



September 26, 2009

Dear Honorable Harbor Commissioners of Port of Los Angeles:

RE: San Pedro Waterfront Re-Development Project
September 29 Meeting of the Los Angeles Board of Harbor Commissioners
Liberty Hill Plaza Building
100 W. Fifth Street
San Pablo, California

Coastwalk California is a twenty-five year old nonprofit dedicated to coastal access, coastal preservation and the completion of the 1200 mile California Coastal Trail (CCT) which one day will run unbroken from Oregon to the border of Mexico. A mandate of the California people since 1972, with a recommitment from the Legislature in 2001, the CCT is now more than half complete. We lead multi-day summer “coastwalk” hiking adventures to inspire coastal stewardship and introduce residents and visitors to the grandeur and respite of the California coast. Several of our dedicated Board members have walked the whole coast to highlight gaps and barriers to finishing the CCT and today half the CCT is off-pavement for the public to enjoy.

We are enthusiastic about your goal for the San Pedro Waterfront Re-Development project after years that have spanned three mayoral administrations with an intense extensive scoping process with major stakeholders “to create a vibrant world-class waterfront for San Pedro, the county and the state.” We applaud your plans to increase public access to and within the waterfront with a completed Coastal Trail segment (providing a high-quality experience for walkers, hikers, joggers and bikers), stronger linkages with the historic Red Car Line, a new Land Bridge and an eight mile Waterfront Promenade throughout the Port.

The first written vision for California’s coastal trail was in Proposition 20 (California Coastal Act) passed in 1972: “a hiking, bicycle and equestrian trails system shall be established along or near the coast” and “ideally the trails system shall be continuous and located near the shore line.” California’s Coastal Act (1976) requires local jurisdictions to identify an alignment for the CCT in their Local Coastal Program. “*Completing the California Coastal Trail*”, the 2003 report to the Legislature mandated by SB 908



(Chesbro), provides local jurisdictions with planning principles to guide their work in laying out your CCT segments: *proximity* (as close to sight, sound and scent of the sea as feasible), *connectivity* (effectively linking with north and south segments in other jurisdictions), *integrity* (trail is continuous and not compromised by motor traffic), *respect* (trail should be sited with respect for private property owners, natural habitats, agricultural assets and cultural and archeological features) and *feasibility* (interim and long-term alignments should be identified early in planning).

In this light, your proposed eight mile promenade along the Main Channel and eleven new acres of open space and eight acres of plazas will be a remarkable addition to the Port's ability to provide public access, to encourage recreational activities and reduce current confusing connections and fragmented walkways throughout the Port. Environmental advocates have indeed inspired a strong Port commitment to walking and bicycling that will markedly help reduce greenhouse gas emissions, add passive recreation opportunities with increased open space and plazas, offer connecting points in and out of the Port and finally unite San Pedro downtown from the bluffs to the Port. The project plan will provide unprecedented seamless public access and mobility from World Cruise Center in the Inner Harbor over to the Outer Harbor and Cabrillo Beach: this will benefit Port visitors for generations to come.

California is the first state to implement "complete streets" legislation (Assemblyman Mark Leno's "Complete Streets Act of 2008") directing cities and counties beginning January 2011 to include the needs of all travelers as part of its circulation element within all general plans. The act requires CalTrans to fully consider the needs of non-motorized travelers (pedestrians, bicyclists, public transit passengers, persons with disabilities) in all programming, planning, maintenance, construction, operations and project development activities.

This vanguard multi-modal transportation legislation assures the people of Los Angeles County that, among other things, the entire public rights-of-way will accommodate all users and green infrastructure (such as trails and greenways with connectivity to parks and open spaces) will be fully equivalent to roads and highways. This equal access for all travelers when realized for the Port will add to the economic revitalization and climate change resiliency of near-by communities like Wilmington and San Pedro.



Coastwalk California encourages you to leverage these new transportation standards for designating and implementing your segment of the California Coastal Trail. The Vincent Thomas Bridge (third longest bridge span in the state at 2.2 miles) currently allows no pedestrians and this must be solved for the trail to connect effectively to Long Beach. Just inside Long Beach is the end of Los Angeles River and the extraordinary Los Angeles Bikeway. Your heavily industrialized Port presents unique challenges to Coastal Trail continuity. Without strong local and state partnerships with CCT stakeholders and advocates the soundest Coastal Trail alignments will not be achieved. Historically Coastal Trail segments planned early and carefully in a project's first phase end up costing less and become treasured well-stewarded community assets.

Coastwalk adheres to the "bluewater" standard of the CCT being as close to the coast as feasible and safe -- rather than only on arterial roads and highways surrounding the Port. Where heavy industrial shipping and maritime port activities prevent the CCT from being on the waterfront we advise water views be maintained as part of the CCT alignment. We also encourage the Port to plan for braided routes (parallel tracks for different user groups) as well as alternate CCT routes that offer alternatives to hikers, walkers and bikers especially in that they bring inland residents closer to the coastal environment and allow "coast walkers" access to inland resources such as food and housing. The Upper Coastal Trail (along commercial Pacific Avenue with no water views) should be preserved, designated and signed as an official CCT route not solely as the CCT segment but rather along with the LA Harbor Coastal Trail (Waterfront Promenade). Northwest and southeast points of the trail must join up with segments in jurisdictions outside the Port that are planning or have completed CCT alignments. We urge that on final review of the pedestrian and biking elements, their connectivity to the CCT and other nearby urban trails (current and planned) be assured.

Coastwalk has two major concerns related to the proposed project plan that concern our mission for coastal preservation. The first is your plan to add a large cruise ship terminal to the Outer Harbor as it will impinge on the public's access and enjoyment of historic Cabrillo Beach. We implore you to avoid degrading Cabrillo Beach: cruise ship operations will add congestion (especially weekend congestion when passengers embark and disembark) as well as air and noise pollution. Multitudes over many generations have learned to swim and sail here, studied natural history, stayed up late waiting for the grunion to run -- and of course strolled and picnicked along these shores.



This mile-long threatened beach (one of 450 in California) with two beach faces (harbor side and outside the breakwater) continues to be popular for swimming, sunbathing, surfing, scuba diving, picnicking and family recreation. This beach was a mecca for inner city Angelenos who rode the “Red Car” to San Pedro and for a dime could rent a bathing suit and spend the day. Close to Angel’s Gate Lighthouse, near large sand dollar beds offshore and home to grunion runs March through August the beach should be preserved foremost in your plan. It continues today as a prized low-cost coastal visitor destination. Two of the highest policy priorities in the Coastal Act’s Chapter 3 (“Coastal Resources”) are coastal access and low-cost visitor and recreational facilities and Cabrillo Beach should be preserved and strengthened as it serves these resource needs for your county and region. This must include correcting sand replenishment patterns that are partially covering and hampering public access on the ocean side of the beach.

The Outer Harbor is vital protected habitat for eelgrass especially in the shallow waters near Cabrillo Beach. Eelgrass totals for the Port’s area are 50 acres in spring and 100 acres in summer and fall. This resource must be preserved as one of the last living coastal relics of marshy tidelands that graced the water’s edge before the Port was constructed with its 35 miles of artificial shoreline and 3700 acres of hydraulic landfill to create the Port. Some 91% of all tidelands in California have been lost to development in the last fifty years with the majority being lost marshlands in southern California. Remaining tideland edges within your project footprint should be as encroachment-free as possible by removing from the water’s edge infrastructure like parking, roads, streetcar maintenance and heavy shipping activities. The Outer Harbor should remain a high-quality natural low-cost recreational area for visitors to the Port. It is the last recreational site on the Los Angeles side of San Pedro Bay and as such should be retained at all costs. Building a cruise ship terminal here will eliminate much valued recreational and degrade water views for people living in western San Pedro; it constitutes a narrow use not utilized by people living in the port’s proximity who bear the burden of port development and activities.

Coastwalk realizes ports will not survive unless commercially successful and we appreciate cruise passenger growth trends, economic growth pressures for the Port and your Port’s need to remain competitive with other west coast ports. United States ports handle one quarter of all global cruise ship passengers not withstanding most carry foreign flags. About 11.5 million cruise passengers came through U.S. ports in 2005. Menlo Consulting Group



recently predicted that by 2023 Port of Los Angeles will handle 183 cruise ship calls per year and 1.24 million passengers. Moreover for the last two decades the length of cruise ships has lengthened on average 90 feet every five years with the average length now 1,050 feet and weighing 130,000 tons. Finding sites for berthing these longer ships will be a continuing environmental challenge for your Port and it is imperative that longer ship terminals and their passengers do not crowd out valued recreational destinations, and perhaps especially those that serve visitors who do not ride cruise ships for vacations.

Your Port Master Plan serves as the certified LCP for the Port of Los Angeles and will be the touchstone for all future land-use decisions that guard fragile coastal resources within your jurisdiction. Air quality is a major issue for every operating port in our nation and the Port of Los Angeles is at non-attainment status for federal standards of ground-level ozone and suspended particulate matter (PM 10 and PM 25). Your Port adopted in October 2001 a worthy standard of “no net increase in air emissions or traffic impacts from future Port operations.” Air pollution does not conform to the boundaries of the 400 acre port and is a public health issue of considerable hazard to all communities nearby. Los Angeles Basin has the poorest air quality in the state except for the San Joachim Valley and almost one out of every two Californians lives in this polluted Basin.

Only 230 cruise ships sail the open seas of the world with 46,000 other commercial vessels. Cruise ships are 0.5 per cent of all commercial sea traffic -- a very small user group in the shipping industry. While often viewed as elite “floating cities” they generate waste streams that are polluting and damaging to our oceans in myriad ways. A typical cruise ship passage of one week (averaging 3,000 people and crew) generates eight tons of solid wastes along with gray water, 15 gallons of toxic chemical wastes and 7000 gallons of oily bilge water. Knowing your goal as Commissioners is to maintain a robust, sustainable and economically productive harbor, there remain considerable environmental burdens the cruise ship industry brings to your Port and county. Economics cannot be the sole driver for bringing more and larger cruise ships to your Port.

Bluewater Network (March 2000) warns cruise ships are point sources of enormous volumes of waste streams that can have significant impacts on water quality, the marine environment and public health. The problems associated with these wastes streams and their impacts will only escalate in the future as the cruise industry expands at a steady rate of 8% per year. No resident living or working in L.A. county near the two abutting Long Beach and Los Angeles



ports should deny the environmental and public health burdens these two large commercial industrialized centers present to them, their families and communities.

Thank you for your public service to Los Angeles County and the opportunity to present our concerns. We look forward to standing with you one day when your CCT segment is dedicated and signed for the people of San Pedro, your county and our state. Please contact us if we can provide any consultation on establishing your alignment for the Coastal Trail through the San Pedro Waterfront.

Respectfully submitted,

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Response to Comments on Final EIR: Coastwalk CA

Comment #1

Thank you for your comment. As discussed in the EIS/EIR, a cruise terminal in the Outer Harbor was not shown to have significant recreational, aesthetic, or water quality impacts on either the larger surrounding area or specifically Cabrillo Beach. The cruise terminal in the Outer Harbor is planned for a location that already includes a working Port berth. The existing dock at Berths 45-47 already received large ships and the occasional cruise ship. Additional cruise ship visits will not impact the use of Cabrillo Beach nor the recreational marinas.

As discussed in the EIS/EIR, the proposed Outer Harbor Park would encompass approximately 6 acres at the Outer Harbor and would be designed to maximize harbor views, facilitate public access to the water's edge, encourage special events, and segregate park visitors from the secure areas of the proposed Outer Harbor. The park would incorporate landscaping, hardscape, lighting, signage, and outdoor furniture. The *San Pedro Waterfront and Promenade Design Guidelines* would provide the framework for architectural and landscape design to ensure that proposed project features would not adversely affect visual quality by introducing highly contrasting, inharmonious, or unsuitably scaled architecture. The addition of new park acreage, and cruise ship terminals, would visually define this peninsula as a recreational transportation hub within the harbor. Visually, the West Channel Marina, Outer Harbor Park, adjacent proposed Waterfront Enhancement Project (previously approved), San Pedro Park, and 22nd Street Landing Park (previously approved) would combine to define this over 1-mile-long peninsula, marina, and central park as a coherent, recreational/open space district within the active multi-use components of the Port setting.

The Outer Harbor cruise terminal would incorporate a secured and movable floating security barrier to reduce the zone required to be kept clear of recreational boats around the cruise ship. As discussed in the Draft EIS/EIR, a secured security barrier would be located perpendicular to Berths 45-47. The movable floating security barrier would extend from the secured barrier and be located parallel to the cruise ship after the cruise ship is docked. The 25-yard floating security barrier would maintain the waterside security of the docked cruise ship, while allowing approximately 155 yards (465 feet) of available space for recreational boaters to access the marinas when a cruise ship is at berth.

The proposed Project does not include any dredging that would affect the eelgrass. As discussed further below, cruise ships are prohibited from discharging any materials within the harbor and therefore will not impact the current eelgrass beds near Cabrillo Beach. The proposed Project also includes expansion of the existing salt marsh area in Cabrillo Beach to further improved biological function.

In regards to water quality at Cabrillo Beach, through a separate project, the Los Angeles Harbor Department (LAHD) is spending millions of dollars to improve the water quality at Cabrillo Beach and intends to protect the recreational resources at the beach.

Comment #2

While there are environmental concerns associated with the cruise industry, the proposed Project includes a host of measures to reduce such impacts and will be one of the most environmentally clean cruise facilities in the world. As discussed in the EIS/EIR, to reduce air emissions and greenhouse gas levels, under the proposed Project, cruise ships would be required to plug into shore side electrical power (AMP), use low sulfur fuel (0.2%), participate in the vessel speed reduction program (VSR), and consider new future technology to further reduce main engine emissions. In addition, the Outer Harbor cruise terminal would meet LEED gold standards, use compact fluorescent bulbs and the operator would be required to meet strict recycling rates. All terminal equipment will be electric where available; if not available, equipment will meet stringent NOx and PM standards. As part of the proposed Project, all delivery trucks (above 14,000 pounds) entering the cruise terminal building will be required to achieve EPA's 2007 Heavy-Duty Highway Diesel Rule emission standards for onroad heavy-duty diesel engines (such trucks are currently exempt from the Clean Truck Program and thus, this measure would further reduce truck emissions in the Port area).

Cruise ships are prohibited from discharging any materials within the harbor by LAHD Tariff and within three miles of the California Coast by state law. In addition, as discussed in the EIS/EIR, each tenant operating cruise ships in the proposed project area will conform to applicable requirements of the Non-Point Source (NPS) Pollution Control Program. The tenant will design all terminal facilities whose operations could result in the accidental release of toxic or hazardous substances (including sewage and liquid waste facilities, and solid and hazardous waste disposal facilities) in accordance with the state NPS Pollution Control Program administered by the SWRCB. As a performance standard, the measures will be selected and implemented using the best available technology that is economically achievable such that, at a minimum, relevant water quality criteria as outlined by the California Toxics Rule and Basin Plan are maintained, or in cases where ambient water quality exceeds these criteria, maintained at or below ambient levels. The applicable measures include the following:

- **Solid Waste Control.** Properly dispose of solid wastes to limit entry of these wastes to surface waters.
- **Liquid Material Control.** Provide and maintain the appropriate storage, transfer, containment, and disposal facilities for liquid materials.
- **Petroleum Control.** Reduce the amount of fuel and oil that leaks from container and support vessels.



San Pedro Youth Coalition

P.O. Box 78
San Pedro, CA 90733

September 9, 2009

RESOLUTION

The SAN PEDRO YOUTH COALITION hereby resolves to support the Port of Los Angeles' proposed San Pedro Waterfront Project as it will deliver attractions and parklands available to children, aesthetic improvements to be enjoyed by families with children, youth job opportunities in an economically revitalized waterfront, and educational and cultural experiences for children.

Approved by unanimous vote of the San Pedro Youth Coalition Board of Directors on September 9, 2009.

Coastal San Pedro Neighborhood Council Testimony

SAN PEDRO WATERFRONT PLAN

To: Board of Harbor Commissioners

Date: September 29, 2009

The Coastal San Pedro Neighborhood Council (CSPNC) submits the following written testimony, as well as additional public comments, on behalf of the 25,000 stakeholders in the Coastal San Pedro area. About half of the project is contained within our borders.

1 – CSPNC strongly supports the San Pedro Waterfront Plan, as well as cruise ship expansion near downtown. We oppose cruise ship terminals in the Outer Harbor. Cruise ships in the Outer Harbor would have a severe negative impact on a unique and irreplaceable resource for the people of Los Angeles and California. We support, the Sustainable Waterfront Plan (SWP), which includes:

- **Modern terminals near downtown with space for simultaneous berthing of the largest cruise ships, including at least 2 Freedom Class ships or their equivalent.**
- **Ports of Call rebuilt and expanded with a convention center.**
- **Red car, walking, bicycle & shuttle routes linking the waterfront and downtown.**
- **A promenade all along the waterfront with no highway by the sea.**

We protest the failure of the EIR to evaluate the SWP. It was not evaluated in the DEIR or Final EIR despite repeated requests over 12-18 months from numerous groups and residents. This violates CEQA and NEPA regulations and law. (For details see item 6 below.)

We oppose the staff alternative, which is called the “proposed plan” in the EIR. Our stakeholders do not support it. This alternative lacks an expansive vision for our harbor’s future. It does not fulfill the charge of the Tidelands Trust to serve and balance a multiplicity of uses. Instead, it offers a cramped view tilted to serve the cruise industry at the expense of recreation, sailing, fishing, swimming, environmental quality, park space, and other waterfront activities. In 50 years, people will look back at this moment and record that the Harbor Commissioners created a lasting legacy for the people of California or dedicated this unique resource to the cruise industry (which can be fully served elsewhere in our harbor).

The staff alternative, including terminals in the Outer Harbor and the North Harbor Cut, would cost at least \$160 million more than Alternative 4 or the SWP. The staff alternative would:

- Hurt San Pedro business by directing cruise passengers away from downtown.
- Change forever the character of Cabrillo Beach & the Outer Harbor recreation area.
- Block access to the promenade with a highway all along the waterfront.
- Create up to 600 bus trips daily between Outer Harbor terminals & parking at the bridge.
- Obstruct the West Channel and the Outer Harbor with security zones for cruise ships.

2 – If an Outer Harbor/Kaiser Point berth were considered unavoidable, its negative impacts would be reduced significantly by putting it in the East Channel, not facing Cabrillo Beach. The Port staff alternative puts two cruise berths at Kaiser Point. The Port staff has sought this for years. Nothing has changed this goal; not The Great Recession nor a 30% decline in cruise business. The only response of the Port staff has been to suggest a delay in building a second terminal in the Outer Harbor.

To accommodate the chimera of cruise growth, the Port staff wants to put the first Outer Harbor terminal at Berths 45-47, facing Cabrillo Beach and partially obstructing West Channel access to the Cabrillo

marinas. They explain that this is \$12-14 million cheaper than putting the terminal in the East Channel at Berths 49-50. This "savings" amounts to just 1% of the cost of the entire \$1.2 billion project and would be a tiny price to pay to minimize many of the damaging features of an Outer Harbor cruise terminal. Over 30 years and 40 million passengers, the cost would be less than \$1 per visitor.

3 – The Outer Harbor cruise terminal plan by Port staff is based on two ideas: that the cruise business is expanding and that large ships won't fit downtown. Neither is true.

The Port's own 2009 cruise ship economic study, done by the Menlo Consulting Group, says passenger volume is about 839,000 this year. (Note that these passenger counts doubles the actual number of visitors; The Port counts passengers twice – once on boarding and again on debarkation.) Lately, Port staff has said it could be even lower than that. At 839,000, there is a 30% *decline* from the cruise bubble's peak of 1.2 million passengers in 2005. Menlo projections say that cruise passenger volume will remain flat until 2013 when it will begin to rise, again reaching 1.2 million in 2023. Menlo admits that its projections are just that -- predictions, and their reliability diminishes the further out they go.

The previous Port study, done just 3 years ago, predicted 1.7-1.8 million passengers in 2010. That study was off by almost 1 million, demonstrating clearly that these kinds of market projections are unreliable.

The port staff alternative does not consider adding a third terminal downtown. The staff plan is to put some paint on the existing terminals and add some video displays. There would be new gangways to conform to federal disability law, as well as a solar array on the roof and shore plug-in for the ships. There would be *no* new terminal and the embarrassing "temporary" tent serving the third berth would remain. The Port plan would spend \$175 million on the Outer Harbor terminals and just \$42 million on the existing terminals downtown. Port staff reported to the Central SPNC that near-term projections have one ship berthed at the Outer Harbor terminal once a week on Sundays, most likely from October to May.

Contrary to the Port's assertions, three large cruise ships *can* fit in the berth space near downtown.

The Port website says Berth 93A and B is 1250 long. The EIR says a Freedom Class ship needs a berth of 1250 feet. A Freedom Class ship is 1112 feet long. A Voyager Class ship is 1020 feet long. A Voyager Class ship would fit in the Notch Berth at 93AB adjacent to the Vincent Thomas Bridge. The Port pilots have verified this.

The length of the wharf from Berth 92 to 87 is 2404 feet and there is additional footage to be gained, when necessary, by letting the bow of a ship at Berth 92 overlap Berth 93. This is the docking technique used regularly (and this Saturday) when three ships are in port.

There is sufficient room for two Freedom Class ships. At a combined length of 2224 feet, they would easily fit in a space of 2400 feet. The port pilots have verified this.

In the EIR and a later letter from the Menlo group, it is clear that the staff only considered and Menlo only analyzed two berths near downtown. They did not consider including any berth space south of the existing terminal; i.e. space adjacent to the tent. They act as if this space does not exist, saying that "the capacity calculations...are based on the use of Berths 91-92 and 93 and did not include Berth 87, which we understand to be temporary and lacking a terminal."

The latest Port argument against having two terminals along Berths 87-92 is that there is a slight dogleg in the middle of that wharf, which would make it more difficult to dock two ships. This is not a real issue. Certainly, if the Port can propose the various harbor cuts and build Pier 400, it can correct this dogleg

with fill or run a true line south along the wharf from Berth 92 by cutting into the existing parking lot.

4 – Recreational boaters especially should be wary of the Cabrillo-facing berth plan. Homeland Security rules require a 100-yard no-travel security zone around a cruise ship berthed at Kaiser Point. This no-passage zone would cut deeply into the West Channel access to the Cabrillo marinas. After more than a year and tremendous pressure from the Port, the Coast Guard has yet to approve the proposal to minimize that (to 25 yards) by creating a floating barrier system rather than a security zone. Even if the barrier system were approved, a terrorist act anywhere in the world could cause the USCG to require a standard 100-yard (or larger) security perimeter again.

5 – San Pedro and Los Angeles would get a better result by upgrading existing terminals and building a third terminal near downtown. This would improve our economy while reserving the Outer Harbor for recreation, environment, scientific research and compatible commercial uses. It would be a resource for all Californians. Coupled with a revitalized downtown and expanded Ports of Call, it would be a real attraction for the 5 million people living within a 45-minute drive of San Pedro.

San Pedro needs dramatic improvements to its waterfront. Downtown businesses need the growth that will come from attracting more consumers to our beautiful city. The plan should go forward now. The staff alternative of putting a cruise terminal in the Outer Harbor right away, is a bridge too far. Cruise passenger volumes are off 30% from their peak in 2005. They are not predicted to return to that level for 14 years, if ever. A better result and the same impact on the cruise industry can be had for much much less money. Focus on downtown first.

6 – We protest the failure of the EIR to evaluate the SWP. It was not evaluated in the DEIR or EIR despite repeated requests over 12-18 months for the Port to do so. Instead the Port has offered Alternative 4, which it claims is the equivalent of the SWP. Alternative 4 does not meet project goals of simultaneously accommodating at least two Freedom Class ships or three ships larger than Princess Class ships. The SWP met these project goals by straightening the bulkhead at Berths 92-87 so that two Freedom Class ships could dock in the 2400-2500 feet there.

The SWP was not evaluated, although it was discussed and endorsed in comment letters by CSPNC, the Sierra Club and numerous residents, as well as CSPNC's Port & Environment Committee, the South Coast Interfaith Council and other groups. Additionally, several other groups asked the Port to give full and co-equal evaluation to the SWP, including the Port Community Advisory Committee (PCAC) and, separately, the PCAC Coordinated Plan Subcommittee, which is charged with overseeing this particular project for PCAC.

It is unacceptable and a violation of CEQA/NEPA to fail to evaluate a key alternative, particularly one presented by many people and organizations, including a City-chartered agency (CSPNC) and PCAC, which was established to advise the Port about community sentiments under a CEQA/NEPA settlement. SWP meets project goals with regard to adequate berthing space for the largest ships but places them in the Inner Harbor.

Significantly, Alternative 4 is the only alternative in the EIR that includes terminal construction, a promenade and improvements in the Inner Harbor. Similarly, Alternative 4 is the only alternative in the EIR that includes terminal construction and a promenade without adding terminals in the Outer Harbor. It is a key failure of the EIR for the Port to put forward and evaluate an alternative (as an answer to specific comments) that purposefully or otherwise does not meet project goals of two Freedom Class ships in the Inner Harbor. Such an alternative was clearly and repeatedly discussed in numerous comments. The Port is fully, or should be fully, aware that Alternative 4 does not meet project goals and that it does not satisfy comments supporting or asking for full evaluation of the SWP.

7 – CSPNC Stakeholders are concerned that the modern terminals in the Outer Harbor, where the Port is spending nearly \$200 million, will compete with the aging Inner Harbor terminals, on which the Port is spending \$42 million. Cruise clients will inevitably favor the new terminal. Should Port growth predictions for the cruise industry not be realized, existing business will migrate to the Outer Harbor. This would amount to a relocation of the cruise business and damage downtown. In 2009, there will be two or more ships in town just 38 days.

8 – Environmental justice issues are raised by the extraordinary expenditures on the cruise industry in the Outer Harbor, while long-promised Cabrillo Beach enhancements have not been started and the mothers' beach at Cabrillo Beach remains polluted and is rated "F-FAIL" for swimming year after year. Cabrillo Beach, especially the Inner Beach and the fishing pier, is a very popular recreation spot for poor and lower-middle-class families, many from San Pedro and Wilmington. It cannot be good policy or public relations for the Port to spend hundreds of millions of dollars on infrastructure to dock luxury liners facing Cabrillo Beach yet the Port remains unable to make the water at Cabrillo Beach safe for swimming.

9 – We join the Port Community Advisory Committee (PCAC) in asking the Board of Harbor Commissioners to extend comment for 30 days on the EIR for the Waterfront Plan. The motion points out that after more than 10 years of discussion and nearly two years on this iteration, the Port released the 8,000-page EIR less than two weeks before the hearing. Most did not get copies until Thursday, September 17. The brief comment period includes the two Jewish High Holy days, with the hearing the day after Yom Kippur. Final budget figures for the project were still being released over the weekend. This is not acceptable and we protest it.

In the update from the DEIR, the EIR shifts numerous categories of impacts from *significant impact with mitigations proposed to less than significant impact, with NO mitigation necessary*. These are too numerous, and the time frame allowed for reading and comment on the 8,000-page document was too truncated, to allow for full recounting here. We ask that the Board of Harbor Commissioners, the City Council and federal authorities note (and we protest) all these changes from the DEIR.

10 – We protest the refusal by the Port of LA Executive Director Geraldine Knatz to permit CSPNC 10 minutes to present testimony at the Board of Commissioner's hearing. Members of the public and organizations may speak for 3 minutes, we were told. Other local groups, however, were given 10 minutes to speak. CSPNC was told it could have 3 minutes, despite being a sister agency established under the Charter of the City of Los Angeles.

11 – We endorse the testimony by the Air Quality subcommittee of PCAC and incorporate into our testimony its comments, which we summarize here. The Air Quality subcommittee testimony calls on the Port to speed alternative marine power (AMP) in the Downtown/Inner Harbor. Residents downwind of this area should not suffer meaningful delay in implementation until 2013, as proposed by staff.

The Outer Harbor area already is designated a Federal Non-Attainment area with regard to air pollution because of the impacts from Port operations. The Point Fermin area has some of the highest cancer rates in the region. The staff alternative will further impact this area by moving even more industrial uses to this area. That is not acceptable nor is it acceptable to increase the already unhealthful exposure of people using this area for recreation, including keeping a boat at West Channel marinas, or swimming, kayaking, windsurfing and enjoying other activities at Cabrillo Beach.