result in a less than significant impact. Because of the small scale and localized effects of the proposed project combined with the lack of sensitive receptors in the project vicinity, the potential incremental contribution from the proposed project would not be cumulatively considerable. The analysis in the IS/MND determined that the proposed project would not have any individually limited or cumulatively considerable impacts. No additional mitigation measures are required.</p>
PLG-3	<p>Waterman Supply receives and ships large pieces of heavy and bulky marine equipment. This requires large trucks and trailers to access its property on Mahar A venue. Truck turns from Anaheim to Mahar and from Mahar to Anaheim are already tight and constrained and require all available space. Likewise maneuvering on Mahar to and from the Waterman Supply Property requires all available space on Mahar.</p>	<p>The comment does not contain a specific question or concern regarding the adequacy of the environmental analysis in the IS/MND, no further response is required.</p>

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PLG-4	The Traffic Impact Analysis included in the Iteris Technical Memorandum dated April 14, 2011, incorporated in the Draft Initial Study/Mitigated Negative Declaration identifies existing and anticipated traffic generation. Tables 6 and 7 identify hypothetical average and peak jobs dispatched. At the end of it all, however, according to Iteris and the Mitigated Negative Declaration, Anaheim Street west of Alameda remains generally unchanged, yet the Project will be expected to accommodate 1755 existing daily jobs currently, increasing to over 3255 workers per day due to the new site expansion.	Please see response to comment PLG-2.
PLG-5	Clearly, regardless of how the technical consultants work the statistics to justify LOS and V/C figures, the introduction of 3255 daily workers into an already congested and overburdened area calls out for mitigation. 3255 is a huge number of newly introduced workers for any area, let alone one that is already congested and overburdened. The notion that Transportation and Traffic Impacts and Cumulatively Considerable Impacts under Mandatory Findings of Significance do not warrant mitigation is not practical, nor is it workable, nor is it candid. It suggests that the baseline analysis is deficient. While the baseline analysis may be argued to be technically correct based on existing and formally maintained statistics at certain intersections, it does not reflect delays and congestion in the larger Project area that result from existing business related traffic, including the turning of big rigs and other articulated vehicles on to and off of Anaheim Street in the vicinity of the project. It also reflects assumptions concerning peak traffic that are open to question and further evaluation. It also fails to address traffic back-ups that result from rail lines crossing Anaheim Street.	Please see response to comment PLG-2 regarding LOS and V/C impacts.  The commenter is also concerned with traffic back-ups resulting from rail lines crossing Anaheim Street. As such, additional analysis is provided in the Final IS/MND, Appendix E to the Final IS/MND, and in response to comment CPUC-2. The analysis establishes that vehicle delay at the two nearby rail crossings would increase nominally by up to 2.5 seconds per vehicle, but this would not affect traffic operating conditions. The rail crossing delay is independent from any delay at an intersection, although it is acknowledged that they could have a cumulative effect delaying vehicles through the combined at-grade rail crossing and intersection. However, the project-related effect on this condition would not cause a change in the level of service experienced by vehicles on Anaheim Street or Henry Ford Avenue.
PLG-6	Mitigation must be incorporated to keep new worker trips on Anaheim minimized. Orientation of the project should require entrance to the project from Alameda or Henry Ford, not Anaheim. Traffic plans should be implemented to encourage workers not to approach the project from the west on Anaheim Street. Project related street parking north of Anaheim Street should not be permitted, while existing businesses north of Anaheim Street should be permitted to continue as is. Perhaps this justifies permit street parking, with permits limited to local businesses and their employees. Perhaps there are other mitigation measures that would benefit the entire local business community relative to traffic and cumulatively significant impacts, if only the baseline analysis recognized the issue, as it should.	Please see response to PLG-2.

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PLG-7	<p>Waterman Supply is especially concerned that appropriate mitigation be developed now as opposed to later, after it is too late. As a business in this area for more than 6 decades, Waterman Supply seeks to protect its access in the neighborhood. A worst case scenario for Waterman</p> <p>Supply would occur if appropriate mitigation is not now implemented so that when, not if, the added congestion becomes unbearable, traffic engineers propose solutions that would limit access for existing businesses on side streets and on Anaheim where access is critical to existing businesses.</p>	Please see response to PLG-2.
PLG-8	<p>Waterman Supply Co. supports positive growth of the Port and the surrounding area. It asks, however, that such growth be balanced with mitigation of the obvious impacts that such growth necessarily brings. Waterman Supply Company asks that the Initial Study and Mitigated Negative Declaration not be adopted as is. Rather, Waterman asks that the City reject the MND and require and Environmental Impact Report so that staff may candidly assess the impacts of the new traffic generation and adopt mitigation plans for the real world impacts that will be felt by the existing business community in the vicinity of the project.</p>	The commenter's opposition to the preparation of an IS/MND is noted and will be forwarded to the Board of Harbor Commissioners for their consideration. Please also see responses to comments PLG-2 through PLG-6 above.
<b>Commenting Organization:</b>	<b>Port of Los Angeles Community Advisory Committee (PCAC)</b>	
<b>Commenter:</b>	<b>John G. Miller, Chairman</b>	
<b>Date Received:</b>	<b>May 10, 2011</b>	
PCAC-1	<p>We feel it is entirely appropriate to use a Mitigated Negative Declaration (vs. a complete EIR) for the proposed project. We note that the project will bring significant benefits to the community of Wilmington at least in comparison to the present location on 343 Broad St.</p>	The commenter's support of the preparation of a IS/MND and the commenter's support of the project benefits is noted and will be forwarded to the Board of Harbor Commissioners for their consideration.
PCAC-2	<p>We do strongly feel that the Study needs to specifically acknowledge that the present location on Broad St. is very near residential neighborhoods and has impacted those neighborhoods. This Sub-Committee has heard testimony to this effect intermittently over many years now. Figures 3 and 4 should show the location of the <i>existing facility</i> on Broad St.</p>	<p>Section 2.1.2, Project Setting (Page 2-1) details the location of the existing ILWU Dispatch Hall located on 343 Broad Avenue. This section acknowledges that the existing ILWU Dispatch Hall is located on a 1.3-acre site adjacent to a residential area.</p> <p>The statement provided by the commenter regarding the impact on residential neighborhoods of the existing ILWU Dispatch Hall</p>

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		<p>has been noted. No response is necessary since no issues related to the adequacy of the environmental impact analysis in the Draft IS/MND were raised.</p> <p>Figures 3 and 4 of the IS/MND have been revised to show the location of the existing facility on Broad Street. Reference to this revision is made in the Final IS/MND, which will be forwarded to the Board of Harbor Commissioners for their consideration.</p>
PCAC-3	<p>Further the Initial Study needs to acknowledge that: 1. Traffic and parking for the workforce has adversely affected nearby residential neighborhoods.</p>	<p>Section 4.16, Transportation and Traffic of the IS/MND and the Technical Memorandum included in Appendix D provide an evaluation of traffic and circulation impacts of the proposed project.</p> <p>The IS/MND does acknowledge and identify the parking conditions associated with the existing ILWU Dispatch Hall. As stated in Section 2.2, Project Background and Objectives (Page 2-6), "Due to its location away from major highways, space limitations, and on-site parking restraints, the existing ILWU Local 13 Dispatch Hall facility is inefficient."</p> <p>The IS/MND provides a description of the existing parking conditions in Section 2.3, Project Description (Page 2-8), parking for the operation consists of dedicated on-site lot (49 spaces), off-site parking in eight nearby parking lots (596 spaces), and street parking. As such, one of the primary objectives of the proposed project (Page 2-8), is to provide dedicated on-site parking (812 spaces).</p> <p>The statement provided by the commenter regarding the impact on residential neighborhoods of the existing ILWU Dispatch Hall is not a potential impact of the proposed project; therefore, no response is necessary since no issues related to the adequacy of the environmental impact analysis in the IS/MND were raised.</p>

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PCAC-4	2. This is an example of a negative Port Related impact occurring <i>off Port property</i> . This meets the simple Port Related Nexus of "if the Port was not here, this facility would not be here and all associated problems would not be occurring."	The statement provided by the commenter regarding the impact on residential neighborhoods of the existing ILWU Dispatch Hall is not a potential impact of the proposed project; therefore, no response is necessary since no issues related to the adequacy of the environmental impact analysis in the IS/MND were raised.
PCAC-5	3. The new facility is being built in part to relieve these negative off Port Impacts.	The comment does not contain a specific question or concern regarding the adequacy of the environmental analysis in the IS/MND. As such, no further response is necessary.
PCAC-6	Otherwise, we think the proposed project is long overdue and we look forward to its completion.	The commenter's support of the proposed project is noted and will be forwarded to the Board of Harbor Commissioners for their consideration. The comment does not contain a specific question or concern regarding the adequacy of the environmental analysis in the IS/MND. As such, no further response is necessary.
Commenting Organization:	Native American Heritage Commission (NAHC)	
Commenter:	Dave Singleton, Program Analyst	
Date Received:	May 5, 2011	
NAHC-1	<p>The Native American Heritage Commission (NAHC), the State of California Trustee Agency for the protection and preservation of Native American cultural resources. The NAHC wishes to comment on the above-referenced proposed Project.</p> <p>This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.</p>	The comment does not contain a specific question or concern regarding the adequacy of the environmental analysis in the IS/MND, no further response is required.
NAHC-2	The California Environmental Quality Act (CEQA -CA Public Resources Code 21000-21177, amendments effective 311812010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a	As stated on page 4-18 of the IS/MND, an archaeological records search was conducted at the South Central Coastal Information Center at California State University, Fullerton on April 5, 2011. The search indicated that 11 cultural resources investigations have taken place within a ½-mile radius of the project site. The previous investigations are located north and south of Anaheim

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	<p>substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.</p>	<p>Street and east and west of Henry Ford Avenue. Two archaeological sites have been previously recorded within ½-mile of the project site. No archaeological sites have been previously recorded within the proposed Project site itself. The full text of the Archaeological Phase 1 Results is included in Appendix B of the IS/MND.</p>
NAHC-3	<p>The NAHC Sacred Lands File (SLF) search resulted in; <b>Native American cultural resources were not identified</b> within the 'area of potential effect (APE), based on the USGS coordinates of the project location provided. However, there are Native American cultural resources in close proximity to the APE. The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254.10.</p> <p>Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached <u>list of Native American contacts</u>, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources.</p>	<p>On April 5, 2011, a letter was sent to the NAHC requesting a Sacred Lands File (SLF) search. The NAHC responded on April 12, 2011, indicating that the SLF search was negative. Furthermore, the NAHC response letter for the SLF search provided a list of Native American communities in which to consult with regarding the project Area of potential effect (APE). On April 13, 2011, letters were prepared with pertinent project information, a project location map, a response form and a self-addressed stamped envelope and were sent out to every contact provided by the NAHC on the "list of Native American contacts." The NAHC Contact Program and the Sacred Lands File Search have been added as Appendix F and G to the Final IS/MND.</p>
NAHC-4	<p>Furthermore we recommend, also, that you contact the California Historic Resources Information System (CHRIS)/ California Office of Historic Preservation for pertinent archaeological data within or near the APE, at (916) 445-7000 for the nearest Information Center in order to learn what archaeological fixtures may have been recorded in the APE.</p>	<p>Please see response to comment NAHC-2.</p>

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NAHC-5	<p>Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321- 43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) &amp; .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 Secretary of the Interiors Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination &amp; consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation.</p>	<p>This project is not considered a federal action subject to review under Section 106 of the NHPA. However, in addition to requesting a SLF search and issuing Native American contact letters, follow-up calls to all Native American consultants provided on the list by the NAHC, was conducted on May 11, 2011. The NAHC Contact Program and the Sacred Lands File Search have been added as Appendix F and G to the Final IS/MND.</p>
NAHC-6	<p>Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health &amp; Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.</p>	<p>In accordance with CEQA Guidelines Section 15064.5(e), and as discussed in the IS/MND Section 4.5 Cultural Resources (under mitigation CUL-1 and CUL-2), in the event of accidental discovery or recognition of any human remains in any location other than a dedicated cemetery there shall be no further excavation or ground disturbance of the site or any nearby area reasonably suspected to overlay adjacent human remains. The coroner must determine that no investigation of the cause of death is required. Or if the coroner must determine remains to be Native American, the most likely descendent (MLD) of the remains would be asked to make recommendations involving the treatment or disposal of the remains.</p>
NAHC-7	<p>To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.</p>	<p>Please see response to comments NAHC-3 and NAHC-5.</p>
NAHC-8	<p>The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code 5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code 6254.10) although Native Americans on the attached contact list may wish to reveal the nature of</p>	<p>The comment does not contain a specific question or concern regarding the adequacy of the environmental analysis in the IS/MND, no further response is required.</p>

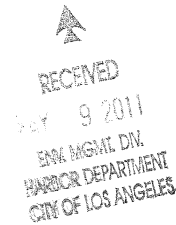
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	<p>identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places and there may be sites within the APE eligible for listing on the California Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.</p>	

	LETTER OF ACKNOWLEDGMENT	RESPONSE
<b>Organization:</b>	Governor's Office of Planning and Research, State Clearinghouse	
<b>Contact:</b>	Scott Morgan, Director	
<b>Date Received:</b>	May 12, 2011	
	<p>The State Clearinghouse letter acknowledges receiving the Mitigated Negative Declaration for the proposed project and that the review period closed on May 9, 2011. The letter also acknowledges that the environmental document has complied with State Clearinghouse review requirements under CEQA.</p>	<p>No response is required.</p>

## PUBLIC UTILITIES COMMISSION

320 WEST 4<sup>TH</sup> STREET, SUITE 500  
LOS ANGELES, CA 90013



May 6, 2011

Lisa Ochsner  
City of Los Angeles Harbor Department  
Environmental Management Division  
425 S. Palos Verdes Street  
San Pedro, CA 90731

Dear Ms. Ochsner:

Re: SCH# 2011041057; ILWU Local 13 Dispatch Hall

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

The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Completion & Environmental Document Transmittal-Mitigated Negative Declaration* from the State Clearinghouse for the proposed ILWU Local 13 Dispatch Hall Project. RCES recommends that a traffic study should be undertaken to consider traffic impacts at all nearby crossings. RCES is concerned with the increase in vehicular and pedestrian traffic to all nearby crossings.

Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes.

If you have any questions, please contact Jose Pereyra, Utilities Engineer at 213-576-7083, [jfp@cpuc.ca.gov](mailto:jfp@cpuc.ca.gov), or me at [rxm@cpuc.ca.gov](mailto:rxm@cpuc.ca.gov), 213-576-7078.

Sincerely,

A handwritten signature in black ink, appearing to be "Rosa Muñoz".

Rosa Muñoz, PE  
Senior Utilities Engineer  
Rail Crossings Engineering Section  
Consumer Protection & Safety Division

C: Ken Tom, Union Pacific Railroad Company

# PETERSON LAW GROUP

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*Via U.S. Priority Mail  
and Electronic Mail*

May 9, 2011

Christopher Cannon, Director  
Port of Los Angeles  
Environmental Management Division  
425 S. Palos Verdes Street  
San Pedro, CA 90731

**Re: Objections to adoption of Initial Study and Mitigated Negative Declaration for  
ILWU Local 13 Dispatch Hall Project-1500 E. Anaheim Street**

Dear Mr. Cannon:

Peterson Law Group PC represents Waterman Supply Co., Inc. (“Waterman Supply”) owner and operator of a marine equipment supply company at 910 Mahar Avenue, Wilmington, CA. This is directly north of Anaheim Street and west of Alamada, north of the proposed project. Waterman Supply has been in business for over 6 decades. It originally operated on Anaheim Street and was relocated to its present site in the 1990s through an eminent domain action commenced to acquire its original location for the Anaheim Street Grade Separation Project. Waterman Supply is a port related business and needs to operate in the vicinity of the Ports.

Waterman Supply supports Port related growth, but is concerned that the environmental analysis for the ILWU Local 13 Dispatch Hall Project (the “Project) is not sufficiently candid or developed to enable an accurate mitigation program to address the traffic impacts that will result from the Project. For this reason, Waterman Supply objects to the adoption of the Initial Statement and Mitigated Negative Declaration as presently constituted and asks that the lead agency reject same and require an Environmental Impact Report that will properly and openly (i) address the new traffic impacts attributable to the Project and the cumulative impacts that will likewise result in excessively congested circulation and traffic patterns and (ii) identify practical mitigation measures to address the problems.

Waterman Supply receives and ships large pieces of heavy and bulky marine equipment. This requires large trucks and trailers to access its property on Mahar Avenue. Truck turns from Anaheim to Mahar and from Mahar to Anaheim are already tight and constrained and require all

available space. Likewise maneuvering on Mahar to and from the Waterman Supply Property requires all available space on Mahar.

The Traffic Impact Analysis included in the Iteris Technical Memorandum dated April 14, 2011, incorporated in the Draft Initial Study/Mitigated Negative Declaration identifies existing and anticipated traffic generation. Tables 6 and 7 identify hypothetical average and peak jobs dispatched. At the end of it all, however, according to Iteris and the Mitigated Negative Declaration, Anaheim Street west of Alameda remains generally unchanged, yet the Project will be expected to accommodate 1755 existing daily jobs currently, increasing to over 3255 workers per day due to the new site expansion.

Clearly, regardless of how the technical consultants work the statistics to justify LOS and v/c figures, the introduction of 3255 daily workers into an already congested and overburdened area calls out for mitigation. 3255 is a huge number of newly introduced workers for any area, let alone one that is already congested and overburdened. The notion that Transportation and Traffic Impacts and Cumulatively Considerable Impacts under Mandatory Findings of Significance do not warrant mitigation is not practical, nor is it workable, nor is it candid. It suggests that the baseline analysis is deficient. While the baseline analysis may be argued to be technically correct based on existing and formally maintained statistics at certain intersections, it does not reflect delays and congestion in the larger Project area that result from existing business related traffic, including the turning of big rigs and other articulated vehicles on to and off of Anaheim Street in the vicinity of the project. It also reflects assumptions concerning peak traffic that are open to question and further evaluation. It also fails to address traffic back-ups that result from rail lines crossing Anaheim Street.

Mitigation must be incorporated to keep new worker trips on Anaheim minimized. Orientation of the project should require entrance to the project from Alameda or Henry Ford, not Anaheim. Traffic plans should be implemented to encourage workers not to approach the project from the west on Anaheim Street. Project related street parking north of Anaheim Street should not be permitted, while existing businesses north of Anaheim Street should be permitted to continue as is. Perhaps this justifies permit street parking, with permits limited to local businesses and their employees. Perhaps there are other mitigation measures that would benefit the entire local business community relative to traffic and cumulatively significant impacts, if only the baseline analysis recognized the issue, as it should.

Waterman Supply is especially concerned that appropriate mitigation be developed now as opposed to later, after it is too late. As a business in this area for more than 6 decades, Waterman Supply seeks to protect its access in the neighborhood. A worst case scenario for Waterman Supply would occur if appropriate mitigation is not now implemented so that when, not if, the added congestion becomes unbearable, traffic engineers propose solutions that would limit access for existing businesses on side streets and on Anaheim where access is critical to existing businesses.

Waterman Supply Co. supports positive growth of the Port and the surrounding area. It asks, however, that such growth be balanced with mitigation of the obvious impacts that such growth necessarily brings. Waterman Supply Company asks that the Initial Study and Mitigated Negative Declaration not be adopted as is. Rather, Waterman asks that the City reject the MND and

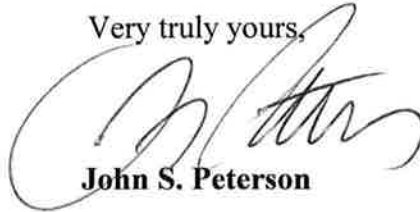
Port of Los Angeles

Page 3 of 3

May 9, 2011

require and Environmental Impact Report so that staff may candidly assess the impacts of the new traffic generation and adopt mitigation plans for the real world impacts that will be felt by the existing business community in the vicinity of the project.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John S. Peterson', written in a cursive style.

**John S. Peterson**

JSP:cp

Port of Los Angeles Community Advisory Committee  
EIR Subcommittee

May 8, 2010



To : Environmental Management Division

Re: ILWU Local 13 Dispatch Hall Project Draft Initial Study/Mitigated Negative Declaration.

Dear Sirs,

We feel it is entirely appropriate to use a Mitigated Negative Declaration (vs. a complete EIR.) for the proposed project. We note that the project will bring significant benefits to the community of Wilmington at least in comparison to the present location on 343 Broad St.


We do strongly feel that the Study needs to specifically acknowledge that the present location on Broad St. is very near residential neighborhoods and has impacted those neighborhoods. This Sub-Committee has heard testimony to this effect intermittently over many years now. Figures 3 and 4 should show the location of the *existing facility* on Broad St.

Further the Initial Study needs to acknowledge that;

1. Traffic and parking for the workforce has adversely affected nearby residential neighborhoods.
2. This is an example of a negative Port Related impact occurring *off Port property*. This meets the simple Port Related Nexus of "if the Port was not here, this facility would not be here and all associated problems would not be occurring."
3. The new facility is being built in part to relieve these negative off Port Impacts.

Otherwise , we think the proposed project is long overdue and we look forward to its completion.

Sincerely,

  
John G. Miller, M.D. FACEP  
Chairman

05/10/11 L. OCTONOR - FOR HANDLING (20)

ADP No.: ILWU, 070322-054

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
ds\_nahc@pacbell.net



May 2, 2011

Ms. Lisa Ochsner

**City of Los Angeles Harbor Department**

425 S. Palos Verdes "Street"  
San Pedro, CA 90731

Re: SCH#2011041057 CEQA Notice of Completion; proposed Mitigated Negative Declaration for the: "ILWU Local 13 Dispatch Hall Project;" located at the LA Harbor in the City of San Pedro; Los Angeles County, California

Dear Ms. Ochsner:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources. The NAHC wishes to comment on the above-referenced proposed Project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted in; **Native American cultural resources were not identified** within the 'area of potential effect (APE), based on the USGS coordinates of the project location provided. However, there are Native American cultural resources in close proximity to the APE. The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254.10.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC

requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources.

Furthermore we recommend, also, that you contact the California Historic Resources Information System (CHRIS)/ California Office of Historic Preservation for pertinent archaeological data within or near the APE, at (916) 445-7000 for the nearest Information Center in order to learn what archaeological fixtures may have been recorded in the APE.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation.

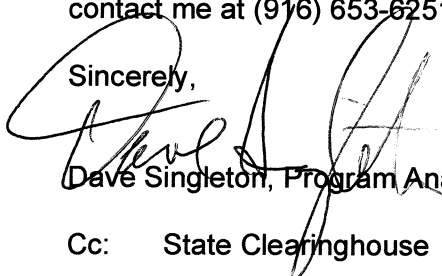
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code 5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code 6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places and there may be sites within the APE eligible for listing on the California Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

  
Dave Singleton, Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

## Native American Contact List

Los Angeles County

May 2, 2011

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

Ti'At Society/Inter-Tribal Council of Pimu  
Cindi M. Alvitre, Chairwoman-Manisar  
6515 E. Seaside Walk, #C Gabrielino  
Long Beach , CA 90803  
calvitre@yahoo.com  
(714) 504-2468 Cell

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

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

Gabrielino Tongva Nation  
Sam Dunlap, Chairperson  
P.O. Box 86908 Gabrielino Tongva  
Los Angeles , CA 90086  
**samdunlap@earthlink.net**  
(909) 262-9351 - cell

Gabrielino Tongva Indians of California Tribal Council  
Robert F. Dormae, Tribal Chair/Cultural Resources  
P.O. Box 490 Gabrielino Tongva  
Bellflower , CA 90707  
**gtongva@verizon.net**  
562-761-6417 - voice  
562-761-6417- fax

Gabrielino-Tongva Tribe  
Bernie Acuna  
1875 Century Pk East #1500 Gabrielino  
Los Angeles , CA 90067  
(760) 721-0371-work  
(310) 428-7720 - cell  
(310) 587-0170 - FAX  
bacuna1@gabrieinotribe.org

Shoshoneon Gabrieleno Band of Mission Indians  
Andy Salas, Chairperson  
PO Box 393 Gabrieleno  
Covina , CA 91723  
(626) 926-4131  
gabirelenoindians@yahoo.  
com  
(213) 688-0181 - FAX

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

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

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011041057; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the ILWU Local 13 Dispatch Hall Project; located in the City of San Pedro; Los Angeles County, California.

**Native American Contact List**

Los Angeles County

May 2, 2011

Gabrielino-Tongva Tribe

Linda Candelaria, Chairwoman

1875 Century Park East, Suite 1500

Los Angeles , CA 90067 Gabrielino

lcandelaria1@gabrielinoTribe.org

626-676-1184- cell

(310) 587-0170 - FAX

760-904-6533-home

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

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

**This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011041057; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the ILWU Local 13 Dispatch Hall Project; located in the City of San Pedro; Los Angeles County, California.**

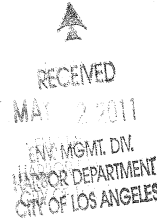


JERRY BROWN  
GOVERNOR

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



May 10, 2011



Lisa Ochsner  
City of Los Angeles Harbor Department  
Environmental Mgt Division  
425 S. Palos Verdes Street  
San Pedro, CA 90731

Subject: ILWU Local 13 Dispatch Hall  
SCH#: 2011041057

Dear Lisa Ochsner:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 9, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2011041057  
**Project Title** ILWU Local 13 Dispatch Hall  
**Lead Agency** Los Angeles, City of

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**Type** MND Mitigated Negative Declaration  
**Description** Note: Shortened Review

The proposed project involves site preparation activities and construction of a two-storied steel framed 32,565 square foot ILWU Local 13 Dispatch Hall to provide a meeting space and administrative offices for dispatching longshore workers at 1500 E. Anaheim St in Wilmington. The proposed ILWU Local 13 Dispatch Hall would have a total occupancy of 2,962 (2,307 on the dispatch floor). The proposed project would include construction of a dedicated on-site parking lot (812 spaces) with outdoor lighting, which would be enclosed by a 6-foot metal fence and parking lot entrances secured by 6-foot-high rolling gates. As a related project, the proposed project would construct improvements for a future bike path along Alameda and Anaheim Streets.

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**Lead Agency Contact**

**Name** Lisa Ochsner  
**Agency** City of Los Angeles Harbor Department  
**Phone** (310) 732-3412 **Fax**  
**email**  
**Address** Environmental Mgt Division  
425 S. Palos Verdes Street  
**City** San Pedro **State** CA **Zip** 90731

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**Project Location**

**County** Los Angeles  
**City** Los Angeles, City of  
**Region**  
**Lat / Long**  
**Cross Streets** Anaheim Street & Alameda Street  
**Parcel No.** 7440-001-912  
**Township** **Range** **Section** **Base**

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**Proximity to:**

**Highways** Hwy 103/47, I-110, I-710, I-405  
**Airports**  
**Railways**  
**Waterways** East Basin Channel-Los Angeles Harbor  
**Schools**  
**Land Use** Heavy Manufacturing (M-2)

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

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

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**Date Received** 04/19/2011 **Start of Review** 04/19/2011 **End of Review** 05/09/2011