

Taleen Ananian
350 S. Bixel Street
Los Angeles, CA 90017-1418

August 3, 2007

Spencer D. MacNeil
U.S. Army Corps of Engineers, L.A. District P.O. Box 532711 Los Angeles, CA
90053

Dear Dr. MacNeil:

Dear Dr. MacNeil and Dr. Appy,

On behalf of the Los Angeles Area Chamber of Commerce, I am writing to urge the timely completion of the DEIR/DEIS for the redevelopment of the TraPac Terminal site. This project is significant to the Port of Los Angeles because of its strides to meet the green growth goals put forward in the Clean Air Action Plan.

The Los Angeles Area Chamber of Commerce congratulates the Port of Los Angeles and the U.S. Army Corps of Engineers, port commissioners and staff for producing the draft EIS/EIR - the first step in ensuring that our ports can efficiently manage expected growth while mitigating environmental impacts.

As you're well aware, the ports of Los Angeles and Long Beach are a major economic driver, providing approximately 500,000 jobs in the greater five county region and more than 1 million jobs nationally. At the same time, the ports are potentially facing a major capacity crisis. In its May 2007 forecast, the Los Angeles Economic Development Corporation predicted that the ports will grow 9.2 percent this year to 17.2 million TEUs. (The ports predict a 6.4 percent increase to 16.8 million TEUs).

We firmly believe that port growth, and the appropriate accommodation of that growth, is critical not only to the Southern California and national economy, but also to our air quality.

Re-development of the TraPac terminal is an important step towards efficiently managing the expected growth in container volume and mitigating environmental impacts. Terminal efficiency will nearly double, while minimizing truck idling and increasing use of rail. As a result, the EIR shows that the proposed project will reduce emissions of green house gases and criteria pollutants below baseline levels. The proposed project also meets the green growth goals of the Clean Air Action Plan and significantly reduces health risk to local communities several through numerous environmental features. In addition, a 30-acre landscaped buffer zone separating the community from port operations would provide much needed green space and recreational facilities to community members.

Conversely, the "no project" alternative clearly shows that a failure to complete this project is detrimental to air quality in the local community and the region. In fact, even if no changes are made to the facility, the container cargo volume at the TraPac terminal is expected to nearly double without any of the environmental benefits of redeveloping the site. Moreover, it's clear that certain improvements can only be provided with the site redesign outlined in the EIR.

We believe that this project represents an important "green growth" initiative to provide more efficient goods movement through the Port of Los Angeles. We therefore support the project in concept, and encourage the Port of Los Angeles to continue moving the environmental process forward to completion.

Sincerely,
Taleen Ananian

TA-1

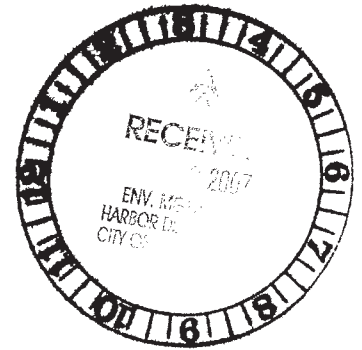
TA-2

TA-3

Taleen Ananian, August 3, 2007

- TA-1.** Your comment is noted and will be forwarded to the Board of Harbor Commissioners for their consideration.
- TA-2.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.
- TA-3.** The comment is acknowledged and appreciated.

7-31-07



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

Subject: Berth 136-147 (TraPac) Container Terminal Project
DIES/DIER Mitigation Measures

Land Use Measures

Operation:

LU-2: Truck Traffic Enforcement. Port Police shall increase enforcement of prohibition against truck traffic within Wilmington.

Dear Dr. Appy;

As the enclosed copy of my letter to LA Port Police Chief Boyd indicates, the LU-2 Truck Traffic Enforcement Measure can not be used in the TraPac DIES/DIER Mitigation Measures, as there is already a long history of the LA Port Police refusing to enforce even a very minimal amount of Port trucks using posted prohibited Wilmington streets.

SB(A)-1

Promises of future enforcement can not be viable because that is what the past Port Police enforcement has been made up of. We receive promises of ---- " just wait, your officer is in training " , or similar excuse.

SB(A)-2

When we finally receive an officer it is only for a short time and they are assigned to another position, and we are left with no officer, the officer we did receive provided us with only a minimal amount of service for a short period of time.

The Port of Los Angeles directly creates this OFF PORT COMMUNITY IMPACT, that the Port Police have refused to mitigate over a period of years.

SB(A)-3


Future promises can not be used as a mitigation excuse.

7-31-07

Pg. 2

Time allowing, I will probably be giving more input on this subject.

Sincerely,



Skip Baldwin
632 N. Broad Av.
Wilmington, CA 90744

(310) 834 - 7968

enc.

7-31-07

Chief R. Boyd
Los Angeles Port Police
425 S. Palos Verdes St.
San Pedro, CA 90731

Subject: Berth 136-147 (TraPac) Container Terminal Project
DIES/DIER Mitigation Measures

Land Use Measures

Operation:

LU-2: Truck Traffic Enforcement. Port Police shall increase enforcement of prohibition against truck traffic within Wilmington.

Dear Chief Boyd;

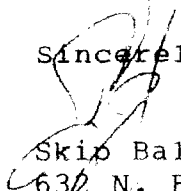
I appreciate our cordial relationship, and for that reason I will not go too deeply into this subject.

However I am forced to state I am seeing zero enforcement of truck traffic in Wilmington.

Our concern here is getting only one officer to patrol for trucks on the posted prohibited areas of our two main streets, Avalon Blvd. and Anaheim Street.

Based on the fact that we have made this request over a period of years while the Port has been expanding and there has been no response, the LU-2 Mitigation Measure can not be used as a mitigation measure in the TraPac DEIS/DIER Mitigation Measures.

Sincerely,


Skip Baldwin
632 N. Broad Av.
Wilmington, CA 90744

(310) 834 - 7968

enc; LU-2 copy

Skip Baldwin A, July 31, 2007

SB(A)-1. The Port acknowledges community concerns about impacts associated with truck use in residential neighborhoods adjacent to the Port. However, this comment does not provide specific facts to support the assumption that the Port has not effectively implemented mitigation measures or established feasible monitoring plans for enforcement. According to CEQA Guidelines Section 15064(f)(5):

“Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”

Therefore, it is speculative to assume implementation of Mitigation Measure LU-2, which requires enforcement of prohibition against truck traffic in Wilmington by the Port Police, would not effectively reduce the Project’s contribution to existing violations of unauthorized truck use in Wilmington. Therefore, no revisions to the Final EIS/EIR are required.

SB(A)-2. Please see response to comment SB(A)-1. The Draft EIS/EIR has appropriately identified Mitigation Measure LU-2 as a feasible mechanism for reducing the Project’s contribution to existing violations of unauthorized truck use in Wilmington pursuant to CEQA Guidelines Section 15364, which states, “A mitigation measure is considered feasible if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into consideration economic, environmental, legal, social, and technological factors.” Therefore, no revisions to the Final EIS/EIR are required.

SB(A)-3. Please see response to comment SB(A)-1. Concerns related to existing violations of truck traffic in Wilmington will be forwarded to the Board of Harbor Commissioners for their consideration.

lll

9-11-07

RECEIVED
SEP 14 2007
Env. Mgmt. Div.
Harbor Dept.
City of L.A.

Dr. Ralph Appy
Director Environmental Division
Port of Los Angeles
425 So. Palos Verdes St.
San Pedro, CA 90731

Subject: Berth 136-147 (TraPac) Container Terminal Project
DIES/DIER Comments

Dear Dr. Appy;

As a person who is impacted on a 24/7 day basis by off Port negative impacts of air pollution, illegal Port container traffic, illegal Port container yards, noise, extreme glare and Port blight; my comment on this 136-147 Terminal DIES/DIER has to be that the ES.4.3.1 Alternative - No Project Alternative should be used.

All the above problems (and more) exist for only one reason, the Port has created these negative impacts and done nothing to correct them.

Why would we go ahead and create more problems, as the EIS/EIR states, when the existing problems from past projects have not been corrected?

Jobs do not overrule the right that people have to health and clean air.

The threat that large increases in shipping will happen in coming years is no excuse.

As has already been said --- let other ports enjoy this would be prosperity.

SB(B)-1

Skip Baldwin B, September 11, 2007

SB(B)-1. Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

Linda Bauer
3820 Snowden Avenue
Long Beach, CA 90808-2227

August 8, 2007

Ralph G. Appy
425 S. Palos Verdes St.
San Pedro, CA 90731

Dear Dr. MacNeil and Dr. Appy,

On behalf of myself, I am writing to urge the timely completion of the DEIR/DEIS for the redevelopment of the TraPac Terminal site. This project is significant to the Port of Los Angeles because of its strides to meet the green growth goals put forward in the Clean Air Action Plan. I congratulate the Port of Los Angeles and the U.S. Army Corps of Engineers, port commissioners and staff for producing the draft EIS/EIR - the first step in ensuring that our ports can efficiently manage expected growth while mitigating environmental impacts.

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I believe this project represents an important "green growth" initiative to provide more efficient goods movement through the Port of Los Angeles. I support the project in concept, and encourage the Port of Los Angeles to continue moving the environmental process forward to completion.

Sincerely,

Linda Bauer

LB-1

LB-2

LB-3

Linda Bauer, August 8, 2007

- LB-1.** The comment is acknowledged and appreciated.
- LB-2.** The comment is noted and will be forwarded to the Board of Harbor Commissioners for their consideration.
- LB-3.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

Dr. Ralph Appy, Ph D

LAHDS Envir. Science Unit
425 S. Palos Verdes St.,
San Pedro, Ca. 90731

Telephone: 310 732 34444

Donald Compton, J. D.

Independent Public Advocacy
233 East M Street,
Wilmington, Ca. 90744

Telephone: 310 830 5905

Public Comment on the TrePac E. I. for Buffer Part

The Executive Director for the Wilmington Chamber of Commerce has told me, in essence, THERE IS NO MARKETPLACE DEMAND FOR DEVELOPMENT OF THE WILMINGTON WATERFRONT AREA so long as the Air Quality is so bad that Private Investors or Developers are not interested in risking their own funds for such Development. So why in heavens name, does the City Harbor Dept. want to put in a Masterplanned Park straddling the most Diesel Toxic Area or Corridor in Wilmington, Harry Bridges Blvd., that, even, the Port Staff admits WILL GET ALOT WORSE BEFORE IT GETS BETTER over the next Ten to fifteen years, according to Dr. Ralph Appy himself?

Certainly, responsible Adults already know that the Masterplanned Park, in general, and the Bufferpart, in particular, aka, the Manscoped Hillside, IS DESIGNED TO ATTRACT CHILDREN AND THE ELDERLY TO ITS TOP, as the Ports Chris Brown has told us, to view the somewhat distant Wilmington Waterfront, if seen through stacks of Containers, WHILE UNWITTINGLY TAKING THE PROVERBIAL GSS PIPE, i. e., ULTRA FINE DIESEL PARTICULATE MATTER up from the Harry Bridge Diesel Truck and Train Corridor, some two stories below with only a forty five feet setback, or so.

Dr. John Froines Warning of 2 August, 06

On 2 August, of last year, the City Port Commission heard the preeminent Expert on Ultra Fine Diesel Particulate Matter speak with Q. and A before the City Harbor Commission, with only Commissioner Lopez Mendoza missing. I received a copy of Dr. Froines Q. and A from the LAHDS Graphics Dept. headed by Mr. Brian Montgomery, some three months, or so, ago. I have listened carefully to it THREE TIMES in its entirety, since then.

DC-1

DC-2

DC-3

Early on in Dr. Froines Presentation, he agrees with President Freeman that THERE IS NO CLEAN DIESEL FUEL and anyone who says so IS A FRAUD. Both Agree that obly Electric and, to some extent, LPG is much better, while Hydrogen Power seemsthe cleanest of all, but that seems far off.

Dr. Froines clearly states that PARTICU, rather, Particle Traps may remove many Particulates IN THE EXHAUST PIPE but, when the Bapors actually come out, THEY CAN EVEN BE MORE TOXIC SINCE VAPORS QUICKLY NEGING TO COOL INTO TOXIC ULTRA FINE PARTICULATE MATTER that is not rrapped out, but rise and coll, off the street, sy, until they cool into even larger Paricles that are relatively safer to humans than the ULTRAFINE ONES, that attack the Cells of the Heart, Lungs, Brain, and Circulatory Sytstem TO CAUSE, in some Degree, Greater Incidence of, not just Canver, but Heart and Lung Disease, too, along with Breathing Disorders, like Asthma, etc to a greater extent than if the Diesel Particulates were not along such Corridors, sy, as Harry Bridges Blvd.

Harry Bridges Blvd.

According to Dr. Ralph Appy, the TrePac E. I. R. discusses the aforesaid Blvd. and its Diesel Particulate Problem on just wo pages of the THREE HOUSAND page e. i. r., Pages 3.2 dash 200 and 201, as read to me by Dr. Appy, as to Page 200 and that and 201 by Deputy City Attorney, Thomas Griego. Those pages suggest that most kids playing on the Buffer Field will not be much affected by increased Ultra Fine Diesel Particulates being spewed from Tucks and Trains, except those SENSITIVE TO SUCH PARTICLATES and they will be significantly impacted.

Those Two Pages fail to mention WHAT WILL THOSE ULTRA FINE PARTICULATES HAVE ON THE KIDS THAT RACE TO THE TOP OF THE BUFFER AND BREATHE IN THEM AT, peryaps, THEIR MOST TOCIC LEVELS, each time they play up there, as the Master plan encourates them to do by its Trails and footpaths?

Recommendation

The landscaped hillside whould be removed from the masterplan until later.

Public Comment on TraPac E. I. R.

Please refer to WWW . . port of LA . Org, pages 3.2 dash 200 and 201 for the Reports Comments on the Vuffer Project, adjacent to Harry Bridges Blvd. that will now be addressed specifically.

Page Two Hundred

The Report admits that Ultra Fine Diesel Particulates can be a serious Health Problem, especially for Children with a predisposition towards Asthma and the like, but with a Wall or Hillside in place, adjacent to said Blvd., almost all Children playing on the ground behind this barrier should be safe enough.

What this Page does not deal with is the Children getting up on top of that Masterplanned Hillside, via built in Paths and Trails, TO PLAY AND ROLL AROUND ON ITS TOP, while INADVERTENTLY BREATHING IN THOSE ULTRA FINE DIESEL PARTICULATES, while panting and gulping for air, just after reaching the hill top by running and the like, say.

The serious question that needs to be addressed is, GIVEN THE MERE FIFTEEN METER SETBACK OF SAID HILLTOP OFF OF HARRY BRIDGES, some Eighteen Feet below that hilltop, ARE THE KIDS SAFE FROM THOSE PARTICULATES THAT ARE THE MOST TOXIC?

Dr. John Froines of the UCLA C. O. E. H. should be consulted on this, specifically, and someone prepared to answer this question should be present for Q. and A. from the Port Commission when it comes up for their Consideration.

Page Two Hundred One

On 2 August, of last year, Dr. John Froines appeared before the Port Commission in San Pedro. He gave a three quarters of an hour Presentation with, even, Q. and A. with the Port Commissioners, especially with President Freeman and Ms. Janet Gunther. I have listened to said DVD of that Meeting, three times over the past ten months, my source for this Comment for Page 201.

DC-5

DC-6

As per that Recording of Dr. Froines Conversation and Presentation of last 2 August, HE AND PRESIDENT FREEMAN AGREED THAT THERE IS NO SUCH THING as a clean diesel fuel and anyone saying so isbe Fradulent. They both Agreed, too, that Particle Traps in Exhaust Systems of, say, Port Diesel Powered Trucks, ARE NOT EFFECTIVE because, though some particles are removed, THE DIESEL FUMESTHAT LEAVE THE #XHAUST POPE STILL, ironically, begin toe cool AND FORM ULTRAFINE DIESEL PRTICULATES that are moreTocic than the particles r@moved by said internal traps. What to do?

DC-6

Both agreed that LPG might be useful, but the Oil Lubricants used to keep the LPG System running well, themselves give off unacceptable levels of Carbron Particulates, it seems. They Agreed that all Electric might work, but that HYDROGEN FUELS MIGHT BE THEULTIMATE ANSWER, but that would be years, eben, Decades Away from now.

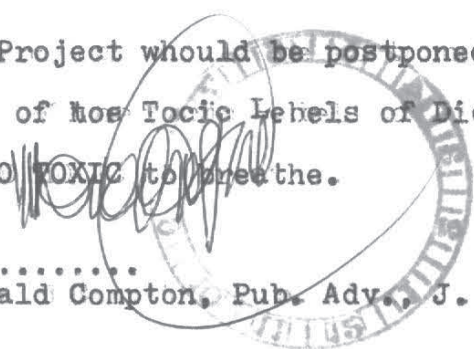
Dr. Ralph Appy has suggested to me that IT WILL TAKE FROM TEN TO FIFTEEN YEARS FOR HARRY BRIDGES TOBE CLEANED UP of those Toxic Particulates, so WHY DOES PAGE 201 SAY THAT WITHIN FIVE YEARS, UP TO EIGHTY PERCENT OF THE PARTIUL-TE PROBLEM WILL OCCUR BECAUSE THE DOESEL TRUCK ENGINES WILL BE CONVERTED? To what? As President Freeman andDr. Froines said, some ten months ago, THERE IS NO SUCH THING AS A CLEAN DIESEL FUEL AND PARTICLE TRAPS DO NOT WORK EFFECTIVELY AT ALL on what leaves the Exhaust Pope as Diesle Vapors.

Conclusion:

DC-7

The Landscap^{3d} Hillside of theBuffer Project would be postponed for at least Ten to fifteen years, afterremoval of Nos Toxic Levels of Diesel Particulates., especially if THE HILLTOP IS TOO TOXIC to breathe.

Dated: 17 July, 2007 Vy: Donald Compton, Pub. Adv., J. D.



Public Comment on TraPac E. I. R. for 31 July, 2007

From the Standpoint of this Independent Public Advocate, the headlong rush by the Port of Los Angeles Authorities TO PUT A PUBLIC PARK that is deliberately designed to Attract Children and the Elderly TO THE GRITTY, NOISY, AND POLLUTED INDUSTRIAL ZONE OF WILMINGTON IS SHOCKING, despite the warnings from Medical Experts and Educators, like myself, to the contrary.

The Ports own Environmental Expert, Dr. Ralph Appy has told me that HARRY BRIDGES BLVD. WILL NOT BE FREE OF HARMFUL DIESEL PARTICULATES FOR, at least, TEN TO FIFTEEN YEARS, from now; yet, the Port Commission is urging Fast Forward for the Implementation of the Sasaki and Associates MASTERPLAN that has already won two Design Awards for its beauty that seems the most important thing to so many WILMINGTON RESIDENTS WHO HAVE NO CLUE TO THE PUBLIC HEALTH HAZZARD POSED BY THIS PLAN, especially the Buffer Area and its Landscaped Hillside designed to attract those kids and Seniors to its TOPSIDE, some eighteen feet above Harry Bridges Blvd., below, setback just fifteen meters or forty five feet, or so, from its curbside, not the recommended SEVENTY FIVE METERS, or more, from the preeminent Expert of the Dangers of Diesel Particulates, Dr. John Froines.

Upon Invitation from the Port Commissions General Manager, Dr. Geraldine Knatz, Dr. Froines appeared before the Port Commission on 2 August, 2006 for about an hour of Presentation and follow Up Q. and A. THIS FINE PRESENTATION IS AVAILIABLE FROM BRIAN MONTGOMERY OF THE PORTS GRAPHIC SECTION ON DVD OR MP3.

If you listen to said Recording, you will hear Dr. Joyn Froines and Port Commission President, David Freeman, FREELY ADMIT THAT THERE IS NO SUCH THING AS A CLEAN DIESEL FUEL and that ANYONE WHO SAYS THERE IS IS A FRAUD... Dr. Froines emphasized the Irony that despite some harmful Diesel Particulates being removed by Particle Traps inside the Exhaust System, THE DIESEL VAPORS FROM THE EXHUAST PIPE, upon leaving same, BEGIN TO COOL AND FORM INTO ULTRA FINE DIESEL PARTICULATES THAT ARE MORE DANGEROUS TO LUNG, HEART, AND BRAIN.

DC-8

DC-9

DC-9 Brain Tissue Cells than what was Trappee Out of the Exha7st System.

On the Port Website at WWW . PORT OF LA . ORG can be found the THREE THOUSAND PAGES, or so, TRAPAC E. I. R. that was Published earlier this month. Let me address two of those Pages that arrefonund at ens end, in Chapter 3.2 a Pages 200 and 201, since they involve what I am most concerned about with regard to School Children being just across the street at Hawaiian Ave. Elementary School that would be the most likely to play regularly on the Buffers Landsdaped Hillside, if you will.

Chapter 3.2, Page 200

DC-10 Chris Brown of the Port Engineering Dept has repatedly told the WNC and the PCAC Waterfront Subcommittee that THE LANDSCAPED HILL SIDE IS DESIGNED TO ATTRACT KIDS AND THE ELDERLY TO ITS TOP TO VIEW THE WATERFRONT AND HAVE SOME FUN, thereupon. What he has failed to address, along with Dr. Ralph Appy, himself, IS WHAT EFFECT WILL THOSE ULTRA FINE DIESEL PARTICULATES HAVE ON THOSE panting kids rolling around on said topside, some Eighteen Feet above said Harry Bridges Blvd., and just forty five feet set back therefrom? THIS MUST BE ADDRESSED AND DR. FROINES SHULD BE SUMMONED BACK TO THE PORT COMMISSION TO GIVE HIS EVIEENCE ON THIS VITAL HEALTH ISSUE before any Contract is let to build this Landscaped Hillside at that fifteen meter setback location, obviously.

Chapter 3.2, Page 201

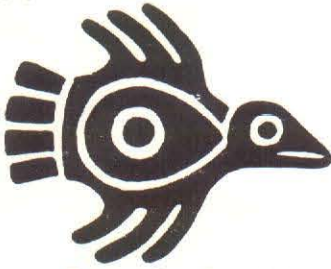
DC-11 As indicated earlier from the DVD made of Dr. Froines 2 August, 06, eention earlier, THERE ISNO CLEAN BURNING DIESEL FUEL OF ANY KIND; thiscoupled with Dr. Appys assertion that it will take Ten to Fifteen Years to clean this up; THIS PAGE SAYS THAT SOME EIGHTY PERCENT OF SAID DIESEL PARTICULATES SHOULD BE REMOVED WITHIN FIVE YEARSBY DIESEL ENGINE MODIIVATION; an apparent Complete Mis representation, to say the least. DO NOT PUT IN THE LANDSCAPED HILLSIDE UNTIL THE PUBLIC HEALTH DEPT. CLEARS THAT AREA OF THE PROBABLE Dnger that is going to be worse before it gets better; accoring to Dr. Ralph Appy andStaff.

Hubb - 7-24-07

ref, ~~Hubb~~ pm

Donald Compton, J.D., Undated

- DC-1.** Thank you for your comment. As discussed in Chapters 2 and 3.2 of the Draft EIS/EIR, the Port has developed a Clean Air Action Plan to reduce air emissions Port-wide. The proposed Project implements all project-specific elements of the CAAP. As shown in Chapter 3.2, emissions and health risk are reduced as compared to baseline levels as result of the proposed Project.
- DC-2.** The text cited in the comment also provides a qualitative statement that it is possible that the impact of Project emissions in the Buffer area could exacerbate the health conditions of some members of the community that are sensitive to air pollution, such as children. However, the prediction for the future is positive, as levels of pollution from both Port facilities and Port-related trucks that travel along Harry Bridges Boulevard will substantially diminish in accordance with the approved Clean Air Action Plan. Current regulations and future rules adopted by the CARB and USEPA also will further reduce air emissions and associated cumulative air quality impacts in the Project region and Buffer area.
- DC-3.** Comment acknowledged.
- DC-4.** The Project air quality analysis determined that the mitigated Project would produce less than significant health impacts (cancer, acute and chronic non-cancer health hazards) to users of the Buffer area. However, due to emissions from Port operations as a whole and other area roadways and industries, airborne cancer and non-cancer levels within the project region and the Buffer area are cumulatively significant. The text cited in the comment also provides a qualitative statement that it is possible that the impact of Project emissions in the Buffer area could exacerbate the health conditions of some member of the community that are sensitive to air pollution, such as children. However, the prediction for the future is positive, as levels of pollution from both Port facilities and Port-related trucks that travel along Harry Bridges Boulevard will substantially diminish in accordance with the approved Clean Air Action Plan. Current regulations and future rules adopted by the CARB and USEPA also will further reduce air emissions and associated cumulative air quality impacts in the project region and Buffer area.
- DC-5.** Please see the response to comment DC-5.
- DC-6.** The text cited in the comment on page 3.2-201 of the Draft EIS/EIR is correct. The Ports Clean Trucks Program will replace the oldest trucks in the Port fleet and retrofit the remaining newer ones to USEPA 2007 PM standards. The Clean Trucks Program proposes to complete the conversion of the entire Port fleet by 2012, or five years in the future.
- DC-7.** Please see the responses to comments DC-4 and DC-6.
- DC-8.** Please see the response to comment DC-2.
- DC-9.** Thank you for your comment. The Draft EIS/EIR does not claim that there will be no diesel emissions from the container terminal operation. Please see Chapter 3.2 for information on both criteria pollutant emissions and resultant health risk of the proposed Project.
- DC-10.** Please see the response to comment DC-2.
- DC-11.** Please see the responses to comments DC-2, DC-4, and DC-9.



Olivia Cueva-Fernández
 1657 Marine Avenue
 Wilmington, CA 90744

September 24, 2007

Dr. Ralph G. Appy, Director
 Los Angeles Harbor Department
 Environmental Management Division
 425 S. Palos Verdes Street
 San Pedro, CA 90731

Commander
 U. S. Army Corps of Engineers
 Los Angeles District
 P. O. Box 532711
 Los Angeles, CA 90053-2325

Subject: Draft EIS and EIR for Berths 136-147 Container Terminal

Dear Sirs:

I'm responding to the document with a sense of bewilderment. I have focused on transportation because of its direct effect on Wilmington students, the community, and me. Yet, there are other areas of concern, some of which I will discuss. As a lifetime resident of Wilmington, one of the founders of Wilmington HomeOwners, and as an education member-at-large on the Port Community Advisory Committee, I feel that important elements are lacking in the conclusions and impacts that the proposed project will have upon Wilmington inasmuch as exiting conditions already have negative ramifications.

It is my understanding that the project's primary goal is to facilitate and increase the capacity of moving goods in and out of the port to customers throughout the region/country. However, the project's impact is NOT confined to conditions on port land since it significantly effects the quality of life, health, and safety of Wilmington residents and their children. Therefore, a major flaw of the report is that it does not address off-port impacts and it should do so. Why? Because the City of Los Angeles and the Port of Los Angeles have the responsibility to protect its citizens and it can do so. It can improve the efficiency of the container terminal, increase revenue and throughput, and acknowledge that the environmental effects of this project extend beyond "B" Street (Harry Bridges Blvd.). The public, that is, the Wilmington public, already knows and feels the effects of port business and has practical understanding that port growth will increase the negative impact upon the community. It is extremely necessary and important to mitigate to the fullest the severity of future expansion.

OC-1

Transportation

The Introduction (3.10.1) states that the transportation analysis includes streets and intersections that would be used by truck and automobile traffic to gain access to and from the container terminal. It does not accurately describe Figueroa Street, which is residential on its eastside, nor does it even mention Pacific Coast Highway. It also implies that construction traffic (i.e., equipment and commuting workers) would use other streets and not these roadways to merit consideration. That is not an accurate statement/assumption.

OC-2

Figueroa will become more of a nightmare similar to Eubank Avenue, north of PCH. Truck traffic should be prohibited on Figueroa except for emergency situations. Pacific Coast Highway now serves as an alternate route for trucks traveling east/west. This highway and its Figueroa/I 110 connections were completely omitted from the analysis charts.

If the existing area traffic conditions (3.10.2.2) were conducted in August 2002, then a more recent and accurate assessment is needed. If conditions were factored to 2003, it is now 4 years later. What is the true picture, especially with the implementation of 24/7?

OC-3

Los Angeles and other cities have set precedence in prohibiting trucks on certain roads. I strongly believe that this should be done on Pacific Coast Highway. The Meyers, Mohaddes study (2003) shows LOS "F" at locations along PCH.

OC-4

As an educator, let's consider estimates on student use of PCH, as pedestrians, passengers, or drivers. The attendance boundary areas of the following schools demonstrate the need for students to cross PCH: Wilmington Park, Fries Ave., Gulf Ave., Wilmington Middle, and Phineas Banning High. In addition four private schools, Harbor College, day care and children centers, community adult and continuation schools must cross the highway twice a day. By using enrollment totals for four elementary schools, one middle and one high school, it can be estimated that at least 1/3 of the students cross PCH twice a day. That means 6226 crossings per day, half at morning peak hours. Although two pedestrian signaled crosswalks were installed this year and crossing guards are used at other signaled intersections, dangerous conditions still exist with carelessness, diesel emissions and trucks traveling at high speeds. Many truck drivers avoid the suggested Harry Bridges truck route, preferring to use Pacific Coast Highway to access Alameda Street, and/or the Terminal Island or Long Beach freeways. I have followed them observing this repeated behavior.

With the increase of trucks, equipment and auto traffic needed for the project, it should be of the highest priority to prohibit truck traffic on PCH. Another factor is that now, at all hours, residents must hear, breathe, smell and dodge trucks. To get a good night's sleep or to do errands without the nuisance of port related trucks is impossible.

The existing transit service of bus lines 445, 446, and 447 would probably need to be re-routed, passengers would not have convenient access to bus stops, or would have to wait for bus service at dangerous stops along busy Harry Bridges Blvd. It's interesting that line 202 and the Commuter Express are mentioned although they do not travel through the project area. (3.10.2.3)

OC-5

The proposed project transportation improvements (3.10.3.1.5) fail to mention any transportation projects at either Anaheim or PCH at Figueroa/Harbor freeway. These two locations are considered out of the jurisdiction of the project, but upgrades are needed now and the need will only worsen. These are very dangerous locations.

OC-6

The Harry Bridges buffer area (3.10.3.1.6) states that the analysis indicates no circulation related problems or impacts associated with street closures. However, local vehicular traffic will be unable to travel east/west parallel to Harry Bridges. Security, safety, and evacuation measures may indicate the need to re-consider the lack of an alternate exit route for the neighborhood and buffer users.

OC-7

In addition, moving the rail yard to the Consolidated berth area would heavily impact the marinas. What are the mitigation measures to assure the safety and health of marina residents and visitors? Has a "quiet zone" been considered for their peace and quiet? Will people, cars, or emergency vehicles have appropriate alternate escape routes?

Buffer Area

OC-8

In the 80's when the Los Angeles Harbor Department Executive Director attended a Wilmington HomeOwners meeting, the idea of a 15-foot wall was mentioned. It was reportedly necessary to block port noises. As the idea became more fact, the Wilmington community adamantly opposed its construction. At meetings, by letters and petitions, residents voiced their opposition to the wall. Port officials listened and the wall was put on hold. What was never answered or addressed, either then or now, was evidence that an official government agency recommended such a wall project to mitigate noise or air quality. At that time the wall was to be built along "C" Street, now it's on "B" Street with a grassy landscape to its north.

However, in my opinion, it is still a wall and no proof has been shown to prove its validity. I fully support the green buffer concept, but if someone sits on the grass what will be visible of the port? What proof is there that the air quality and noise will not effect the Wilmington community, especially nearby residents and visitors to the location. Where will the dirt come from? How will the harbor be viewed and enjoyed?

It will only be viewed from on top of a manmade barrier. How will the bicycle path or seating areas be protected from diesel pollution? How will the trolley be seen? Viewers will only see the overhead wires. What other port in the world has used a buffer such as this? What happens when all the air is clean and the citizenry wants to look at the activity of the port? Will the buffer mound be removed? Would such a buffer be proposed along Harbor Blvd. in San Pedro? No, in fact, conditions are made to better enjoy the view.

Viewing the port and its activity can be both a learning and aesthetic experience, so why can't Wilmington have the buffer without the raised camouflaged wall? As defined in the dictionary, camouflage is the method or result of concealing people or things by making them appear to be part of the natural surroundings. I find that a limited number of illustrations show the true perspective of the southern edge of the buffer. It is probable that many people are so enthralled with the prospect of green space that the effect of the wall is overlooked. Other than the height barrier, this buffer is an excellent mitigation project to be adjacent to a residential zone and a busy thoroughfare.

Further, two nearby elementary schools, an adult skills center, a school of oceanography, residents and businesses will benefit from the advantages of the green space providing cleaner air and noise abatement. Modern technology and materials used in walls, windows, and design will enable new and existing homes and buildings to further benefit from a better and healthier environment. For example, Lennox District school buildings near LAX are insulated and designed to eliminate noise from overhead airplanes. The buffer can be beautiful with trees, water features, social amenities, lightning as currently proposed without the upright barrier.

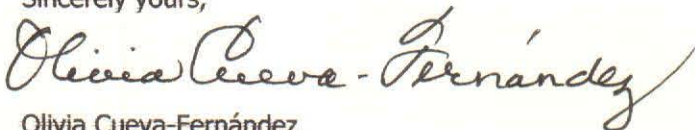
In conclusion, I have assessed the proposed container terminal project at berths 136-147 from the vista of a local resident. I believe every effort should be made by the Port and the City of Los Angeles to safeguard the health, safety, and welfare of the children and adults. It can be proven that environmental factors both on and off port land can be changed to provide the best scenario for business and community. Other ports can learn by example and can expand their capacities. Not only goods but also dollars go through the Wilmington area. Let some of it stay to improve our quality of life. Our children deserve to live and learn in a clean and safe environment.

The proposed project and its five alternatives all have negative transportation impacts.

I appreciate and thank you for accepting PCAC's recommendation of an extension time for the comment period. Reading and understanding the draft was a time consuming task interspersed with daily living. Although the CD disk was helpful, reading the library's hard copy was more friendly but difficult to handle. I suggest that future EIR and EIS hard copy volumes be placed into smaller or more binders. It was very tedious turning pages and then struggling to re-close binder rings.

It is my hope that serious consideration will be given to my comments, directly related or not.

Sincerely yours,



Olivia Cueva-Fernández

Enclosures (2)

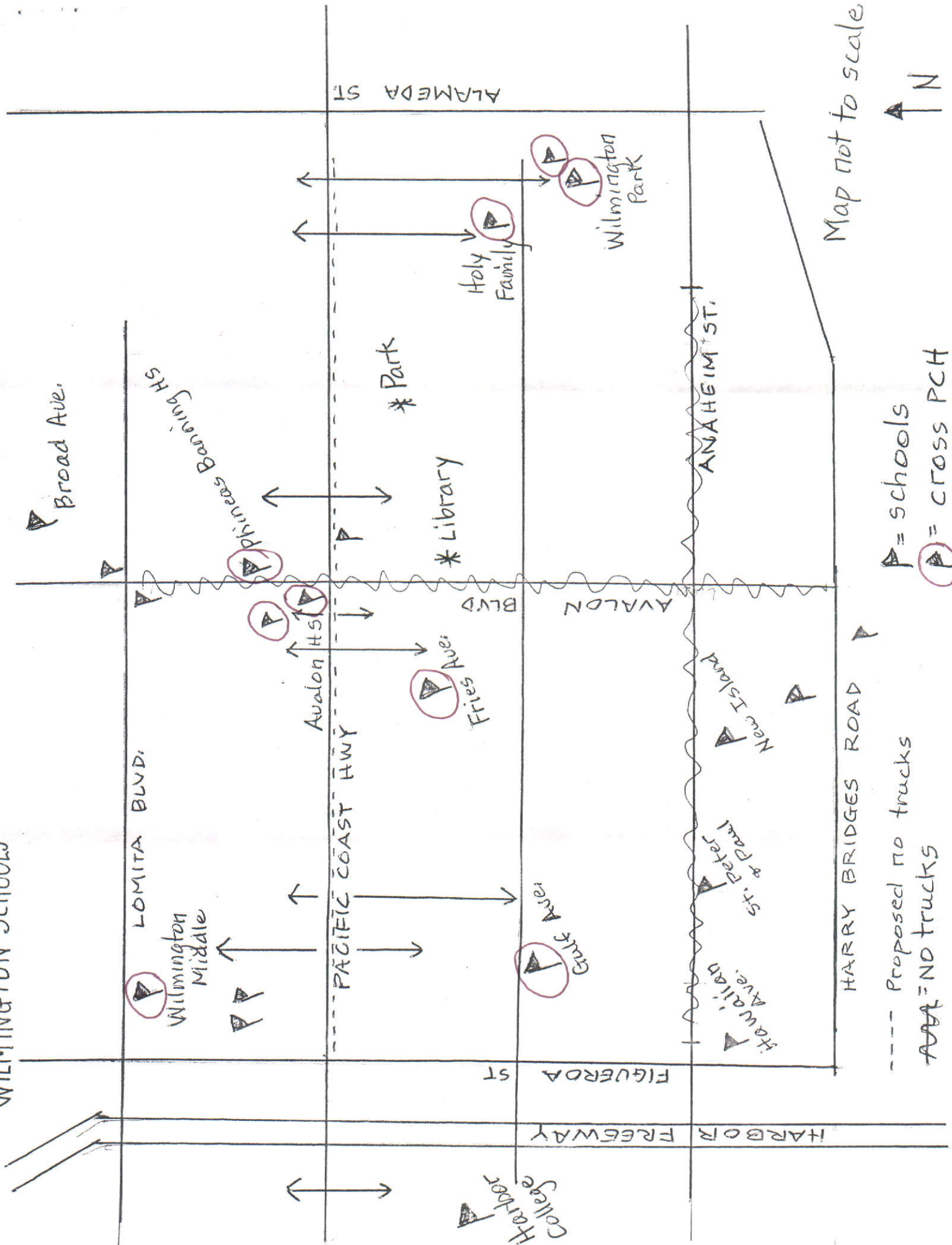
CC: Richard Vladovic, LAUSD, Board of Education, District 7
Linda Del Cueto, Superintendent, Local District 8
Linda Spink, President, Los Angeles Harbor College
Wilmington Neighborhood Council, Transportation Committee
Wilmington HomeOwners

OC-8

OC-9

OC-10

WILMINGTON SCHOOLS



Map not to scale



▲ = schools
▲ (circled) = CROSS PCH

--- Proposed no trucks
AAA = NO TRUCKS

Olivia Cueva-Fernandez, September 24, 2007

OC-1. Thank you for your comment. The Port appreciates the time and effort you have put into addressing the proposed Project. However, the Port respectfully disagrees with your statement on off-port impacts. The Draft EIS/EIR adequately analyzes the potential impacts of the proposed Project on the surrounding Wilmington and San Pedro communities.

OC-2. The proposed hours of construction operations for the Project are 7:00 AM to 5:00 PM on weekdays and 8:00 AM to 5:00 PM on Saturday. The analysis indicated 75 inbound worker trips and 15 truck trips during the AM peak hour and 75 outbound worker trips and 15 truck trips during the PM peak hour. Most of the worker trips will use the I-110 Freeway, Alameda Street, and Seaside/Ocean to access and leave the site. The number of project related trips on Pacific Coast Highway (PCH) would be a small percentage of the estimated 75 worker trips during the peak hours and would represent local contractors living in close proximity to PCH. It is anticipated that very few or none of the truck and equipment trips will use PCH as they would again be oriented to destinations along the freeway to the north. It is anticipated that no equipment trips or worker trips will use Figueroa Street north of C Street to access the project site. The comment incorrectly states that the Figueroa Street connection to I-110 is not analyzed. Figueroa Street/“C” Street/I-110 Ramp interchange is, in fact, included in the analysis. It should also be noted that the Port has a proposed improvement project for that location that will eliminate the potential for any Port-related traffic to utilize Figueroa Street north of “C” Street.

See response to comment NWSP-10 regarding trip distribution. The distribution identified in the 2004 Port Origin-Destination Study indicates no or few project-related truck trips on Figueroa or PCH.

OC-3. The CEQA Baseline for the Project is equal to the conditions of the Berths 136-147 Terminal at the time of the release of the CEQA Notice of Preparation, or October 19, 2003. CEQA Guidelines section 15125, subdivision (a), provides:

“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.”

CEQA case law holds that, where facts in the record show that activities were occurring at a project site prior to environmental review, it may be “misleading and illusory” to describe baseline conditions as if those activities were not occurring. (See *Fairview Neighbors v. County of Ventura*, 70 Cal.App.4th 238, 243 (1999) (upholding baseline for evaluation of conditional use permit to expand existing mining operations as including levels of truck traffic actually achieved under prior approvals)). Additionally CEQA provides for the environmental baseline to include all uses that actually existed during the baseline period, regardless of whether those activities are alleged to have exceeded prior approvals. See, e.g., *Fat v. County of Sacramento*, 97 Cal.App.4th 1270, 1277-1281 (2002); *Riverwatch v. County of San Diego*, 76 Cal.App.4th 1428, 1451-1453 (1999).

OC-4. See response to comment OC-2 regarding few or no project truck trips on PCH. The project itself is expected to generate very few additional truck trips on PCH as most of the truck trips

are oriented to rail intermodal yards and warehouse/distribution businesses located farther to the north along I-110, I-710, and other regional routes. Also note that PCH is a State Route (SR 1) and thus is owned, operated, and controlled by Caltrans. Neither the Port nor the Cities of Long Beach or Los Angeles have the ability to control truck traffic on PCH or prohibit traffic on PCH.

OC-5. The intersection of Alameda Street and Anaheim Street is analyzed in the EIR traffic study. The analysis indicated few project truck trips and no significant impacts on Anaheim or PCH. As noted in response to comment OC-1, Figueroa Street/"C" Street/I-110 Ramp interchange was assessed and improvements are proposed for that location.

OC-6. The area referred to as the Harry Bridges buffer area would help to reduce the available access routes into the area north of Harry Bridges Boulevard, thus further reducing the potential for port-related traffic in the area north of the Project. North-South access routes (streets) to this area from the area south of Harry Bridges Boulevard would be reduced. The East-West routes are unaffected and available to local vehicular traffic. "C" Street will remain open for local residential traffic flow but will be effectively buffered from port traffic. The buffer and related street closures will effectively shield the area to the north from port-related auto traffic on several streets, as it would be circuitous for such traffic to reach those routes after the closures. Finally, any increase in traffic due to redistribution of traffic will be a result of the redistribution of residential related trips and would be nominal given the current low volumes of traffic on the streets to be closed. A study was completed for the Port regarding traffic implications of the buffer and associated street closures. That study is entitled "Traffic Circulation and Parking Assessment, Wilmington Waterfront Development Master Plan, January 2006," by Kaku Associates.

OC-7. As discussed in Section 3.9, the proposed Project would result in a negative noise impact on the Wilmington Marina area. However, although noise was not found to be significant, the Port will add the following mitigation measure to the Project to further reduce noise from the rail yard and provide additional landscaping in the Port:

Mitigation Measure NOI-2. A Landscape buffer along the northwest side of the proposed Pier A Yard between the yard and Alameda Street and on the southeast side of the yard between the facility and the marina area will be incorporated into the project scope. The buffer will include mature trees and shrubs and shall be maintained for the life of the Project. If noise monitoring indicates that there will be exceedences of the City noise ordinance at the marinas in consolidated slip from operation of the relocated Pier A yard, a 6'-8' wall along the southeast side of the yard between the yard and the marinas will be constructed.

OC-8. Regarding proof that air quality would not affect visitors to the Buffer area, the Project air quality analysis determined that the mitigated Project would produce less than significant health impacts (cancer, acute, and chronic non-cancer health hazards) to users of the Buffer area. However, due to emissions from Port operations as a whole and other area roadways and industries, airborne cancer and non-cancer levels within the project region and the Buffer area are cumulatively significant. The Draft EIS/EIR on pages 3.2-200 and 3.2-201 provides a qualitative statement that it is possible that the impact of Project emissions in the Buffer area could exacerbate the health conditions of some member of the community that are sensitive to air pollution, like children. However, the prediction for the future is positive, as levels of pollution from both Port facilities and Port-related trucks that travel along Harry Bridges Boulevard would substantially diminish in accordance with the approved Clean Air Action Plan. Current regulations and future rules adopted by the CARB and USEPA also will further

reduce air emissions and associated cumulative air quality impacts in the project region and Buffer area.

OC-9. Comment noted.

OC-10. Comment noted.

U.S. Army Corp. of Engineers Los Angeles Dist.
Dr. Spencer D. MacNeil, Regulatory Division
PO. Box 532711 , Los Angeles Ca. 90053-2325

RECEIVED

September 16, 2007

SEP 17 2007

REGULATORY BRANCH
LOS ANGELES OFFICE

TRAPAC EIR Comments

Dear Sir

The TRAPAC project is one of obsolete concepts. Since 2004 there has been a reduction in maritime traffic. Port security , air quality and toxic discharges have become high priority topics. Along with traffic congestion and quality of life. It should be mentioned that the relationship with China could prove to be irrational due to the Department of Defense issues. To over look marine protection , sanctuaries and maritime security would be a foolish assumption.

RF-1

ES.2.2. CEQA (LAHD)

Due to the port security an environmental concerns of our nation “ highest priority to navigation , shipping and necessary support facilities and accommodation to the demands of foreign waterbourne commerce” shall surely be challenged in court. It appears that the Tideland Trust Agreement has been stretched to the point of dealing with international affairs which I don't believe is appropriate. The City of Los Angeles lies in the State of California. Asian countries that service our ports remain under foreign flags which co-operate within our dominion. Allegiance to the citizens basic needs requires policy that protect a vibrant , loyal people who rely on appropriate decision process. With respect I ask that this point be addressed .

RF-2

30 year leases in a time of US. deployment of 130,000 troops shows a example of poor judgment along with inappropriate decision making policy's.

RF-3

I suggest that this matter be extended until implementation of a prudent effort is conceived . Repeating costly mistakes at this point only places our economy , health and children's future closer to a negative result.

Thank you for you time and effort in supporting our country.

Sincerely <
Ron Flisher
Ron Flisher

Society of Naval Architects and Marine Engineers
NewMarks Marina , Wilmington Ca. Berth 204

Ron Flisher, September 16, 2007

RF-1. Thank you for your comment. Chapter 3.7 of the Draft EIS/EIR presents an analysis of the potential safety concerns in regards to international commerce. There will be no increased risk of terrorism as a result of the proposed Project.

RF-2. Please see response to comment RF-1.

RF-3. Please see response to comment RF-1.

Berth 136-147 [TraPac] Container Terminal Draft
EIS/EIR

Name:

ANTHONY HERNANDEZ

Address:

1348 MYRTLE AVE

Phone Number/Email:

(310) 830-4825

Comment:

IN THE DEVELOP DEVELOPMENTAL DEVELOPMENT
OF 136-147 THERE ARE MANY PROPOSALS
VAN MULLIGAN LANE + MACNADO LANE SHOULD NOT
BE ELIMINATED.

AH(A)-1

THE WILMINGTON COMMUNITY ESTD SHOULD
GO FORWARD TO HAVE ACCESS TO THE PACIFIC OCEAN
BY WAY OF THE WEST BASIN. THE FILLING IN OF BERTH
136 WILL ELIMINATE OUR RIGHT TO WATER.
IT WILL VIOLATE OUR COMMUNITY RIGHTS AND
CIVIL RIGHTS. WE NEED OUR NATURAL WATER WAY.

AH(A)-2

SINCERELY YOURS

Anthony Hernandez

Arthur Hernandez, July 31, 2007

AH(A)-1. The proposed Berth 136-147 Terminal project does not reduce or eliminate any lakes in the area.

AH(A)-1. The proposed Berth 136-147 Terminal project does not reduce public access to the waterfront. Presently there is no public access to the West Basin at the Northwest Slip because the surrounding area is being used for industrial purposes. The only waterway connection in this area is through an underground storm culvert which connects the West Basin with lower Machado Lake. The Community has access to the waterfront from Bannings Landing. At this time Port is working on several projects to enhance public views and access to the waterfront.



WILMINGTON PROPERTY OWNERS

1348 NYATT AVE WILM.

WILMINGTON, CA. 90744

8/8/07

PRESIDENT ARTHUR HERNANDEZ (U.N.C. MUNI)
(U.N.C. MUNI)
(PACA. ALT. VOTE.)

TO THE PORT OF L.A.

BERTH 136-147 TPA PAC CONTAINER
TERMINAL EIR/EIS.

SECTION 15122(B)(3) OF THE STATE CEQA GUIDELINES
REQUIRES THAT AN EIR CONTAIN ISSUES TO BE RESOLVED;
THIS INCLUDES WHETHER OR HOW TO MITIGATE SIGNIFICANT
IMPACTS.

SUMMARY OF POTENTIAL SIGNIFICANT IMPACT AND MITIGATION
FOR THE PROPOSED PROJECT AND ALTERNATIVES.

ENVIRONMENTAL IMPACTS. THE VAN MULLIGAN LAKE,
AND MACHADO LAKE IS (LAND LOCKED,) SECTO RIVER AND L.A. HARBOR.
THE PEOPLE OF WILMINGTON WOULD LIKE OUR ACCESS TO
THE PACIFIC OCEAN. IT HAS BEEN ELIMINATED, THE WEST
BASIN MUST BE OPEN FOR ENVIRONMENTAL JUSTICE
THERE SHOULD BE NO FILLING IN OF 136-147 UNTIL ACCESS OF
VAN MULLIGAN LAKE AND MACHADO ARE DEVELOPED.

UNITED FRUIT
① PIER A RAILYARD (SHOULD NOT BE ELIMINATED) IN THE FUTURE

IT WILL BE NEEDED, ENVIRONMENTAL IMPACT, - TO WATSON YARD.

THE WATSON YARD ENVIRONMENTAL IMPACT CUMULATIVE HIGH.

② RELOCATED PIER A RAILYARD IS NEEDED NOW, FOR TANK CARS,
ALSO TANK CARS SHOULD BE PUT AT TERMINAL ISLAND.

SINCERELY YOURS,
Arthur Hernandez

AH(B)-1

AH(B)-2

AH(B)-3

8/8/07

Berth 136-147 [TraPac] Container Terminal Project

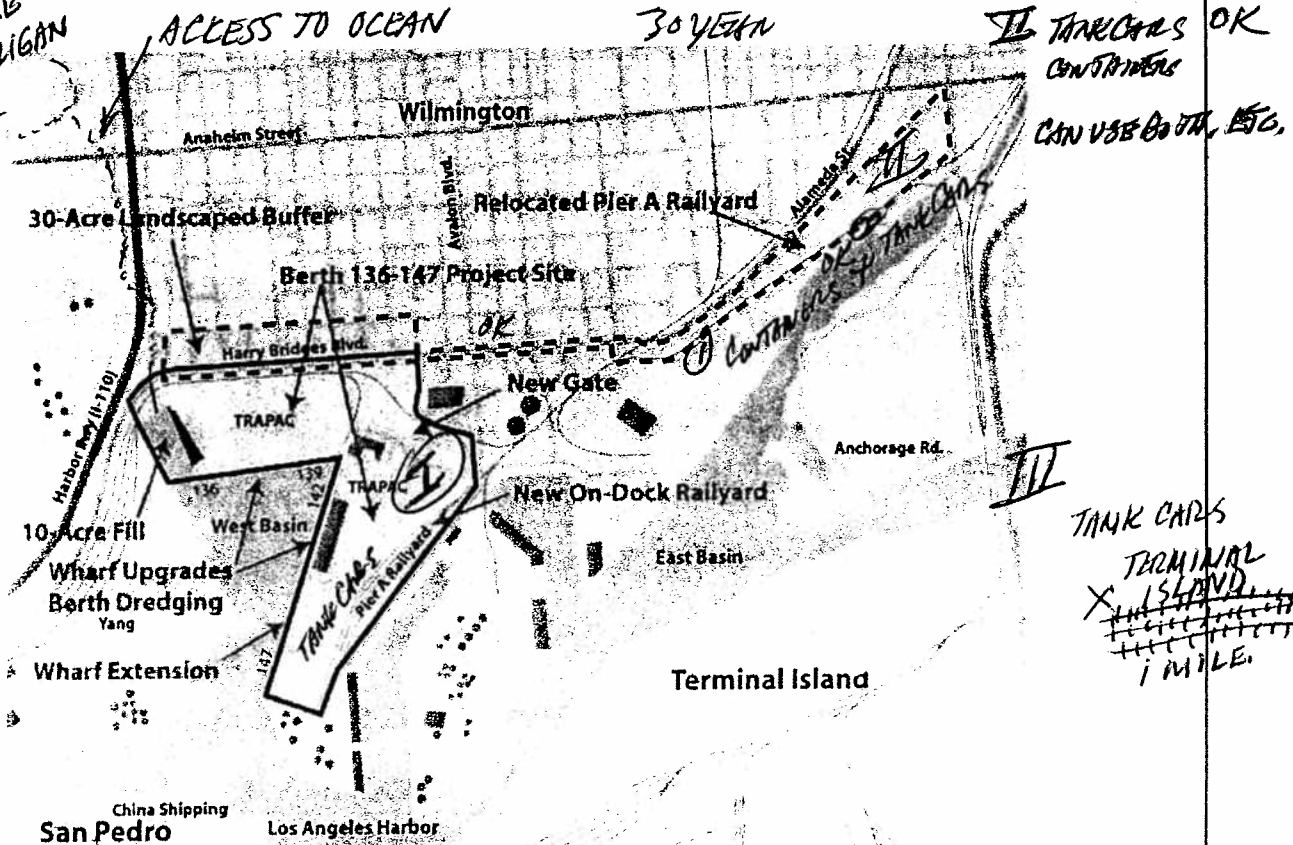
- Environmental Review -

A Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) on the Berth 136-147 [TraPac] Container Terminal Project, prepared by the U.S. Army Corps of Engineers (Corps) Port of Los Angeles (Port), has been released for public review. The DEIS/EIR provides information on the proposed project, alternatives to the project, anticipated environmental impacts of the project and alternatives, and mitigation to reduce or eliminate impacts. Following the public process, the Corps and Port will revise the DEIS/EIR and use it as a basis to consider approval of the Proposed Project or Project alternatives. The contents of this summary document relates only to the findings contained in the DEIS/EIR.

-Project Features-

- **Berth 136-147 Container Terminal**
 - Dredging and wharf upgrades
 - Crane replacements
 - 30-year lease (2038)
 - New on-dock rail yard
 - New LEED-certified building
 - New energy efficient/shielded lighting
 - New truck entry gate
- **Harry Bridges Buffer Area**
 - 30 Acre Landscaped Buffer Area
- **Harry Bridges Blvd. Reconstruction**
 - Widening from 50 to 84 feet *NOTE!*
 - Remains 2 lanes in either direction
- **Pier A Rail Yard Relocation**

*MACTARDO
LAKE
LAKE
MULLIGAN*



FOR VAN MULLIGAN + MARCHADO
ACCESS TO PACIFIC OCEAN

ACCESS TO PACIFIC OCEAN

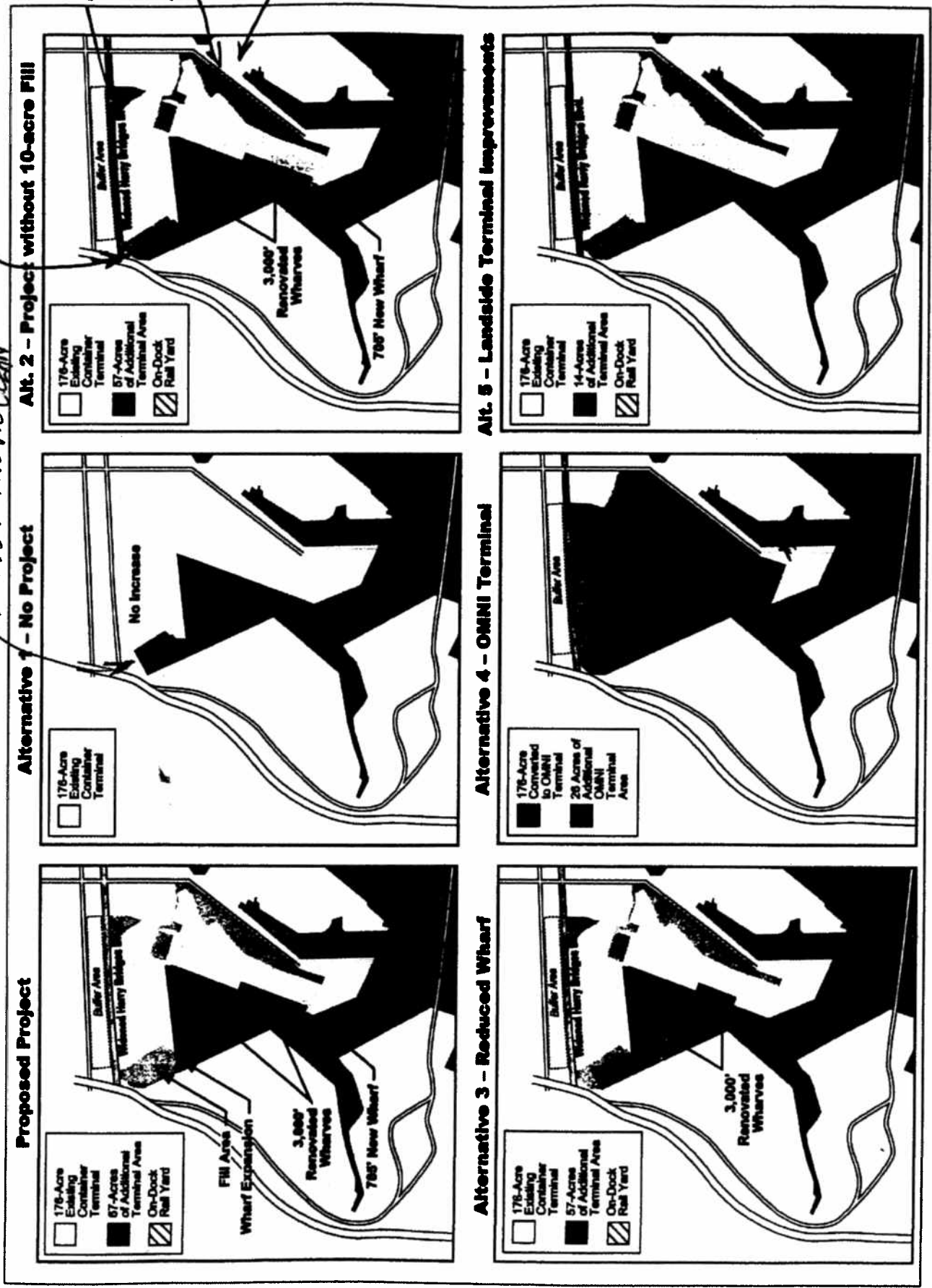


Figure ES-4. Container Terminal Changes Under the Proposed Project and Alternatives

WILMINGTON PROPERTY OWNER

1348 HYATT AVE.

WILM, CA, 90744

8/8/07

PRESIDENT ARTHUR HERNANDEZ

W.N.C. MEM.

RECEIVED
AUG 13 2007
Env. Mgmt. Div.
Harbor Dept.
City of L.A.

MONITORING WATSON YARD E.I.R. RAIL OPERATION.

- 4/3/07 12 PM. BANG SOUND LOUD.
- 4/3/07 12 PM SQUEALING SOUND, LOUD
- 4/4/07 3 AM BANG TO 6 PM. BANG NOISE.
- 4/5/07 3:33 AM BANG SOUND, LOUD
- 4/9/07 7 PM, BANG SOUND LOUD,
- 4/10/07 6:00 AM TRAIN PARKING,
- 4/12/07 2:57 AM HORN LOUD,
- 4/12/07 3 AM BANG SOUND LOUD,
- 4/12/07 3:40 DIESEL TRAINS STARTED.
- 4/12/07 5:53 AM ENGINES RUNNING.
- 4/16/07 3:58 AM LOUD SQUEALING NOISE,
- 4/16/07 3:54 AM LOUD SQUEALING NOISE,
- 4/16/07 4:13 AM BANG SOUND. LOUD,
- 4/25/07 2:27 AM BANG BANG LOUD NOISE.
- 4/25/07 2:28 AM BANG SQUEALING NOISE.
- 4/25/07 2:29 AM BANG SOUND LOUD.
- 4/27/07 8:20 PM BANG SQUEALING LOUD NOISE.
- 4/27/07 8:25 PM SQUEALING NOISE LOUD,

WATSON YARD

MONITORING EIR, IMPACT

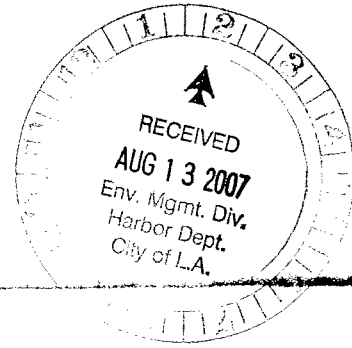
- 7/19/07 2:27 AM HORN BLOWING, LOUD.
- 7/19/07 - 2:28 AM SQUEALING, LOUD.
- 7/19/07 2:41 AM BANG SOUND, LOUD.
- 7/19/07 2:54 AM BANG SQUEALING, SOUND
- 7/19/07 2:57 AM BANG SQUEALING, SOUND.
- 7/19/07 3:07 AM BANG LOUD,
- 7/19/07 3:08 AM BANG LOUD,
- 7/19/07 3:11 AM BANG LOUD,
- 7/19/07 3:15 AM BANG LOUD,
- 7/19/07 3:27 AM BANG SQUEALING, LOUD
- 7/19/07 3:33 AM BANG SOUND, LOUD
- 7/19/07 3:34 AM BANG, SOUND LOUD
- 7/19/07 3:35 AM BANG, SOUND LOUD
- 7/24/07 3:20 PM BANG, SOUND LOUD
- 7/25/07 5:20 AM BANG SOUND LOUD
- 7/25/07 5:23 AM BANG SOUND LOUD,
- 7/25/07 5:40 AM BANG SOUND LOUD,
- 7/25/07 5:44 AM BANG SOUND LOUD,
- 7/25/07 5:49 AM BANG SOUND LOUD,
- 7/25/07 8:00 AM BANG SOUND LOUD
- 7/28/07 2:00 AM BANG SOUND LOUD
- 7/28/07 2:15 AM BANG SOUND LOUD,
- 7/28/07 4:20 AM HORN NOISE.
- 7/28/07 2:15 AM BANG NOISE,
- 8/2/07 9:15 AM BANG NOISE SQUEALING,
- 8/2/07 9:20 AM BANG NOISE SQUEALING,
- 8/4/07 3:41 AM BANG NOISE SQUEALING, LOUD,
- 8/5/07 3:42 AM BANG NOISE SQUEALING LOUD,
- 8/5/07 3:58 AM BANG NOISE.
- 8/5/07 3:59 AM BANG NOISE,

WATSON YARD

MONITORING EIR. IMPACT.

- 8/8/07 2:30 AM BANG SQUEALING LOUD.
- 8/8/07 2:32 AM. " SQUEALING LOUD.
- 8/8/07 2:40 AM BANG SQUEALING LOUD.
- 8/8/07 2:45 AM BANG SQUEALING LOUD.
- 8/8/07 3:08 AM BANG SQUEALING LOUD.
- 8/8/07 3:40 AM BANG SQUEALING LOUD.
- 8/8/07 3:46 AM BANG SQUEALING LOUD.

WILMINGTON PROPERTY OWNERS
1348 HYATT AVE WILM.
WILMINGTON, CA. 90744
PRESIDENT ARTHUR HERNANDEZ



To LA Harbor. Initial Study
Negative Declaration for McFarland,
Project Title MCFARLAND AVE BETWEEN D. ST. AND E. ST,
VACATION.

THE SURROUNDING PARCELS ARE ZONED FOR
INDUSTRIAL USE FIG #3, AERIAL VIEW OF PROJECT SITE

PROPOSE VACATION

POTENTIAL INDUSTRIES

STORAGE

TRUCK SCALES

- ① COMMENTS - STORAGE OF DRUMS RAILROAD SPUR OFF HARRY BRIDGES ROAD, TRUCK REFUELING POTENTIAL DANGEROUS AREA THE SPUR IS A HEALTH & SAFETY FACTOR,
- ② COMMENTS NORTH ON MCFARLAND & GRANT THERE IS TOO MUCH ENVIRONMENTAL IMPACT OF TRUCKS AT 1020 MCFARLAND. TOO MANY TRIPS IN THE RESIDENTIAL COMMUNITY, DIESEL FUEL IS A PROBLEM. THE CUSTOM HOUSE SHOULD NOT BE IN THE BANNING PARK RESIDENTIAL AREA. (MOVE TO NEW LOCATION), RELOCATE.

SINCERELY YOURS,

Arthur Hernandez
(WNC, MEM.)

Arthur Hernandez, August 8, 2007

- AH(B)-1.** See responses to comments AH(A)-1 and AH(A)-2. The proposed Berth 136-147 Terminal project does not reduce public access to the waterfront. The community has access to the waterfront from Bannings Landing. At this time, the Port is working on several projects to enhance public views and access to the waterfront. In regard to your comment that there should be no filling of the West Waterway as part of the proposed Project, several other alternatives have been evaluated co-equally in the EIS/EIR that did not require the additional fill. These alternatives will be considered by both the USACE and Los Angeles Harbor Commission before a decision is made. It is very possible that they could select an alternative that does not require the 10-acre fill.
- AH(B)-2.** The proposed Project includes an on-dock rail yard to be constructed where the Pier A rail yard is presently located. The use of the on-dock rail yard would improve the efficiency of handling and loading containers directly on rail; the facility could load and unload two trains per day. PHL would continue its operations out of the relocated rail yard (see Section 2.4.2.4, Relocated Rail Facilities). There is no direct relationship between the proposed Project and the Watson Yard, which would not handle containerized cargo from the Berths 136-147 project.
- AH(B)-3.** The proposed Project would not eliminate the Pier A Rail Yard, but relocate it to near Consolidated Slip. Your comment is appreciated and will be forward to the Board of Harbor Commissioners.

(24)

**Wilmington Property Owners
1348 Hyatt Ave.
Wilmington, CA 90744
President, Arthur Hernandez (WNC Member)**

8/23/07



August 23, 2007

**To (W.N.C. Board Members)
and Port of Los Angeles**

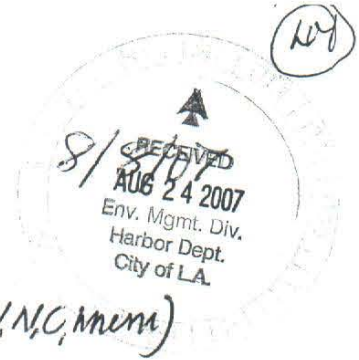
**Action Motion to support an provide Wilmington's access to the
Pacific Ocean by way of the Machado and Ken Malloy Lake,
to the West Basin.
This is Wilmington's natural water way.**

AH(C)-1

Sincerely Yours,

Arthur P. Hernandez
Arthur Hernandez

**WILMINGTON PROPERTY OWNERS
1348 HYATT AVE .
WILMINGTON, CA. 90744
PRESIDENT ARTHUR HERNANDEZ**



(W.N.C. mem)

**TO THE PORT OF L.A. BERTH 136-147 TRA PAC CONTAINER
TERMINAL EIR/EIS**

AH(C)-2

SECTION 15123 (B) (3) OF THE STATE CEQA GUIDELINES REQUIRES THAT AN EIR CONTAIN ISSUES TO BE RESOLVED; THIS INCLUDES WHETHER OR HOW TO MITIGATE SIGNIFICANT IMPACTS.

SUMMARY OF POTENTIAL SIGNIFICANT IMPACT AND MITIGATION FOR THE PROPOSED PROJECT AND ALTERNATIVES.

AH(C)-3

ENVIRONMENTAL IMPACTS. THE VAN MULLIGAN LAKE, AND MACHADO LAKE IS (LAND LOCKED). SEC. 10 RIVER AND L.A. HARBOR. THE PEOPLE OF WILMINGTON WOULD LIKE OUR ACCESS TO THE PACIFIC OCEAN. IT HAS BEEN ELIMINATED. THE WEST BASIN MUST BE OPEN FOR ENVIRONMENTAL JUSTICE THERE SHOULD BE NO FILLING IN OF 136-147 UNTIL ACCESS OF VAN MULLIGAN LAKE AND MACHADO ARE DEVELOPED.

AH(C)-4

UNITIED FRUIT

- 1. PIER (A RAILYARD) (SHOULD NOT BE ELIMINATED) IN THE FUTURE IT WILL BE NEEDED. ENVIRONMENTAL IMPACT.- WATSON YARD. WATSON YARD ENVIRONMENTAL IMPACT CUMULATIVE HIGH.**
- 2. RELOCATED PIER A RAILYARD IS NEEDED NOW FOR TANK CARS. ALSO TANK CARS SHOULD BE PUT AT TERMINAL ISLAND.**
- 3. WILMINGTON WATSON YARD NOISE HEARD FOR 2 MILES EMISSION-HIGH. DIESEL, HORNS HEARD FOR 2 MILES, RED LABEL, TANK CAR PROBLEMS BANG SOUND ETC. SQUEAL SOUND ALL ARE HEALTH AND SAFETY ISSUES. PROBLEMS.**

*Sincerely Yours
Arthur N. Hernandez*

(W)

8/8/07

**WILMINGTON PROPERTY OWNER
1348N HYATT AVE.
WILMINGTON, CA. 90744
PERSIDENT ARTHUR HERNANDEZ
W.N.C. MEMBER**



MOITORING WATSON YARD E.I.R. RAIL OPERATION

4/3/07	12PM	BANG SOUND LOUD
4/3/07	12PM	SQUEALING SOUND, LOUD
4/4/07	3AM	BANG TO 6PM, BANG NOISE
4/5/07	3:33AM	BANG SOUND, LOUD
4/9/07	7PM	BANG SOUND, LOUD
4/10/07	6AM	TRAIN PARKING
4/12/07	2:57AM	HORN LOUD
4/12/07	3AM	BANG SOUND LOUD
4/12/07	3:40AM	DIESEL TRAINS STARTED
4/12/07	5:53AM	ENGINES RUNNING
4/16/07	3:54AM	LOUD SQUEALING NOISE
4/16/07	3:68AM	LOUD SQUEALING NOISE
4/16/07	4:13AM	BANG SOUND LOUD
4/25/07	2:27AM	BANG BANG LOUD NOISE
4/25/07	2:28AM	BANG SQUEALING NOISE
4/25/07	2:29AM	BANG SOUND LOUD
4/27/07	8:20PM	BANG SQUEALING LOUD NOISE
4/27/07	8:25PM	SQUEALING NOISE LOUD

*Sincerely Yours,
Arthur Hernandez*

over

MONITORING E.I.R. IMPACT

7/19/07	2:27AM	HORN BLOWING LOUD
7/19/07	2:28AM	SQUEALING LOUD
7/19/07	2:41AM	BANG SOUND LOUD
7/19/07	2:54AM	BANG SQUEALING SOUND
7/19/07	2:57AM	BANG SQUEALING SOUND
7/19/07	3:07AM	BANG LOUD
7/19/07	3:08AM	BANG LOUD
7/19/07	3:11AM	BANG LOUD
7/19/07	3:15AM	BANG LOUD
7/19/07	3:27AM	BANG SQUEALING SOUND
7/19/07	3:33AM	BANG SOUND LOUD
7/19/07	3:34AM	BANG SOUND LOUD
7/19/07	3:35AM	BANG SOUND LOUD
7/24/07	3:20AM	BANG SOUND LOUD
7/25/07	5:20AM	BANG SOUND LOUD
7/25/07	5:23AM	BANG SOUND LOUD
7/25/07	5:40AM	BANG SOUND LOUD
7/25/07	5:44AM	BANG SOUND LOUD
7/25/07	5:49AM	BANG SOUND LOUD
7/25/07	8AM	BANG SOUND LOUD
7/28/07	2AM	BANG SOUND LOUD
7/28/07	2:15AM	BANG SOUND LOUD
7/28/07	4:20AM	HORN NOISE
7/29/07	2:15AM	BANG NOISE
8/2/07	9:15AM	BANG NOISE SQUEALING
8/2/07	9:20AM	BANG NOISE SQUEALING
8/4/07	3:41AM	BANG NOISE SQUEALING LOUD
8/5/07	3:42AM	BANG NOISE SQUEALING LOUD
8/5/07	3:58AM	BANG NOISE
8/5/07	3:59AM	BANG NOISE
8/8/07	2:30AM	BANG SQUEALING LOUD
8/8/07	2:32AM	SQUEALING LOUD
8/8/07	2:40AM	BANG SQUEALING SOUND
8/8/07	2:45AM	BANG SQUEALING SOUND
8/8/07	3:08AM	BANG SQUEALING SOUND
8/8/07	3:40AM	BANG SQUEALING SOUND
8/8/07	3:46AM	BANG SQUEALING SOUND

**WILMINGTON PROPERTY OWNERS
1348 HYATT AVE.
WILMINGTON, CA. 90744
PRESIDENT ARTHUR HERNANDEZ
(W.N.C. MEMBER)**

(LH)

8/8/07

**TO L.A. HARBOR INITIAL STUDY
NEGATIVE DECLARATION FOR MCFARLAND**

**PROJECT TITLE MCFARLAND AVE BETWEEN D STREET AND E
STREET VACATION.**

**THE SURROUNDING PARCELS ARE ZONED FOR INDUSTRIAL
USE FIG #3. AERIAL VIEW OF PROJECT SITE**

**PROPOSE VACATION
POTENTIAL INDUSTRIES
STORAGE
TRUCK SCALES**

- 1. COMMENTS- STORAGE OF DRUMS RAILROAD SPUR OFF
HARRY BRIDGES ROAD. TRUCK REFUELING POTENTIAL
DANGEROUS AREA THE SPUR IS A HEALTH AND SAFETY
FACTOR.**
- 2. COMMENTS NORTH ON MCFARLAND AND GRANT THERE IS
TOO MUCH. ENVIRONMENTAL IMPACT OF TRUCKS AT 1020
MCFARLAND. TOO MANY TRIPS IN THE RESIDENTIAL
COMMUNITY. DIESEL FUEL IS A PROBLEM. THE CUSTOM HOUSE
SHOULD NOT BE IN THE BANNING PARK RESIDENTIAL AREA.
(MOVE TO A NEW LOCATION). RELOCATE.**



SINCERELY YOURS,
Arthur H. Hernandez
**ARTHUR HERNANDEZ
(W.N.C. MEMBER)**

(LPO)

8/8/07

**WILMINGTON PROPERTY OWNER
1348N HYATT AVE.
WILMINGTON, CA. 90744
PERSIDENT ARTHUR HERNANDEZ
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MOITORING WATSON YARD E.I.R. RAIL OPERATION

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*Sincerely Yours,
Arthur Hernandez*

over

MONITORING E.I.R. IMPACT

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7/19/07	3:07AM	BANG LOUD
7/19/07	3:08AM	BANG LOUD
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8/8/07	2:32AM	SQUEALING LOUD
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8/8/07	2:45AM	BANG SQUEALING SOUND
8/8/07	3:08AM	BANG SQUEALING SOUND
8/8/07	3:40AM	BANG SQUEALING SOUND
8/8/07	3:46AM	BANG SQUEALING SOUND

Arthur Hernandez, August 23, 2007

- AH(C)-1.** Please see response to comment AH(B)-1. The existing connection between Machado Lake and the West Basin of the Port is through an underground culvert that passes under the I-110 freeway and a number of surface streets. The proposed Berth 136-147 Terminal project does not reduce public access to the waterfront. The Community has access to the waterfront from Bannings Landing. At this time, the Port is working on several projects to enhance public views and access to the waterfront.
- AH(C)-2.** The comment is consistent with the analysis provided in the Berth 136-147 Container Terminal Project EIS/EIR. Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.
- AH(C)-3.** Please see response to comment AH(A)-1. The proposed Berth 136-147 Terminal project does not reduce or eliminate any lakes in the area. Construction of fill in the West Basin as part of the Project would not effect these water bodies.
- AH(C)-4.** Please see response to comment AH(B)-2. The proposed Project includes an on-dock rail yard to be constructed where the Pier A rail yard is presently located. PHL would continue its operations out of the relocated rail yard (see Section 2.4.2.4, Relocated Rail Facilities). The Watson Yard is not associated with the proposed Project. Operational noise from the proposed Project was found to be less than cumulatively considerable (see Draft EIS/EIR Section 4.2.9.4).

Tarry Kang
7130 Hollywood Blvd., Apt. 19
Los Angeles, CA 90046-3273

August 1, 2007

Spencer D. MacNeil
U.S. Army Corps of Engineers, L.A. District P.O. Box 532711 Los Angeles, CA
90053

Dear Dr. MacNeil and Dr. Appy,

I am writing to urge the timely completion of the DEIR/DEIS for the redevelopment of the TraPac Terminal site. This project is significant to the Port of Los Angeles because of its strides to meet the green growth goals put forward in the Clean Air Action Plan. I congratulate the Port of Los Angeles and the U.S. Army Corps of Engineers, port commissioners and staff for producing the draft EIS/EIR - the first step in ensuring that our ports can efficiently manage expected growth while mitigating environmental impacts.

As you're well aware, the ports of Los Angeles and Long Beach are a major economic driver, providing approximately 500,000 jobs in the greater five county region and more than 1 million jobs nationally. At the same time, the ports are potentially facing a major capacity crisis. In its May 2007 forecast, The Los Angeles Economic Development Corporation predicted that the ports will grow 9.2 percent this year to 17.2 million TEUs. (The ports predict a 6.4 percent increase to 16.8 million TEUs).

I firmly believe that port growth, and the appropriate accommodation of that growth, is critical not only to the Southern California and national economy, but also to our air quality.

Re-development of the TraPac terminal is an important step towards efficiently managing the expected growth in container volume and mitigating environmental impacts. Terminal efficiency will nearly double, while minimizing truck idling and increasing use of rail. As a result, the EIR shows that the proposed project will reduce emissions of green house gasses and criteria pollutants below baseline levels. The proposed project also meets the green growth goals of the Clean Air Action Plan and significantly reduces health risk to local communities several through numerous environmental features. In addition, a 30-acre landscaped buffer zone separating the community from port operations would provide much needed green space and recreational facilities to community members.

Conversely, the "no project" alternative clearly shows that a failure to complete this project is detrimental to air quality in the local community and the region. In fact, even if no changes are made to the facility, the container cargo volume at the TraPac terminal is expected to nearly double without any of the environmental benefits of redeveloping the site. Moreover, it's clear that certain improvements can only be provided with the site redesign outlined in the EIR.

We believe that this project represents an important "green growth" initiative to provide more efficient goods movement through the Port of Los Angeles. We therefore support the project in concept, and encourage the Port of Los Angeles to continue moving the environmental process forward to completion.

Sincerely

Tarry Kang
213-237-4350

TK-1

TK-2

TK-3

Tarry Kang, August 1, 2007

TK-1. Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

TK-2. The comment is acknowledged and appreciated.

TK-3. The comment is noted and will be forwarded to the Board of Harbor Commissioners for their consideration.

JOHN G. MILLER, M.D., FACEP

*Diplomate: American Board
of Emergency Medicine*

**1479 Paseo Del Mar
San Pedro, CA 90731
(310) 548-4420**

Sept 24, 2007

Dr Spencer D. Mac Neil
UsS Army Corps of Engineers, Los Angeles Office

Dr. Ralph Appy
Director of Environmental Management
Port of Los Angeles

Re: My own comments on the Tra-Pac EIR (SCH # 2003104005)

Dear Sirs,

In another envelope I have submitted the comments of the PCAC EIR Subcommittee on the Tra-Pac DEIR/DEIS. I would like to also endorse these and submit them as my own comments as well. Additionally, I endorse the enclosed EIR comments by the San Pedro and Peninsula Homeowners Coalition as my own comments.

JM-1


Further, I request that the enclosed document "Comments of John G. Miller, M.D. FACEP for Hearing on "Marine Vessel Emission Reduction Act of 2007" August 9, 2007 and its attachments be made a part of the Public Record on the TraPac DEIS/DEIR.

Thank you,



John G. Miller, M.D. FACEP

August 9, 2007

Submitted
with attachments
for inclusion in
the Public Record on Twpac
DEIS/DEIR  (1)

Comments of John G. Miller, M.D. FACEP for Hearing on "Marine Vessel Emission Reduction Act of 2007"

Good Morning. I am Dr John G. Miller, an Emergency Physician. I live here in the Diesel Death Zone in San Pedro. I have practiced in various Emergency Departments in the South Coast Air Basin for more than 30 years. I am certified by the American Board of Emergency Medicine and I am a Lifetime Fellow of the American College of Emergency Physicians. I was originally trained in Radiation Oncology at USC Medical Center. (Medical School-Baylor College of Medicine, Houston TX, Prof. Societies: Society of Orange County Emergency Physicians, Society for Scientific Exploration, Board of Directors: Coalition for a Safe Environment, Wilmington, CA. I was the only medical doctor on Mayor Hahn's *No Net Increase Task Force*).

Thank you for this opportunity to testify.

I am speaking in support of this bill. I will give a clinician's perspective on why it should be enacted. The bill addresses the ship pollution problem in a way that is workable and provides a level playing field for all West Coast ports and shippers.

The bill addresses a serious problem we have here in Southern California. The twin ports (LA and Long Beach) have been identified as the single largest unregulated source of air pollution in the South Coast Air Basin. Port related activity (ships, trucks, trains and cargo handling equipment) contributes a total of roughly 25% of the mass of air pollutants in the South Coast Air Basin. Angelenos breathe the most unhealthy air in America. In a study done by the Port of Los Angeles, ship operations were shown to contribute 55% of port related air pollution. Thus ships are the largest source of port related air pollution. (From: Port Wide Baseline Air Emissions Inventory, Final Draft, page 26, June 2004, Port of Los Angeles, Starcrest Consulting Group)

Large foreign owned or flagged ships have had a free ride. They are allowed to use our air as their toxic dumping site. Yet local land based businesses have been heavily regulated to prevent this. International standards for pollution from ship engines, written mostly by the shipping industry, are so lax as to be meaningless.

Welcome to the "Diesel Death Zone". As demonstrated in the MATES II study, (Multiple Air Toxics Exposure Study II, March 2000, www.aqmd.gov) we have a broad swath of severe air pollution that extends from the ports inland across the Air Basin that adversely affects the lives and health of over 14 million citizens.). This area has come to be known as the Diesel Death Zone. (I show the map of cancer risks due to air pollution from MATES II. Darkest areas-near

the ports- show risks of cancer from breathing air of 5000 to 6000 cases per million (I show the map of cancer risks due to air pollution from MATES II. Darkest areas-near the ports- show risks of cancer from breathing air of 5000 to 6000 cases per million population. Federal Standard for this risk from one project should be less than 1 per million population, from all sources in an area should be less than 300 cases per million population.)

Attachments A: "Cancer Risks from Breathing Air-Mates II" a map of our region showing risk stratified areas. This was done by the Sierra Club from data supporting figure 5-3a page 5-10 in MATES II . This black and white figure (5-3a) is also attached but this figure merely shows the high risk areas as large black spots due to printer inadequacy. Note that risks of up to 5,800 cases per million are demonstrated.

Attachment B: "Heart Disease Deaths -1996 Communities in Los Angeles County" (Source L.A. County Dept of Health Services). This map illustrates areas with highest numbers of heart disease deaths in darker colors. It looks very similar to the Cancer risks map I just showed. I assert that some of these heart disease deaths are being caused by air pollution from the ports.

This ugly swath disproportionately affects lower income communities and people of color in places such as Wilmington, Compton ,Carson, South Central and East L.A. This map provides clear documentation of a serious environmental justice issue.

The medical literature on the effects of air pollution on human health is vast and growing. Many important studies were done at USC and UCLA Schools of Medicine. It would take longer than my 5 minutes to read through even a partial list of all the adverse effects related to diesel air pollution. Cancer, heart attacks, strokes, chronic obstructive pulmonary disease and asthma are major killers (Attachment C: "Health Effects of Diesel Exhaust Air Pollution", August 28, 2003, Port of Los Angeles Port Community Advisory Committee Air Quality Group, with references from the medical/scientific literature attached). These killers are related to air pollution in a largely simple, linear fashion with no known lower threshold of safe exposure. More pollution means more disease, death, and cost to our society. (Professor Avol will cover some children's health effects in his testimony).

Costs:

Industry spokespersons have asserted that the costs of this are "unknown and unknowable". However it is possible to estimate societal costs due to ship related air pollution. The Union of Concerned Scientists estimated that the cost of "Health Incidences from diesel exhaust in 2004 in the South Coast" was \$ 10.2 Billion ! This was for only the one year they studied. (Source: Sick of Soot, Reducing the Health Impacts of Diesel Pollution in California , Union of Concerned Scientists, June 2004. available at www.ucsusa.org) Knowing that the Ports contribute 25% of the total pollution causing this, we get the Ports total share of the cost as

\$2.55 Billion. ($0.25 \times \$10.2 \text{ Billion} = \2.55 Billion) . Then, knowing from the Emissions Inventory that ships contribute 55% of the total Port related air pollution (DPM), we find that *the total health care cost from ship exhaust alone is \$ 1.4 Billion!* ($0.55 \times \$2.55 \text{ Billion} = \1.4 Billion)

That is \$1,400,000,000 in health care costs to be born by our citizens!

We further crunched these numbers, comparing total port related health costs and number of ship calls. We obtained the astonishing result that it appears that each large ship call at the Ports is generating a cost to society of \$315,000 to \$455,000! California is massively subsidizing this industry when externalized costs are considered.

.More on this can be found in Paying With Our Health, The Real Cost of Freight Transport in California. The Pacific Institute, June 2006 available at www.pacinst.org.

Another way to look at this is to use the US EPA's "value of one premature death in 2004 dollars". The value set by EPA was \$6 Million per avoidable premature death. Union of Concerned Scientists estimated 1400 premature deaths from air pollution in the South Coast Air Basin in 2004. The twin Port's share of these would be 246 deaths. (0.25 of total pollution x 1400 deaths from pollution = 246 deaths) The value of these would be \$1,476,000,000. ($246 \text{ deaths} \times \$6\text{million per death} = \1.476 Billion!)

These are disturbing numbers. However my point is that real people are getting sick and dying. Yet, large often foreign owned corporations get to make maximum profits unhindered by concerns about the health of Americans. The medical costs are externalized and born by our citizens.

Often we cannot absolutely say that air pollution caused an individual heart attack, stroke, cancer case, sudden death etc. (The tobacco industry used this dodge for decades!) However the epidemiologists have shown, in aggregate, air pollution is responsible for a significant fraction of the total of these cases.

I have treated cases, seen fatalities that appear to be pollution related.

In my years as an Emergency Medicine physician I have of course seen hundreds of fatal or near fatal cases of the illnesses we associate with air pollution. Some stand out in my mind. In my brief time to testify, I can share only a few cases with you.

On a routine busy night in the ER we got a sudden call from the paramedics. They were bringing in a 14 year old boy in **full cardiopulmonary arrest** due to an asthma attack. Two

minutes away. We got as prepared as we could in 120 seconds and soon we were in the hand-to-hand struggle with death and destruction we often fight.

This child survived despite the severity of his condition.

But in many cases, the person does not survive. When that happens, *I am the person who must walk down the long hallway, sit down with the family and tell them their loved one didn't make it.* This is a very tough job. I would like not to have to do it so often. Enactment of this bill will prevent many needless premature deaths and enormous related costs in America.

More cases from my own experience:

At 1:30 one July morning three years ago, in the ER, I saw a 55 year old woman complaining of left chest pain. She feared she was having a heart attack. My initial evaluation ruled out a myocardial infarction (heart attack) but unfortunately I found something far more ominous than a "mere" heart attack. Her chest x-ray showed a large tumor mass in her left chest. I feared cancer, but this lady had no risk factors for cancer other than having breathed the air here all her life (no history of smoking, radon gas exposure, asbestos exposure, second hand smoke at work). Unfortunately, my fears were proven correct by further evaluation. It was lung cancer and it had spread to the area around her heart and her brain. She died 6 months later. In my opinion she died from air pollution.

Eighteen months ago, the 48 year old wife of one of my colleagues developed a nagging dry cough. Debbie was a fit nonsmoking, "no risk factor" person. Her workup revealed lung cancer. As 90-95% of lung cancer victims do, she died after a lot of suffering. It was my sad duty to prescribe morphine tablets when she ran out in her last week of life. Her funeral was attended by hundreds of mourners. I was one of them. She left behind a devastated family including one 12 year old child with special needs who still really needs his mother. Air pollution was the most likely cause of her death.

The point here is that we are not just talking about "numbers". Real people are sick and dying. Physicians are seeing increasing numbers of cases like these where the only risk factor seems to be living in the Diesel Death Zone.

"But enactment of this bill will send the freight to other ports and destroy many jobs here!" This is one standard response from industry to any proposals that would seek to limit their ability to burn the cheapest, dirtiest fuel in their ships.

The best response to this was actually provided by the Port of Los Angeles. In a recent Draft Environmental Impact Report for a major terminal expansion/increased throughput project, the

options of diversion of cargo to other West Coast ports inside and outside Southern California was considered and studied. The Port concluded that this is simply not possible because the facilities to do this simply do not exist and "are not being contemplated" by other major West Coast ports. In Southern California sufficient capacity outside Port of LA/Port of Long Beach "does not exist and cannot be constructed". According to POLA's own studies, *the freight must come through these 2 ports*. Put bluntly the shippers need to be able to use these two ports more than the ports need the freight from the shippers.

(See Attachment D: Sections 2.5.2.1 and 2.5.2.2 from "Berths 136-147 Container Terminal Draft Environmental Impact Statement (EIE) Environmental Impact Report EIR", June 2007. Prepared by Port of Los Angeles, US Army Corps of Engineers and SAIC)

"But it will cost way too much. Consumers costs will go way up!" We are indebted to the Maersk Corporation for proactively adopting the use of low Sulfur diesel fuel in ships serving their Pier 400 facility, demonstrating that the cost of this is not prohibitive. Additionally, Mr. Jesse Marquez with Coalition for a Safe Environment calculated that even if costs went up \$100 per container (an increase of \$200,000 in a 2000 container ship) the net increase in cost to consumers for, say a pair of sneakers, would be 0.25 cents!

Thus measures such as this legislation that may increase some costs to shippers but protect the health of Americans should be acceptable, enacted, and enforced.

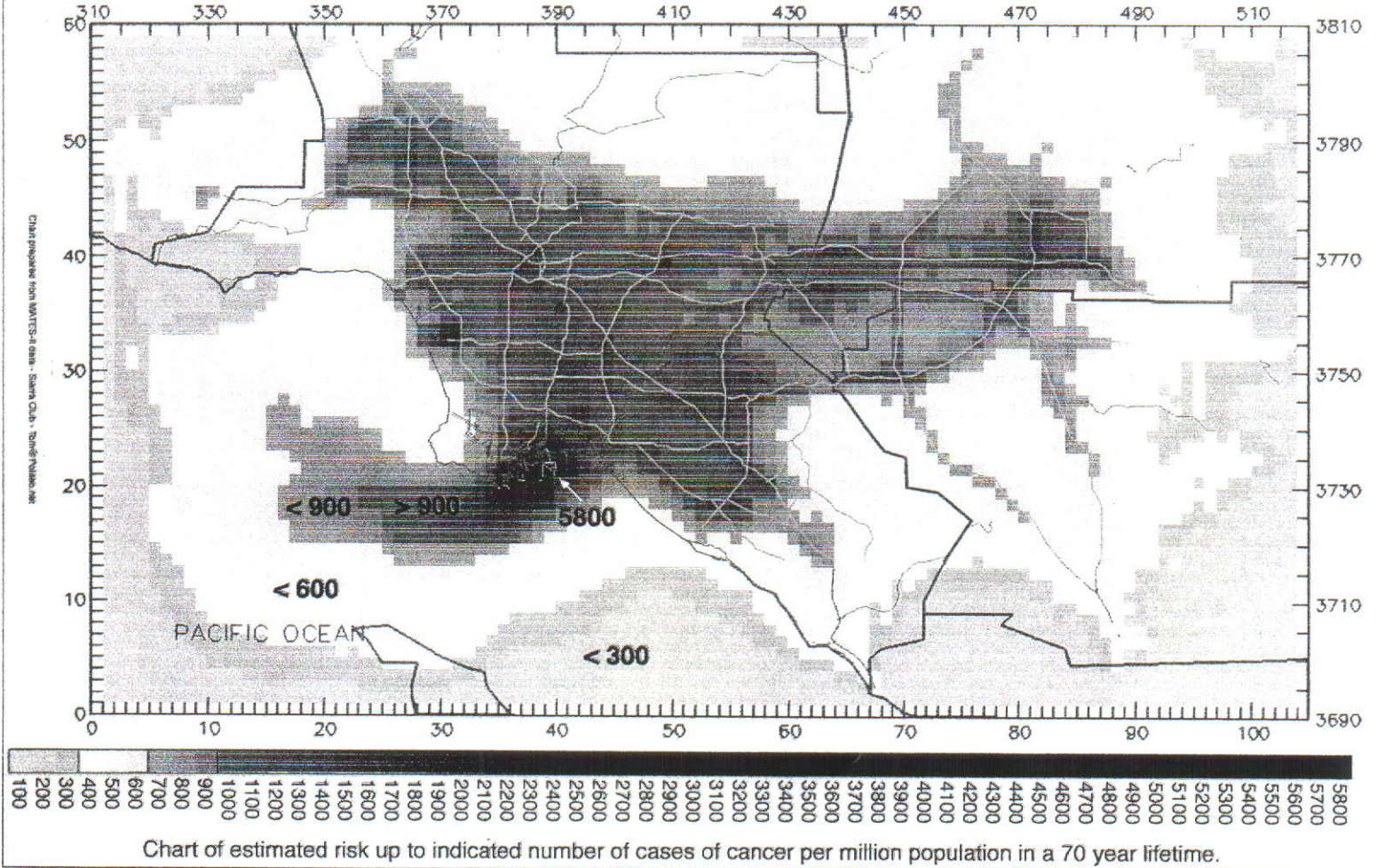
Thank you for your kind attention to my testimony.

John J. ... M.D., FACEP

AHelmerts
A

AHelmerts A

Cancer Risk From Breathing Air - MATES-II



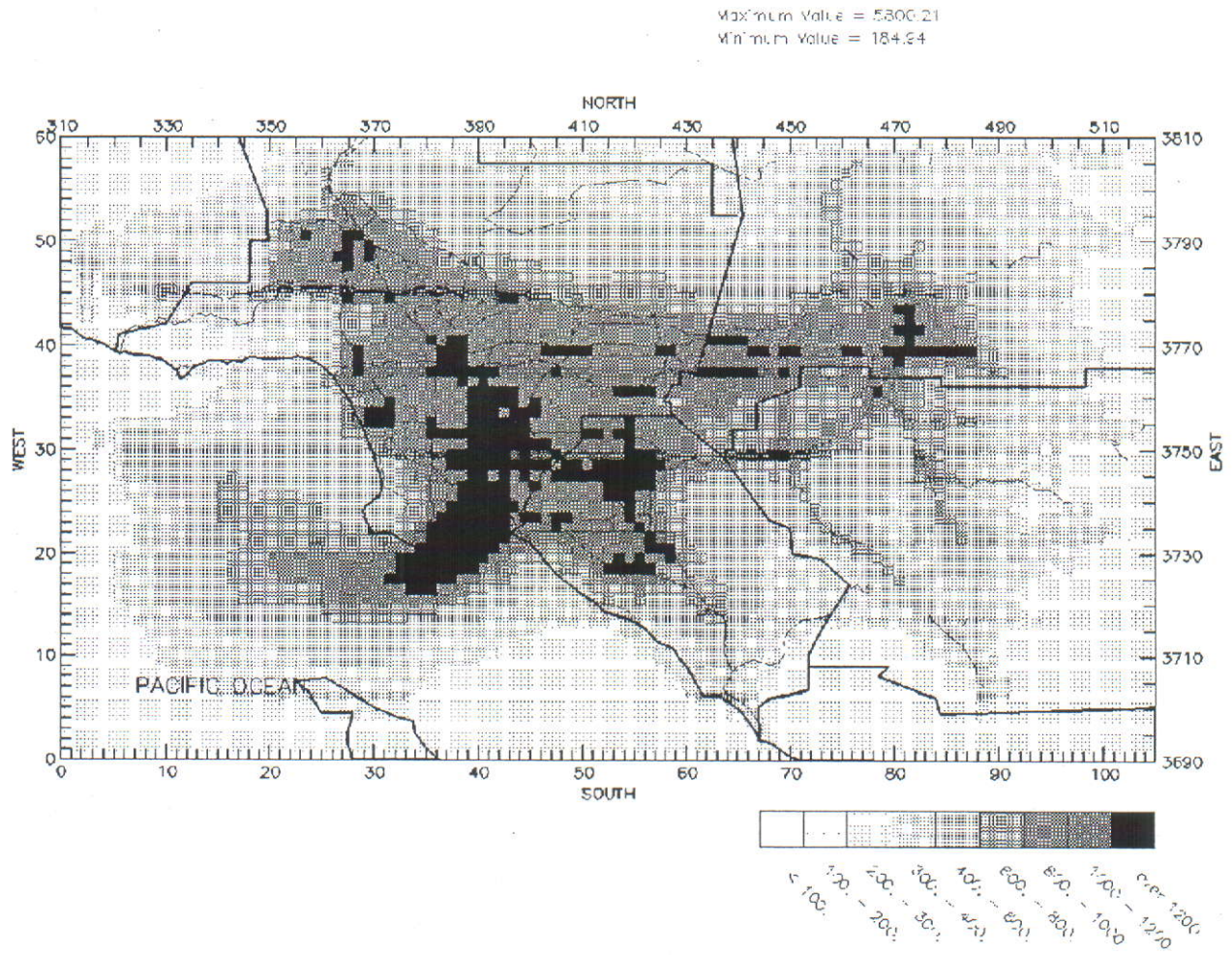
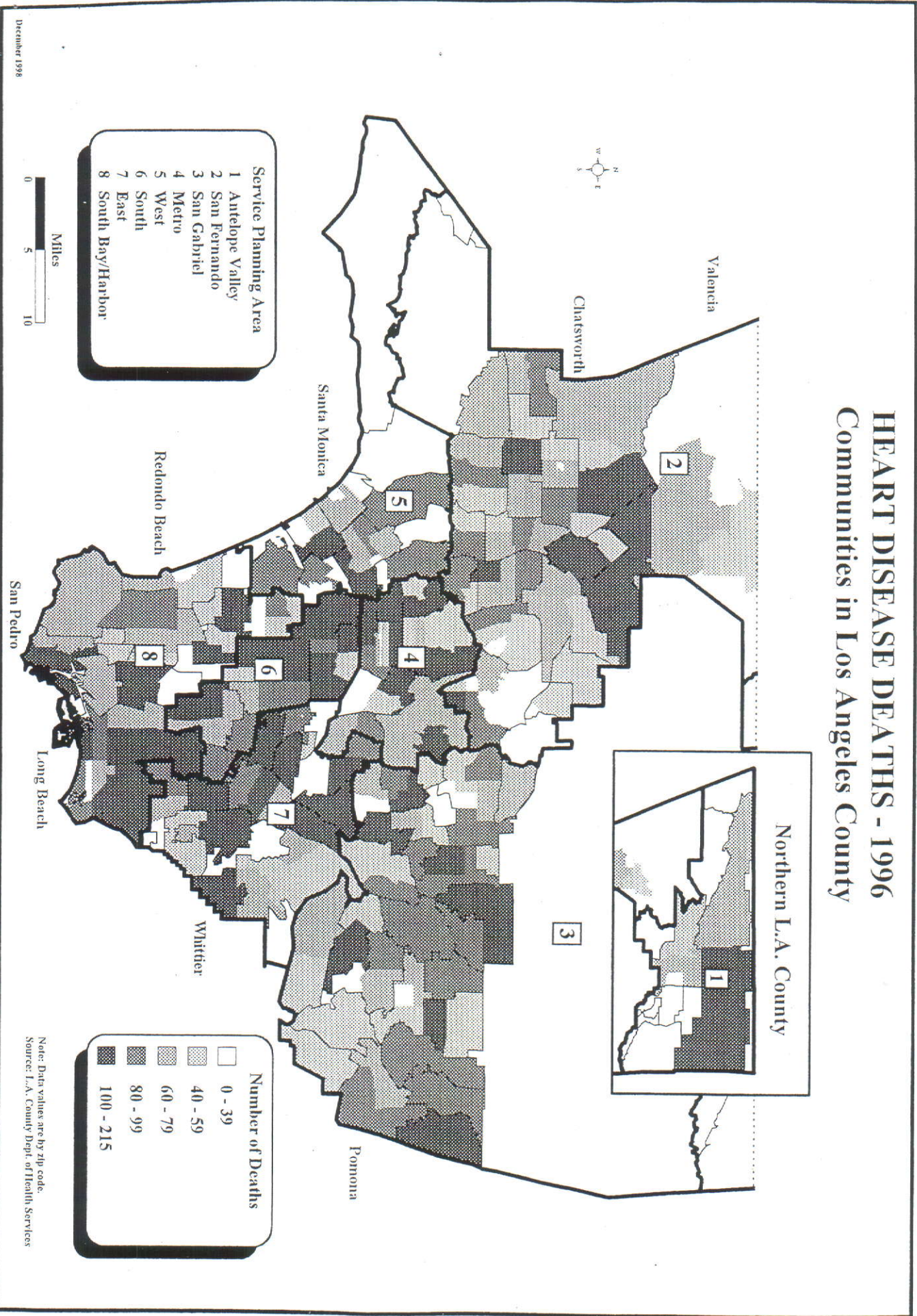


Figure 5-3a. Model estimated risk for the Basin
(Number in a million, all sources)

HEART DISEASE DEATHS - 1996

Communities in Los Angeles County

A. Heilmann B



2.0 Project Description

- 1 10. Harry Bridges Boulevard relocated to provide additional container storage area;
- 2 11. Development and operation of a smaller terminal; and
- 3 12. Alternative designs for the Harry Bridges Buffer Area.

4 **2.5.2.1 Use of Other West Coast Ports Outside Southern**
 5 **California**

6 In this alternative, the Port of Los Angeles would not expand and improve the Berths
 7 136-147 Container Terminal, but would instead assume that the additional cargo would
 8 be handled by other West Coast ports outside Southern California (i.e., Oakland,
 9 Seattle, Tacoma, Portland, Vancouver, B.C.). It is important to note that the Port of
 10 Los Angeles has no authority to direct cargo to ports outside its jurisdictional
 11 boundaries; it could only refuse to provide the discretionary actions necessary to
 12 increase Port capacity within its own boundaries, thus providing shippers with an
 13 incentive to route cargo to other ports. Such a course is not consistent with the
 14 Tidelands Trust or Coastal Act.

15 To evaluate this alternative it is important to recognize the current and expected role of
 16 the Port of Los Angeles in U.S. foreign trade. Between 40% and 45% of the all
 17 containers handled by U.S. ports come through the Port of Los Angeles (Journal of
 18 Commerce 2007) and more than 75 percent of all containers shipped through West
 19 Coast ports flow through the Ports of Los Angeles, Long Beach, and Oakland because
 20 those ports have the specialized facilities and navigational channels of sufficient depth
 21 to safely accommodate the new generation of deep-draft ships (USACE and LAHD
 22 2000). The value of goods handled by the Ports of Los Angeles and Long Beach was a
 23 combined \$240.5 billion in 2004, whereas the value of goods handled by the Ports of
 24 Oakland, Seattle, and Tacoma was a combined \$63.9 billion in the same year
 25 (MARAD 2005a). As described in Section 1.1.3, the large population base of the
 26 Southwestern U.S. and the strong transportation connections to the rest of the country
 27 make the two San Pedro Bay ports prime destinations for foreign trade.

28 Assuming that other ports could handle the large increases in cargo expected to come to
 29 Los Angeles would ignore the physical situation and expansion potential of those ports.
 30 An assumption of the cargo demand projections for the Ports of Los Angeles and Long
 31 Beach, assumed a portion of the cargo would be going to the other West Coast ports. A
 32 survey of West Coast ports prepared for the Deep Draft Navigation Improvements
 33 Project showed that other West Coast ports are not capable of absorbing additional
 34 cargo diverted from the Port of Los Angeles without constructing new facilities
 35 (USACE and LAHD 1992). The 1992 survey is still valid: a number of new studies on
 36 goods movement in California, such as the governor's *Goods Movement Action Plan*
 37 (CalEPA and the Business, Transportation, and Housing Agency 2005), have identified
 38 capacity constraints at other West Coast ports. Other major West Coast ports are
 39 already operating at or near current physical capacity, have recently expanded, or are
 40 undergoing expansion to accommodate their projected future throughput demand.
 41 Although small temporary diversions from the Port of Los Angeles can be
 42 accommodated, large permanent diversions would require further physical
 43 improvements at other major West Coast ports, improvements that are not being
 44 contemplated by those ports.

1 The improvements that would be necessary to allow the other West Coast ports to
2 accommodate additional cargo beyond their current forecasts would result in
3 environmental impacts similar to or more intensive than those of the proposed Project
4 (LAHD 1997a). The use of other ports would not meet the objectives of the proposed
5 Project to accommodate the projected growth in the volume of containerized cargo
6 through the Port in accordance with its legal mandates (see section 2.3.1). For that
7 reason, this alternative is considered infeasible.

8 **2.5.2.2 Expansion of Terminals Within Southern California but** 9 **Outside of the Los Angeles Harbor District**

10 In this alternative, new container terminal facilities would be constructed at other
11 Southern California ports (Long Beach, San Diego, Port Hueneme), or a new port
12 would be established, to accommodate future increases in cargo volumes that would
13 otherwise be handled by the proposed Project. As with the previous alternative, the
14 Port of Los Angeles has no authority to direct cargo to ports outside its jurisdictional
15 boundaries; it could only refuse to provide the discretionary actions necessary to
16 increase Port capacity within its own boundaries, which is not consistent with the
17 Tidelands Trust or Coastal Act.

18 The chief candidate among existing ports to accommodate Los Angeles' share of
19 cargo is the Port of Long Beach because that port is similar in size to the Port of Los
20 Angeles and has modern container terminals and deep water access. However, the
21 Port of Long Beach faces future increases in cargo volumes similar to those forecast
22 for Los Angeles (see section 1.1.3). To meet that demand, Long Beach has embarked
23 on its own program of modernization and expansion of container terminals.
24 Furthermore, even if the proposed additional 67 acres of container terminal could be
25 located in the Port of Long Beach, it would have very similar impacts to those of the
26 proposed Project at the Port of Los Angeles, given the proximity of the two ports.
27 Other existing ports in Southern California do not have the water depths, wharf
28 facilities, backland capacity, or transportation connections to accommodate a large
29 amount of container cargo (USACE and LAHD 1992).

30 The option of building a new port to accommodate additional cargo is infeasible
31 because the California Coastal Act does not allow the development of new
32 commercial ports outside the existing port districts. The standards for master plans,
33 contained in Chapter 8 of the Coastal Act, require environmental protection while
34 expressing a preference for port-dependent projects. The logic behind this policy is
35 that it is environmentally and economically preferable to concentrate commercial
36 shipping activities and other maritime industrial facilities in existing ports rather than
37 siting them up and down the coastline.

38 Using other Southern California ports to accommodate future Port of Los Angeles
39 cargo volumes is infeasible because sufficient capacity does not exist and cannot be
40 constructed. Therefore, this alternative was eliminated from further consideration in
41 this EIS/EIR.

HEALTH EFFECTS OF DIESEL EXHAUST AIR POLLUTION

August 28, 2003

Document prepared by the Environmental Subcommittee/Air Quality Group to be forwarded to the Board of Harbor Commissioners (BOHC) via PCAC

Subject: Committee's Findings Regarding Health Effects of Diesel Exhaust Air Pollution; with Concern for Port Activity Related Sources

BACKGROUND: Since its inception the Environmental Subcommittee has been considering the issue of the multiple health effects that have been associated with diesel exhaust air pollution. Experts hired by the Committee, including Professor Avol, Mr. Howekamp, and experts from ARB and AQMD have frequently provided input. These experts also found data for the committee's review from sources they had available. Dr. John G. Miller, an Environmental Sub-committee member and PCAC member cited and provided multiple references from the medical, epidemiologic and scientific literature on this topic. Members of the public have expressed concerns at many committee meetings.

The committee has learned that the Health Risk Assessment Study (HRA) to be completed by consultants hired by the POLA, as one of the Seven Studies mandated by the BOHC, is not scheduled to begin until possibly January 2004, depending on when the (as yet incomplete) Air Emissions Inventory is finished. The completion date for the HRA is currently estimated to be late 2004/early 2005.

Environmental Sub-committee members have heard extensive input from the public requesting no further delay in conveying what it has found to date to the BOHC. This input came both at meetings and in the community. The committee finds no reason for further delay in revealing its findings to date.

The committee notes that Port-related activities, including those that occur off Port property but as a result of Port operations, have been identified by the South Coast AQMD as the largest single unregulated contributor to area-wide air pollution.

Port operations (shipping, loading/unloading, and transport of product) require the use of significant amounts of fuel. Currently most of the trucking, locomotive, and off-road yard operations in and supporting the Port use diesel fuel. The combustion of diesel fuel creates high concentrations of very small particles (numerically, over 90% are less than 1 micron in diameter) and nitrogen oxides. Regional air studies have demonstrated that Port-related emissions are transported widely in the air across the South Coast Air Basin, from the harbor area to Riverside/San Bernardino and beyond. These pollutants have been associated directly (through direct exposure by breathing these pollutants from the air) and indirectly (through participation in photochemical reactions in the air, and breathing the products of these reactions, such as ozone) with a number of health effects.

The Sub-committee has learned that some of these health effects occur even when concentrations of particulates are just one quarter of the Federal limit for outdoor air.

Summary of Health Effects that have been related to Diesel Exhaust Air Pollution as identified and brought to the committee's attention:

1. Prenatal and Perinatal effects
 - A. Intrauterine growth retardation
 - B. Elevated incidence of low birth weight infants
 - C. Increased incidence of spontaneous miscarriage
 - D. Increased incidence of respiratory cause of deaths in newborns
 - E. Elevated incidence of serious birth defects
 - F. Increases in sudden infant death syndrome (SIDS)
2. Childhood effects
 - A. Diminished lung growth in children (with unknown long term effects on the individual)
 - B. Development of asthma in children involved in active sports
 - C. Exacerbations of existing asthma
 - D. Elevation of incidence of asthma in children and teenagers. (an ongoing worldwide phenomenon)
 - E. Increases in incidence of bronchitic symptoms
 - F. Loss of days from school attendance due to respiratory symptoms
 - G. Potentiation (enhancement) of allergic effects of known allergens such as ragweed pollen when individual is exposed to diesel particles and the allergen concomitantly.
3. Adulthood
 - A. Elevated incidence of lung cancer in a linear relationship with progressive increases in fine particle (Pm 2.5) air pollution (The category Pm 2.5 includes the particles less than 1 micron in size.)
 - B. Elevated incidence of myocardial infarctions (heart attacks)
 - C. Elevated incidence of mortality from cardiovascular causes (heart attacks and strokes)
 - D. Triggering of myocardial infarctions associated with spikes in Pm 2.5
 - E. Elevation of cardiopulmonary deaths in a linear relationship with increases in Pm 2.5
 - F. Significant elevations in "all cause mortality" associated with increases in Pm2.5
 - G. Increased incidence of bronchitic symptoms
 - H. Chronic obstructive pulmonary disease (COPD): increased incidence, prevalence, and exacerbations of existing disease.
 - I. Fatal exacerbations of COPD
 - J. Exacerbations of asthma leading to time off work, emergency room visits and hospitalizations

- K. Approximately 1.5 times elevation in the smoking adjusted incidence of lung cancer in workers occupationally exposed to diesel exhaust versus the smoking adjusted relative risk baseline incidence of lung cancer in similar non-exposed populations.
- L. Chronic exposure to particulate pollution shortens lives by one to three years
- M. Higher concentrations of particulate air pollution has been linked to low heart rate variability, a risk factor for heart attacks. Association is stronger for people with pre-existing cardiovascular conditions.
- N. Mitochondrial damage in cells. (All age groups)
- O. Airway inflammatory changes (all age groups)
- P. Damage to and death of alveolar and airway macrophages,(all age groups)

This is a brief overview of an extensive and growing body of knowledge. These findings were developed through many avenues of research including but not limited to: epidemiologic studies, clinical studies-retrospective and prospective, autopsy studies, animal studies, cellular biology studies, and Government agency investigations. There has been worldwide scientific participation in research on the links between diesel exhaust air pollution and human health.

This body of knowledge is constantly evolving, with many new pieces of information having been published or brought to light since the inception of Environmental Committee Subcommittee/Air Quality Group. The committee notes that as this an evolving body of knowledge, in many areas further studies are needed.

The Committee finds sufficient evidence to warrant immediate aggressive action by POLA and its tenants to reduce the measurable levels of local and Air Basin wide diesel exhaust air pollution due to Port related activities.

Richard Havenick
Chairman, Air Quality Group

12. "Association between Air Pollution and Intrauterine Mortality in Sao Paulo, Brazil" Environmental Health Perspectives, Volume 106, Number 6, June 1998.
13. "Respiratory Effects of Relocating to Areas of Differing Air Pollution Levels" American Journal of Respiratory and Critical Care Medicine, Volume 164, pp2067-2072, 2001. (Research done at USC)
14. "The Effects of Ambient Air Pollution on School Absenteeism due to Respiratory Illnesses" Epidemiology, January 2001, Volume 12, Number 1. (Research done at USC).
15. "Air Pollution and Infant Mortality in Mexico City" Epidemiology, March 1999, Volume 10, Number 2.
16. "Air Pollution and Bronchitic Symptoms in Southern California Children with Asthma" Environmental Health Perspectives, Volume 107, Number 9, September 1999.
17. "Association between Air Pollution and Lung Function Growth in Southern California Children" American Journal of Respiratory and Critical Care Medicine, Volume 162, 2000.
18. "Global Increases in Allergic Respiratory Disease: The Possible Role of Diesel Exhaust Particles" Annals of Allergy, Asthma and Immunology, Volume 77, October 1996. (Research done at UCLA).
19. "Association of very Low Birth Weight with Exposures to Environmental Sulfur Dioxide and Total Suspended Particulates" American Journal of Epidemiology, Volume 151, Number 6, 2000.
20. "From Asthma to AirBeat: Community driven monitoring of fine particulates and black carbon in Roxbury, Massachusetts." Environmental Health Perspectives, April 2002, Volume 110, Supplement 2: 297-301.
21. "Inhalation of Fine Particulate Air Pollution and Ozone causes Acute Arterial Vasoconstriction in Healthy Adults" Circulation, 2002, April 2; 105 (13): 1534-1536.
22. "A Three-Way Link may exist among Air Pollution, Allergy Sensitization and Reactivity, and Asthma" Allergy 1998; 53:335-45. (Cited in "Update in Allergy and Immunology", Annals of Internal Medicine, 1 February, 2000, Volume 132, Number 3.

Cancer Risk From Breathing Air - MATES-II

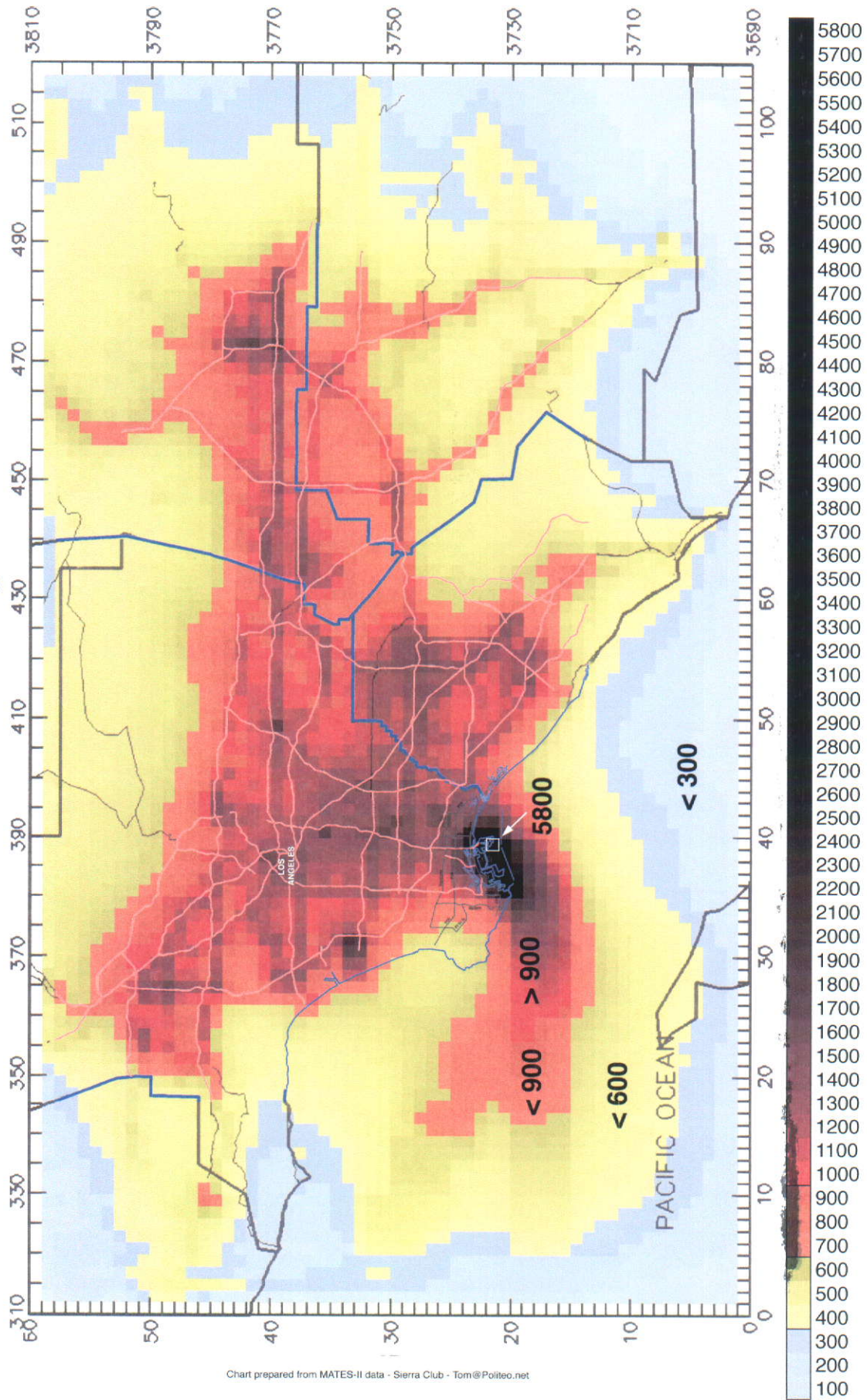


Chart of estimated risk up to indicated number of cases of cancer per million population in a 70 year lifetime.

Chart prepared from MATES-II data - Sierra Club - Tom@Poiteo.net

John Miller, M.D., FACEP, September 24, 2007

- JM-1.** Thank you for your comments. Please see the responses to comments from the PCAC EIR Subcommittee and the Northwest Neighborhood Council comment letters. The submitted report has also become part of this Project's record and will be submitted to the Board of Harbor Commissioners for their consideration.

Cecilia Ponce-Mora

613 N. Gulf Ave., Wilmington, CA 90744

310-834-2829

Port of Los Angeles
City of Los Angeles
U.S. Army Corps of Engineers

July 31, 2007

Re: Berths 136-147 Container Terminal Draft EIR/EIS
Su: TraPac Container Terminal Expansion Project Public Comments

My name is Cecilia Ponce-Mora and I live at 613 North Gulf Ave., Wilmington, California. I live four blocks from the Port of Los Angeles TraPac Container Terminal. I, my husband and our families have lived in Wilmington all of our lives. Our home has existed prior to the TraPac Container Terminal being built.

The TraPac Container Terminal Draft Environmental Impact Report/EIS fails to address and mitigate the many environmental, public health, public safety, truck traffic, train, economic and community impacts of the TraPac Container Terminal and the Ports day-to-day business activities.

CM-1

I have attended many Port of Los Angeles public hearing and public meetings where I and numerous other Wilmington residents and organizations have stated our problems or submitted them in written public comments. The Draft EIR/EIS fails to acknowledge our problems or include our numerous recommended mitigation measures.

The TraPac Draft EIR/EIS fails to address the following specific problems that impact me, my family, my neighbors and community. The Port of Los Angeles has failed to include the mitigation measures that the public requested:

CM-2

1. The Port of Los Angeles causes a significant amount of air pollution in the Harbor area causing significant public health problems to me, my family and Wilmington residents. The Port of Los Angeles and the U.S. Army

Corps of Engineers know that port and goods movement air pollution causes cancer and numerous other public health problems.

Wilmington is experiencing a public health crisis caused by the Port of Los Angeles and the TraPac Container Terminal that borders us. Almost every family I know has children suffering with asthma.

The Port of Los Angeles and the U.S. Army Corps of Engineers was requested to purchase and install free air purification systems in every residential home, school, hospital, clinic, convalescent home, community center, library, recreational facility and public use building. They have done nothing except let Harbor residents and children get sick and die.

Promising to clean up the air in the future means nothing while we are sick, suffering and dying now. The proposed Draft EIR mitigation will not significantly stop all the air pollution or our health problems. We the public want "O" air pollution and expect the Port to use the best available technologies. The truth is that they are not.

The Port has failed to conducted any public health interviews or surveys of Wilmington and Harbor residents to determine our health status or the kinds of health problems we have. As public governmental agencies you are responsible for our well being and mitigating the public health problems you have caused.

2. The Port of Los Angeles has deprived my husband the right to live a normal and healthy life. The Port contributes a significant amount of toxic air, land and water pollution which are known to cause cancer and numerous other public health problems.

My husband Edward Mora has been in Little Company of Mary Sub-Acute Hospital in Torrance for seven years now dying of lung disease. He never smoked, never worked in an industrial environment and has no family history of any respiratory disease.

The Port is partially if not 100% responsible for his illness and the Port has failed to prevent air, land and water pollution where known technologies

exist to prevent it. The Port failed to notify me, my husband and Wilmington residents of the life and health threatening nature of its business activities. The Port failed to provide governmental agency, medical or scientific research public health study information to the public that it knew existed.

The Port has failed to provide any medical financial assistance to impacted families who have identified themselves at previous Port of Los Angeles public hearings and meetings.

The Port of Los Angeles and the U.S. Corps of Engineers was requested to mitigate all of its public health impacts. The Port was requested to establish a minimum annual \$ 25 million Public Health Care Trust Fund to cover the cost of short term and long term medical care and assistance.

As of today the Port of Los Angeles and the U.S. Army Corps of Engineers is perfectly happy letting us suffer, get sick and die. They have not mitigated our past or current public health problems they have caused.

3. The Port of Los Angeles and its business tenants has deprived me of my husband, my right to live a normal happy family life, my right to financial support and my right to the quality of life. The loss of my husband has caused me and our families personal hardships, extreme stress, economic burdens and significant income losses.

My husband's medical expenses have exceeded \$ 1 million which has and is now being paid by California taxpayers and residents. I have read that the cost of public health care caused by the Port of Los Angeles is over \$ 1 billion annually. Yet they have not contributed one dime to help one resident.

Despondent Wilmington Resident,

Cecilia Ponce-Mora

CM-4

CM-5

Cecilia Ponce-Mora, July 31, 2007

CM-1. This comment suggests that the Draft EIS/EIR fails to address numerous environmental issues associated with the Port's daily operations. The Draft EIS/EIR incorporates programmatic, project-specific, and cumulative analyses for all environmental issue areas that would potentially be impacted by the proposed Project, including those in the Project vicinity. The Draft EIS/EIR has appropriately evaluated the Project's environmental effects and identified mitigation measures and reasonable alternatives to avoid significant environmental impacts (CEQA Guidelines Sections 15121(a) and 15362). Therefore, no revisions to the Final EIS/EIR are required.

CM-2. The Port and USACE shares the concerns expressed in regard to adverse health effects in the area. As part of the EIS/EIR, extensive health risk assessments were completed. Many of the air quality and health risk mitigation measures provided in the EIS/EIR are to reduce fossil fuel usage in the area for operating the Terminal and the transport of cargo to and from the Terminal.

It is the Port's/USACE's goal to apply mitigation to the source of emissions in order to reduce health effects from proposed projects. The Draft EIS/EIR incorporates all feasible mitigation measures (i.e., Mitigation Measures AQ-1 through AQ-18B) that reduce toxic air pollution impacts from proposed construction and operational emission sources that are capable of being accomplished in a successful manner within a reasonable period of time, taking into consideration economic, environmental, legal, social, and technological factors (CEQA Guidelines Section 15364).

The results of the health risk assessment (HRA) in the Draft EIS/EIR show that with implementation of Mitigation Measures AQ-1 through AQ-24, the mitigated Project would produce lower residential cancer risks in Wilmington relative to 2003 (see Draft EIS/EIR Figure 3.2-2). Table 3.2-30 also shows that Sensitive, Student and Recreational health risk would be reduced below 2003 levels by the proposed mitigation measures. Table 3.2-25 also shows that the mitigated Project would produce significantly lower emissions compared to existing terminal operations in 2003. The Final EIS/EIR has accelerated implementation of some mitigation measures proposed in the Draft EIS/EIR and it has added Mitigation Measure AQ-25, as discussed in more detail in response to comments SCAQMD-7 through SCAQMD-24. These additional mitigations will further reduce mitigated Project impacts compared to those identified in the Draft EIS/EIR. Implementation of the proposed Clean Air Action Plan also will substantially reduce emissions due to Port operations within a few years. In addition, on November 26, 2006, the Ports of Los Angeles and Long Beach approved the San Pedro Bay Clean Air Action Plan (CAAP) which will reduce Port emissions by 45 percent over the next 5 years

CM-3. The Port takes very seriously the region's air quality and health effects on the community's surrounding the Port. The Port has shown over the past several years its commitment to improving air quality and health effects by implementing programs to reduce emissions including approval of the CAAP (see response to comment CM-2). Table 3.2-1 of the Draft EIS/EIR includes information on the health effects of air pollutants.

CM-4. Please see response to comments CM-2 and CM-3 above. The purpose of this environmental document is to inform the public, including the Wilmington Community, of potential environmental effects of the proposed project and to provide feasible mitigations.

CM-5. Please see response to comment CM-3 above.

September 26 2007

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: Dr. Spencer D. MacNeil
P.O. Box 532711
Los Angeles, CA 90053-2325

Los Angeles Harbor Department
c/o Dr. Ralph G. Appy
425 S. Palos Verdes Street
San Pedro, CA 90731



Subject: Comments on the Berth 136-137 Container Terminal DEIS and DEIR

Dear Drs. Appy and MacNeil,

General Comments

1. There are significant unmitigated air quality, noise, and traffic impacts from the proposed project. Some impacts, especially traffic west of Harbor Boulevard and on Interstate 110, were not even considered, and the list of "related projects" does not include a large number of projects which should have been considered. Several additional mitigation measures are proposed. PN-1
2. All aspects of the project should meet and exceed the requirements of the San Pedro Bay Clean Air Action Plan, and No Net Increase Policy adopted by the Board of Harbor Commissioners. PN-2
3. During implementation of the project construction and operation the Port needs to evaluate air quality, noise and transportation impacts to test the modeling and basis for the mitigations proposed. Should actual air quality, noise, or transportation impacts be greater than estimated in the DEIR/DEIS/DIES then the Port should propose and perform additional mitigations to reduce the impacts to acceptable levels. PN-3

Specific Comments - Air Quality

1. **Environmental Impact AQ-1, AQ-2: Construction would produce unmitigated emissions that exceed South Coast Air Quality Management District (SCAQMD) emission significance thresholds.** PN-4

The amount of emissions from construction of the proposed project is unacceptable. The Port should explore additional opportunities to lower the pollutant emissions. During construction of the proposed project, there will be significant unmitigated emissions of

VOCs, NOx, Sox and PM₁₀ and PM_{2.5}. The listed mitigation measures consist of many items that are related to terminal operations and not construction. More specific air quality mitigations for construction emissions need to be included as part of the DEIR/DEIS/DEIS and future construction specifications. Specifically, all construction equipment: should:

PN-4

- Use low sulfur diesel fuel
- Limit idling times
- Use diesel particulate filters
- Evaluate use of electrical or natural gas equipment on-site where feasible.

In addition, we would expect that specific construction mitigations would be included on all Port projects to achieve no net increase in emissions and possibly a net reduction.

2. Environmental Impact AQ-3: The proposed project and the project alternatives will result in operational emissions that exceed 10 tons per year of VOCs, and exceed SCAQMD thresholds of significance.

PN-5

According to the analysis in the DEIR/DEIS, it will be 2038 before daily and annual impacts for VOCs, NOx and PM₁₀, PM_{2.5} will be reduced to a less than significant impact. We understand that technical challenges exist in reducing air quality impacts. However a 30 year time frame to meet a less than significant impact is too long. The standard that operational emissions should be evaluated against should be the 2001 baseline and SCAQMD thresholds. The Port and COE should evaluate measures that will reduce air quality impacts and emissions over a much shorter time period.

3. Environmental Impact AQ-17: There should be periodic review and application of new technology and regulations.

PN-6

As part the project construction and operation the Port needs to include a post-project validation system that implements new technologies to reduce air quality impacts as soon as possible and take advantage of advances in air pollution control technologies. In addition, a formal review should be done every year to evaluate the state of the emissions control industry and how new technologies and devices could be applied to Port projects.

4. Table 3.2.1 identifies property damage as one of the adverse impacts of ozone and sulfates generated by the operation of the project, but does not include mitigation for property damage.

PN-7

The DEIR/DEIS identifies property damage as one of the impacts from ozone and sulfates but does not specify or estimate the types of property damage nor does it propose a mitigation measure for property damage.

Property damage for air emission should be mitigated by property damage reimbursements. A property damage fund could be established as part of the proposed project construction and operation. Further, the DEIR/DEIS should evaluate property

damage from ozone and sulfates. This evaluation should make a quantitative assessment as to what extent operations within the Port can damage real property and property values in the surrounding community.

PN-7

5. In Section 3.2.4.8.2, the DEIR/DEIS identifies small particle emissions as significant, adverse, and unavoidable. More mitigation is needed.

There is a difference between having an unavoidable result and an unmitigated impact. If it is true that small particle emissions are unavoidable, these impacts can be mitigated by more aggressive emissions control and additional mitigation measures. Among the mitigation that should be considered is evaluate air quality within homes, schools, and office spaces in the impacted areas. Based on analysis of the indoor air quality the Port can evaluate the need to supply air purifiers and other improvements for indoor air spaces impacted by small particle emissions from the Port.

PN-8

6. I have reviewed the comments prepared by the Air Quality Subcommittee of the Port Community Advisory Committee and support these comments. A copy of that document is included as Attachment A.

PN-9

Specific Comments related to Transportation/Circulation

1. Figure 3.10-2 "Proposed Project Trip Distribution".

The project will generate 1.88 million truck trips annually. Of these, 714,400 [38%] will use the 110 Freeway and another 714,400 will use Alameda Street. The impact of these large numbers on freeway congestion has not been evaluated in the DEIR/DEIS.

PN-10

A comparison should be done showing the increase to the existing baseline traffic on the 110 Freeway and on Alameda Street. Further, additional efforts should be made to reroute the increased truck traffic onto the related proposed ACTA Alameda Flyway to see if the predicted 5%-8% truck traffic diversion onto that Flyway can be increased.

2. The "Related Proposed Project Trip Generation" list is incomplete.

The TraPac DEIR/DEIS lists 27 "Related Proposed Project Trip Generation" projects in Table 3.10-2. In a Draft EIR covering roughly the same area, Ponte Vista Development on Western Avenue listed 174 Related Proposed Projects. That list is shown on Attachment A. Persons who commented on the Ponte Vista DEIR/DEIS identified an additional 26 related projects that should have been included with that DEIR and should be evaluated as part of the Berth 136 -147 DEIR. The list of projects considered by the Ponte Vista DEIR, and the additional 26 projects included in the comments to it, are shown on Attachment B. The Port should evaluate the impact that all these additional related projects will have on congestion traffic in the Harbor Area and congestion on Interstate 110.

PN-11

3. The DEIR/DEIS does not assess any traffic impacts west of the 110 Freeway.

The DEIR/DEIS does not evaluate truck traffic from the proposed project west of the 110 Freeway. In particular, given the location of the Port of Los Angeles Distribution Center on North Gaffey Street at Westmont and the number of trucks that currently use the facility; it does not appear that the DEIR/DEIS accurately reflects traffic counts on North Gaffey from Channel Street to Westmont Street.

PN-12

Attachment C shows the Port of Los Angeles Distribution Center in relation to the TraPac Terminal (Berths 136 – 147). The Distribution Center Buildings are the light gray west (left) of the 110 Freeway. As can be seen, they occupy approximately as large an area as the Berths 136 -147 terminal. Truck traffic on N. Gaffey, Channel Street will surely increase with implementation of the proposed project.

As mitigation for the increase, we suggest that the Port evaluate additional on and off ramps to serve the Distribution Center as part of the West Basin Transportation Improvement program.

Specific Comments to Section 3.1 Aesthetics/Visual Resources

1. The addition and expansion of Berth 136 -147 terminal facilities will add to the visual impact of utility poles and additional “cross-arms” on existing poles.

PN-13

The impact of additional utility lines, crossbars and poles should be mitigated by putting all utilities underground along Gibson and Bridges. In addition to undergrounding utilities along the boundary of the proposed terminal, landscaping should be placed along the perimeter of the facility to reduce the visual impacts. Attachment D depicts an area along Gibson and Front Street illustrating the improvement in visual impact when above ground utilities are placed underground.

2. The number and concentration of cranes within the proposed project area has reduced the aesthetics and visual resources of the surrounding area.

PN-14

The visual impact of the many industrial cranes in the West Basin can be mitigated by adopting a crane painting program using a painting scheme designed to blend the cranes into the background. This could be adopted by way of Tariff provision. This is a no-cost item since the cranes have to be painted periodically for maintenance.

3. Knoll Hill should be developed as a public access/buffer area to separate Port industrial uses from residential areas.

PN-15

The Board has indicated in many sessions that it is amenable to a buffer between the Port's industrial uses and the community. One area where this can be done is Knoll Hill.

Thank you for the opportunity to comment on the DEIR/DEIS.

Very truly yours,

A handwritten signature in cursive script that reads "Pat Nave".

Jonathon P Nave

PN-15

Attachment A

Comments to the Berth 136 – 147 Container DEIR/DEIS from the Air Quality Subcommittee of the Port Community Advisory Committee

Attachment B

**Table of Related Proposed Projects from the
Ponte Vista DEIR and Comments to it**

Related Projects

Related projects are development projects that have been proposed, applied for, approved, and/or are under construction. Related projects were identified based on information on file at the City of Los Angeles Departments of Planning and Transportation, City Rancho Palos Verdes, City of Rolling Hills Estates, City of Carson, City of Long Beach, City of Torrance, City of Lomita, and the County of Los Angeles. Related projects were also identified through public comments received during NOP and scoping process for this Draft EIR. The list of related projects in the Project study area is presented in Table IV.J-9. The location of the related projects is shown in Figure IV.J-12. The previously noted Mary Star High School project is identified as a related project, although its traffic impacts are considered in conjunction with those of the Project for mitigation purposes as discussed below.

**Table IV.J-9
List of Related Projects**

Map No.	Project/Case/Tract No.	Applicant/Location/Project Description	Land Use	Size	Status
City of Los Angeles¹					
1	EAF 1998-0306	734 Wilmington Blvd.	Mixed-Use – Food/Retail	7,180 sf	Proposed
2	EAF 1998-0322	Mt. Sinai Missionary Baptist Church 225 Mesa St.	Demolish Existing Church School	(10,700 sf) 10,000 sf 4,000 sf	Proposed
3	EAF 1999-0100	Walgreens Drugstore 24930 Western Ave.	Commercial	13,904 sf	Proposed
4	EAF 1999-0143	Terragona Plaza 1000 Western Ave.	Addition to Ralphs Addition to Ralphs	15,000 sf 8,960 sf	Proposed
5	EAF 1999-0229	305 Anaheim St.	Gas Station Convenience Market	12 fuel station 1,200 sf	Proposed
6	N/A	West Channel/Cabrillo Marina Phase II Miner St. and 22 nd St.	Land Development	47 acres	Proposed
7	EAF 1999-0366	900 Anaheim St.	Restaurant	6,600 sf	Proposed
8	EAF 2000-0844	311 Gaffey St.	Gas Station Mini Mart	6 fuel station 1,390 sf	Proposed
9	EAF 2000-3161	Normandie Ave./Torrance Blvd.	Single-Family	63 DU	Proposed
10	EAF 2002-7390	303 Gaffey St.	Existing Restaurant Additions	3,000 sf 1,816 sf	Proposed
11	EAF 2003-2114	1437 Lomita Ave.	Condominium	160 DU	Proposed
12	EAF 2003-4624	407 7 th St.	Retail Apartment	5,000 sf 87 DU	Proposed
13	EAF 2004-5009	1351 Sepulveda Blvd.	Warehouse	400,000 sf	Proposed
14	EAF 2004-5009	28000 Western Ave.	Condominium	140 DU	Proposed
15	N/A	Centre Street Lofts Centre St. between 6 th and 7 th St.	Apartments Retail	116 DU 22,000 sf	Proposed
16	N/A	Rolling Hills Preparatory Private School South of Palos Verdes between Western and Anaheim St.	School	700 students	Approved
17	N/A	Palos Verdes Street Housing 550 and 560 Palos Verdes St.	Townhouse Mid-Rise Apartments High Rise Apartments Retail Restaurant	85 DU 79 DU 166 DU 8,800 sf 3,000 sf	Proposed
18	N/A	Target Co. 1701 N. Gaffey St.	Supermarket	126,000 sf	Proposed

**Table IV.J-9
List of Related Projects**

Map No.	Project/Case/Tract No.	Applicant/Location/Project Description	Land Use	Size	Status
19	N/A	San Pedro Waterfront – Phase I (Bridge to Breakwater) San Pedro Waterfront – Phase II (Bridge to Breakwater)	Retail Office Cruise Ship Retail Office Conference Center Yacht Club Aquatic Center	591,500 sf 100,000 sf 200,000 sf 131,104 sf 12,500 sf 75,000 sf 10,000 sf 30,000 sf	Proposed
20	N/A	Mary Star of the Sea High School Taper Avenue between Sandwood Pl. and John Montgomery Dr.	High School	650 students	Proposed
21	ENV 2005-4801	JCC Homes 1427 N. Gaffey St.	Single-Family	135 DU	Proposed
22	N/A	La Salle Adaptive Reuse 245-255 W. 7 th St.	Loft	26 DU	Proposed
23	N/A	Bay View 255 W. 5 th St.	Apartment	220 DU	Proposed
24	N/A	Ocean View 111 and 203-233 N. Harbor Blvd.	Loft	144 DU	Proposed
25	N/A	815 S. Grand Ave.	Condominium	12 DU	Proposed
26	N/A	Harborside Terrace 303-308 N. Palos Verdes St.	Condominium	16 DU	Proposed
27	N/A	281 W. 8 th St.	Townhome	30 DU	Proposed
28	N/A	420-430 W. 9 th St.	Condominium	25 DU	Proposed
29	N/A	Sepia Homes 812 S. Pacific Ave.	Condominium	90 DU	Proposed
30	N/A	Goldenrose St. south of Miraflores Ave.	Single-Family	27 DU	Proposed
31	2005-CEN-2126	Port Police Station & Charter School 330 Center St.	Police Headquarters Office Charter School	155,000 sf 12,500 sf 1,000 students	Proposed
32	ENV 2005-9493MN	Preschool 25000 Normandie Ave.	Preschool	100 students	Proposed
33	TT-60731	1400 W. 260 th St.	Condominium	12 DU	Proposed
34	ENV-2004-855-MND	1408 W. Anaheim St.	Townhome	7 DU	Proposed
35	TT-61154	26404 S. Vermont Ave.	Condominium	21 DU	Proposed
36	AA-2004-4179-PMLA	1549 W. 207 th St.	Condominium	4 DU	Proposed
37	TT-61562	1610 W. 207 th St.	Condominium	5 DU	Proposed
38	AA-2004-4179-PMLA	1614 W. 207 th St.	Condominium	4 DU	Proposed
39	ENV-2004-4563-MND	1445 W. 225 th St.	Condominium	14 DU	Proposed
40	AA-2004-3530-PMLA	1640 W. 227 th St.	Condominium	4 DU	Proposed
41	AA-2004-4563-MND	1636 W. 227 th St.	Condominium	4 DU	Proposed
42	ENV-2004-4563-MND	1401 W. Lomita Blvd.	Condominium	62 DU	Proposed
43	VTT-61840	810 Alameda St.	Condominium	107 DU	Proposed
44	TT-61196	315 N. Marine Ave.	Apartment	35 DU	Proposed
45	AA-2004-4103-PMLA	840 W. 40 th St.	Condominium	3 DU	Proposed
46	AA-2004-6813-PMLA	1514 W. 207 th St.	Condominium	4 DU	Proposed
47	AA-2005-56-PMLA	1610 W. 251 st St.	Condominium	4DU	Proposed

**Table IV.J-9
List of Related Projects**

Map No.	Project/Case/Tract No.	Applicant/Location/Project Description	Land Use	Size	Status
48	--	24000 S. Western Ave.	Library	14,650 sf	Under Construction
City of Rancho Palos Verdes²					
49	N/A	Ocean Trails Main Entrance Palos Verdes Dr. South and Forrestral Dr.	Single-Family Affordable Housing Golf Course	75 DU 4 DU 18 holes	Proposed
50	N/A	Ocean Front Seaward side of Palos Verdes Dr. West terminus of Hawthorne Blvd.	Single-Family	79 DU	Proposed
51	N/A	Point View 6001 Palos Verdes Dr. South	Single-Family	84 DU	Proposed
52	N/A	Long Point Resort Hotel 6610 Palos Verdes Dr. South	Resort	400 rooms	Proposed
53	N/A	Point Vicente Interpretive Center 31501 Palos Verdes Dr. West	Office	2,000 sf	Proposed
54	N/A	TTM No. 52666 3200 Palos Verdes Dr. West	Single-Family	13 DU	Proposed
55	N/A	Marymount College Facilities Expansion 30800 Palos Verdes Dr. East	Gymnasium Residence Hall	144,110 sf 270 students	Proposed
56	N/A	Crestridge Estate LLC (Senior Center) 6500 Block of Crestridge Road between Crenshaw and Highridge	Senior Center Senior Condominium	12000 sf 109 DU	Proposed
57	N/A	Crestridge Village North of Crestridge, west of Crenshaw	Condominium	95 DU	Proposed
City of Rolling Hills Estates³					
58	N/A	Rolling Hills Covenant Church Expansion 2221/2222 Palos Verdes Dr. North	Sanctuary	2,250 seats	Proposed
59	N/A	South Coast County Golf Course 25706 Hawthorne Blvd.	Golf Course Clubhouse	18 holes 29,000 sf	Proposed
60	N/A	901 Deep Valley	Senior Housing	41 DU	Approved
61	N/A	981 Silver Spur Rd.	Condominium	18 DU	Pending
62	N/A	828 Silver Spur Rd.	Condominium	23 DU	Pending
63	N/A	627 Deep Valley	Condominium Retail	58 DU 6,000 sf	Pending
64	N/A	927 Deep Valley	Condominium Retail	120 DU 10,000 sf	Pending
65	N/A	827 Deep Valley	Condominium	16 DU	Pending
66	N/A	NE corner of Palos Verdes Dr. East and Palos Verdes Dr. North	Single-Family	13 DU	Pending
67	N/A	5883 Crest Rd.	Mixed-Use – Office/Retail	5,670 sf	Approved
City of Carson⁴					
68	N/A	South Bay Christian Alliance Church 21125 S. Figueroa St.	Church	5,800 sf	Proposed
69	N/A	Dominguez Hills Village NW corner of Victoria St. and Central Ave.	Single-Family Condominium	101 DU 81 DU	Under Construction
70	N/A	Centex Homes Avalon Blvd between 228 th and 231 st Sts.	Condominium	147 DU	Under Construction
71	N/A	Steve Nazemi 1216-1226 E. Carson St.	Condominium	7 DU	Pending
72	N/A	The Olson Company 22518-22606 Figueroa St.	Single-Family	45 DU	Under Construction

**Table IV.J-9
List of Related Projects**

Map No.	Project/Case/Tract No.	Applicant/Location/Project Description	Land Use	Size	Status
73	N/A	Elite Homes 643 E. 223 rd St.	Condominium	40 DU	Approved
74	N/A	Carson Senior Village 22125 Main St.	Senior Housing	64 DU	Approved
75	N/A	Trip-Star Group 235 E. 220 th St.	Condominiums	11 DU	Approved
76	N/A	Mohamed Pournamdari 553 E. 213 th St.	Condominium	7 DU	Approved
77	N/A	JCA Resources, Inc. 2350 E. 223 rd St.	Office	126,400 sf	Approved
78	N/A	Carson Toyota (Demolition of existing building and construct new dealership)	Dealership	(17,000 sf) 162,308 sf	Pending
79	N/A	Hopkins Real Estate Group 20700 S. Avalon Blvd.	Retail	41,000 GLSF	Proposed
80	N/A	Mar Ventures Ltd. Corner of Torrance Blvd. and Figueroa St.	Mixed-Use Light Industrial Park Light Industrial	13,085 sf 384,922 sf 170,243 sf	Under Construction
81	N/A	Child Development Center 22036-22108 Avalon Blvd.	Child Care Facility	120 children	Proposed
City of Long Beach⁵					
82	N/A	The Pike at Rainbow Harbor Between Long Beach Aquarium and Convention Center	Commercial Mixed-Use (Entertainment, Retail, Restaurant)	350,000 sf	Under Construction
83	N/A	City Place East of Long Beach Blvd. between 3 rd and 6 th St.	Retail Condominium	450,000 sf 320 DU	Built Under Construction
84	N/A	Lofts on 4 th SW corner of 4 th and Alamitos Ave.	Apartments Retail	34 DU 6,400 sf	Proposed
85	N/A	New Mark Twain Library NE corner of Anaheim St. and Gundry Ave.	Library	16,000 sf	Proposed
86	N/A	West Gateway – New Urban Community 8 square blocks situated at the entry of the City's downtown core	Condominium Mid-Rise Apartment Retail	391 DU 409 DU 15,000 sf	Approved
City of Torrance⁶					
87	CUP02-00003	Airport Plaza NW corner of Pacific Coast Hwy. and Crenshaw Blvd.	Shopping Center Expansion	42,536 GLSF	Under Construction
88	CUP02-00009	Huamin Chang 2360 Sepulveda Blvd.	Hotel	39 rooms	Under Construction
89	CUP02-00024	Ken Proctor 2145 Plaza Del Amo	Condominium	6 DU	Under Construction
90	CUP02-0020	Watt Developers 3520 Torrance Blvd.	Senior Housing Townhome	60 DU 100 DU	Approved Approved
91	CUP00-00006	Torrance Memorial Medical 3330 Lomita Blvd.	Medical Office Office	15,240 sf 94,760 sf	Under Construction
92	MOD02-00004	Jamie Alai 23711 Crenshaw Blvd.	Self Storage	21,819 sf	Approved
93	CUP02-00018	Cheryl Vargo 2410 Apple Ave.	Condominium	4 DU	Approved
94	CUP02-00022	Post Avenue Real Property, LP 1321 Post Ave.	Condominium	13 DU	Under Construction
95	CUP02-00023	Post Avenue Real Property, LP 1321 Post Ave.	Condominium Retail	13 DU 3,962 sf	Under Construction

**Table IV.J-9
List of Related Projects**

Map No.	Project/Case/ Tract No.	Applicant/Location/ Project Description	Land Use	Size	Status
96	CUP02-00029	Chester Smith Associates 1021 Cravens Ave.	Condominium	20 DU	Approved
97	CUP02-00030	Raju Chhabria 2413 Cabrillo Ave.	Condominium	5 DU	Approved
98	CUP02-00040	Maupin Development 20536 Earl St.	Condominium	32 DU	Under Construction
99	CUP03-00002	JCC Homes 23747 Arlington Ave.	Condominium	8 DU	Under Construction
100	CUP03-00004	Anastazi Development Company 21345 Hawthorne Blvd.	Senior Housing	112 DU	Under Construction
101	CUP03-00019	Park/Gibbs Development 2708 Cabrillo Ave.	Senior Housing Condominium	43 DU 48 DU	Approved
102	CUP03-00003 CUP02-00032	St. Paul Properties 18825 Van Ness Ave.	Office Self Storage	34,800 sf 203,000 sf	Approved
103	CUP01-00025	Michael Mulligan 2264 Dominguez St.	Condominium	13 DU	Approved
104	CUP03-00013	Maricopa Properties – Montecito Estates 2829 Maricopa St.	Condominium	104 DU	Approved
105	CUP03-00034	Tom Paradise 1826 Oak St.	Townhome	265 DU 60 DU	Approved
106	CUP03-00034 TTM061850	Standard Pacific Homes 2349 Jefferson Street	Condominium	81 DU	Proposed
107	N/A	TorMed Medical Center Expansion NE corner of Skypark Dr. and Medical Center Dr.	Medical Office	131,560 sf	Proposed
108	CUP03-00051	Unity Church of South Bay 2545 237 th Street, A	Church	5,400 sf	In Process
109	CUP03-00036	Courtyard Villa Estates, LLC 4004 Sepulveda Blvd.	Senior Housing	44 DU	Approved
110	CUP03-00047	Elite Homes 739-745 Border Ave.	Condominium	7 DU	Approved
111	CUP03-00035	Washington Street Developers 2080 Washington Ave.	Condominium	21 DU	Approved
112	CUP04-00007	Dan Withee 24510 Hawthorne Blvd.	Office Restaurant Condominium	3,600 sf 1,030 sf 14 DU	Approved
113	CUP03-00053	Douglas Maupin 6226 Pacific Coast Hwy.	Condominium	16 DU	Approved
114	CUP99-00036	Maupin Development / The Breakers 2850 Monterey St.	Condominium	128 DU	Under Construction
115	CUP03-00009	Ball Corporation 500 Crenshaw Blvd.	Warehouse	156,000 sf	Under Construction
116	CUP04-00039	Stephenson Lon 18600 Hawthorne Blvd.	Auto Dealership Expansion	4,450 sf	Under Construction
117	CUP04-00011	Bishop Montgomery High School 5430 Torrance Blvd.	School Expansion	14,300 sf	Approved
118	CUP04-00014	Shea Homes L.P. 21515 Hawthorne Blvd.	Condominium	226 DU	In Process
119	CUP04-00030	JCC Homes 4343 190 th St.	Condominium	22 DU	Approved
120	CUP04-00042	The Magellan Group 4302-10 190 th St.	Auto Dealership	31,500 sf	Approved
121	CUP03-00037	Watt and Maupin Development 2740 Lomita Blvd.	Single-Family Condominium Retirement Community	63 DU 346 DU 85 DU	In Process

**Table IV.J-9
List of Related Projects**

Map No.	Project/Case/Tract No.	Applicant/Location/Project Description	Land Use	Size	Status
122	CUP04-00026	Keith Palmer 2700 Skypark Dr.	Retail	15,000 sf	Submitted
123	CUP04-00032	Sean Doyle 2303 Jefferson St.	Condominium	41 DU	Submitted
124	CUP04-00036	Pacific Storage Partners, Inc. 4330 190 th St.	Warehouse	15,000 sf	Submitted
125	CUP04-00012	Nathan Battle 1907 Abalone Ave.	Warehouse	22,854 sf	Approved
126	CUP04-00031	George Kirikorian 115 & 131 Palos Verdes Blvd.	Condominium Retail	23 DU 6,867 sf	Approved
127	CUP04-00033	AP-Escondido; c/p The Abbey Company 23600 & 23610 Telo Ave.	Medical Office	70,343 sf	Approved
128	CUP04-00035	Ghussan Baddour Hawthorne Blvd./Rolling Hills Rd.	Office Single-Family	949 sf 1 DU	In Process
129	CUP04-00038	DCA Civil Engineering Group 2909 Pacific Coast Hwy.	Office Automobile Service	988 sf 5 bays	In Process
130	CUP04-00040	Fancher Development Services 25308 Crenshaw Blvd.	Restaurant	6,512 sf	Approved
131	CUP04-00041	Withim Corporation 22501 Crenshaw Blvd. #200	Coffee Shop	940 sf	In Process
132	CUP04-00043	Sunrise Senior Living 25535 Hawthorne Blvd.	Assisted Living	103 beds	In Process
133	CUP05-00001	Miletich-Jones Land Co. 20301 Hawthorne Blvd.	Restaurant Market	1,800 sf 2,327 sf	In Process
City of Lomita					
134	SP No. 977	Mr. Don Barteld 25610 Narbonne Ave.	Office Expansion	810 sf	Approved
135	TTM No. 53873	Mr. Tom Frederikson 2215-2219 W. 241 st St.	Condominium	9 DU	Approved
136	ZV No.167 SP No.986	Mr. Jeh Meher 26327 Western Ave.	Health Gym	13,533 sf	Approved
137	SP No. 978	SUBTEC (Cheryl Vargo) 2040 & 2046 Lomita Blvd.	Single-Family Commercial	7 DU 10,140 sf	Proposed
138	TTM No.60165	Mr. Peter Frederiksen 25819-25 Eshelman Ave.	Senior Housing	24 DU	Proposed
139	TTM No. 54200	Tom Yuge 26001 Eshelman Ave. and 26004 Avocado St.	Single-Family	6 DU	Approved
140	CUP No. 225	John Koza 25316 Ebony Lane	Senior Housing	42 DU	Proposed
141	ZV No. 176	Ricardo Velasquez 1830 Pacific Coast Hwy.	Commercial Expansion	1,192 sf	Approved
142	TTM No. 53950	SUBTEC (Cheryl Vargo) 1748-1751 W. 257 th St.	Condominium	6 DU	Approved
143	SP No. 995	Faizel Tar 2020 Lomita Blvd. #6	Auto Rental & Sales	1,014 sf	Approved
144	SP No. 996	George Mcguire SE corner of Western Ave. and 262 nd St.	Office Commercial	11,000 sf 17,300 sf	Approved
145	TTM 61454 CUP 231 ZTA 2004-3	Tom Yurge 25322 Cypress St.	Senior Housing	6 DU	Approved
146	CUP 228	Robert Garstein 25312-25318 Narbonne Ave.	Senior Housing	24 DU	Proposed

**Table IV.J-9
List of Related Projects**

Map No.	Project/Case/ Tract No.	Applicant/Location/ Project Description	Land Use	Size	Status
171	CP03-137 TR060027 543503	1010-1022 W. 223 rd St. Torrance	Condominium	16 DU	Pending
172	04-108 TR060481	1154 W. 223 rd St.	Single-Family	5 DU	Pending
173	CP04-175 TR061387 543602	22800 Normandie Ave.	Condominium	79 DU	Pending
174	N/A	SE corner of Normandie Ave./223 rd St.	Condominium	58 DU	Proposed

N/A – Not applicable
DU – Dwelling units
sf – Square feet
GLSF – Gross leasable square feet

¹ Source: City of Los Angeles Department of City Planning; LADOT.
² Source: City of Rancho Palos Verdes.
³ Source: City of Rolling Hills Estates.
⁴ Source: City of Carson.
⁵ Source: City of Long Beach.
⁶ Source: City of Torrance.
⁷ Source: City of Lomita.
⁸ Source: Los Angeles County Department of Regional Planning.

Source: LLG, 2006 (see Appendix IV.J-1 to this Draft EIR).

Traffic volumes expected to be generated by the related projects were calculated using rates provided in the ITE Trip Generation manual. The related projects' respective weekday traffic generation for the AM and PM peak hours, as well as on a daily basis for a typical weekday, is summarized in Table 8-2 in Appendix IV.J-1 to this Draft EIR. The anticipated distribution of the related projects traffic volumes to the study intersections during the weekday AM and PM peak hours is displayed in Figures IV.J-13 and IV.J-14, respectively. The related projects' respective Saturday traffic generation for the mid-day peak hour, as well as on a daily basis, is summarized in Table 8-3 in Appendix IV.J-1 to this Draft EIR. The anticipated distribution of the related projects traffic volumes to the study intersections during the AM and PM peak hours is displayed in Figure IV.J-15.

-China Shipping Terminal Development, Berth 97-109 to handle 1.5 million TEUs per year requiring a total of **3,720 daily truck trips** and up to 950 annual round trip rail movements.

-TRAPAC Expansion at Berths 136-149, from 176 acres to 251 acres and resulting increase in truck trips

-New L.A. City Fire station at Gaffey and Miraflores

-Greatly expanded L.A. City Harbor Area Police Headquarters, jail, and community room on John S. Gibson Blvd.

-Relocated and greatly expanded Animal Shelter and community room at Gaffey and Miraflores

-Union Pacific ICTF Facility (PCH & Sepulveda/Alameda)

-St. Peters Episcopal Church, currently requesting a zoning variance to operate a child care for 66 infants, toddlers and pre-school children at 1648 W. 9th Street

-The new Henry's Market at Western and Park Western, which replaced a very underutilized market

-Impact of foreign trade zone designation for Port of LA Distribution Center at Gaffey and Westmont

-Two new mausoleums being built at Green Hills Memorial Park

-Starbucks/T-Mobile planned for 422 S. Gaffey

-Additional residential units:

366-74 W. 8 th (Sepia Homes)	20 units
327 N. Harbor Blvd, (Sepia)	60 units
407 N. Harbor Blvd, (Sepia)	42 units
1200 S. Beacon St.	140 rental units
Habitat for Humanity Cruz + Palos Verdes	16 units, Santa

Habitat for Humanity Wilmington	8 homes in
534 Eubank	10 units
1160 W. 11 th Street homes	13 attached
Union Ice Expansion 901 East E St. 525 E. "E" St. and Dispatch facility	85,000 sq ft Truck Parking
Potential Industries, 701 E. # St	40,000 sq feet
Electronic Balancing, 600 E. D St	24,000 sq feet
Marymount College student housing on Palos Verdes Dr. North	320 students

Three additional corrections should be made to Table IV .J-9:

Map No. 16, Rolling Hills Preparatory School should show the projected enrollment of 900 students, 140 faculty, and 62 dwelling units

Bridge to Breakwater listed at 1.1 million square feet – was 3.8 million square feet in the project description (new NOP may modify this);

Two new cruise ship berths and several new parking structures have since been proposed and should be included.

ATTACHMENT C

**Aerial Photo
Port Of Los Angeles Distribution Center
and TraPac Terminal**



Painter 33°45'42.48" N 118°16'45.28" W elev 151ft

© 2007 Sanborn
© 2007 Europa Technologies
Streaming 100%

© 2007
Google
Eye alt 10031 ft

ATTACHMENT D

**Before and After Photos
of Above Ground Utilities in the
Vicinity of TraPac Proposed Project**

Photograph Looking South along Front Street and Gibson Blvd.



Same Picture with Above Ground Utilities Removed



Pat Nave, September 26, 2007

- PN-1.** The Draft EIS/EIR has appropriately evaluated the Project's environmental effects and identified mitigation measures and reasonable alternatives to avoid significant environmental impacts (CEQA Guidelines Sections 15121(a) and 15362). Draft EIS/EIR Figure 4-1 and Table 4-1 include an extensive list of 84 past, present, and future projects in the area, many of which are west of Harbor Blvd. and along Interstate 110.
- PN-2.** The Project meets the requirements of the San Pedro Bay Clean Air Action Plan. Mitigation Measures AQ-1 through AQ-24 in the Draft EIS/EIR represent feasible means to reduce air pollution impacts from proposed construction and operational emission sources. The Final EIS/EIR has accelerated implementation of some mitigation measures proposed in the Draft EIS/EIR, as discussed in more detail in response to comments SCAQMD-7 through SCAQMD-24. The Project would comply with all applicable CAAP measures. The CAAP supersedes those of the NNI process which was never approved by the Board of Harbor Commissioners.
- PN-3.** Should the Board of Harbor Commissioners approve the project, mitigation measures would be included as requirements in the tenants lease and in any construction specifications. In addition, project approval would also require approval of a Mitigation Monitoring and Reporting Program which would ensure implementation of proposed mitigation measures. All measures used to calculate air quality reductions are quantifiable and verifiable and would reduce emissions as provided.
- PN-4.** Thank you for your comment. The following mitigation measures have been amended in the Final EIS/EIR:

Mitigation Measure AQ-2: Fleet Modernization for On-Road Trucks. All on-road heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 33,000 pounds or greater used on-site or to transport materials to and from the site during Phase 1 construction shall comply with year 2007 USEPA on-road emission standards. During Phase 2 construction (post 2015), all on-road heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 33,000 pounds or greater used on-site or to transport materials to and from the site shall comply with year 2010 USEPA on-road emission standards. Trucks hauling aggregate materials or debris shall be fully covered while operating off Port property.

Mitigation Measure AQ-3: Fleet Modernization for Construction Equipment. All off-road diesel-powered construction equipment and generators greater than 25 hp, except derrick barges and marine vessels, shall meet the cleanest off-road diesel emission levels available but no greater than USEPA Tier 3 NOx emission standards. The Port could meet Tier 3 equivalent PM emission limits through the use of new or repowered engines designed to meet USEPA Tier 2 PM standards and/or the use of CARB approved diesel particulate traps. For Phase II construction (post-2015), equipment shall meet the Tier 4 emission standards. In addition, construction equipment shall incorporate, where feasible, emissions savings technology such as hybrid drives and specific fuel economy standards.

Additionally, the following construction mitigation measure has been added to the Final EIS/EIR:

Mitigation Measure AQ-25: Special Precautions near Sensitive Sites: All construction activities located within 1,000 feet of sensitive receptors (defined as schools,

playgrounds, daycares, and hospitals), shall notify each of these sites in writing at least 30 days before construction activities begin.

The above mitigation measures, plus Mitigation Measures AQ-1, AQ-4, AQ-5, and AQ-18A in the Final EIS/EIR represent all feasible means to reduce air pollution impacts from proposed construction emission sources

PN-5. The Project air quality analysis evaluates the difference between project operational emissions in years 2007, 2015, 2025, and 2038 and the CEQA Baseline year of 2003. Implementation of Mitigation Measures AQ-6 through AQ-12 would reduce average and peak daily Project operational emissions to less than the CEQA Baseline daily emissions by year 2015.

PN-6 Please see responses to comments AQMD-4 and SCAQMD-8. Mitigation Measures AQ-17 and AQ-18B provide a process to consider new or alternative emission control technologies in the future. Approval of the Project is dependent upon an acceptable Mitigation Monitoring and Reporting Program (MMRP) that identifies all feasible measures to reduce Project air quality impacts. The Port and Project terminal operator would comply with the MMRP for the life of the lease, or 30 years.

In addition, please see the response to comment SCAQMD-4.

PN-7. One can infer from the Draft EIS/EIR that an increase in emissions from the Project could damage property in some unquantifiable way. Implementation of the proposed mitigations would reduce adverse effects from Project air emissions, including those associated with property damage.

PN-8. Please see response to comment NWSP-8.

PN-9. Thank you for your comment. See responses to the PCAC-AQ letter for responses to this comment letter.

PN-10. Refer to response to comment CADOT-2 for a discussion of the CMP analysis prepared for the project. See responses to comments OC-4 and NWSP-12 regarding trip distribution. Distribution of Project traffic to surrounding roadways and freeways used the most logical/reasonable trip distribution patterns and are based on the 2004 Port Origin-Destination Study. The purpose of the traffic study is to assess the potential impacts of the Project based on anticipated operating parameters, not to increase traffic diversion to alternative routes. No changes to EIS/EIR are required.

PN-11. The analysis used the adopted Port travel demand model that accounts for regional growth in the area and it includes related project development since they are inherently built into the regional socioeconomic (population, housing and employment) forecasts. Regional background (ambient) traffic growth was estimated using data from the Port Travel Demand Model which covers all related proposed project traffic growth via the regional population and employment forecasts. Background traffic growth occurs as a result of regional growth in employment, population, schools and other activities. To determine the appropriate growth rates, the growth in non-port trips was determined using data from the Southern California Association of Governments (SCAG). SCAG forecast data for 2005, 2015, and 2030 were compared to existing data. It should be noted that most of the related projects are covered by the growth forecasts of the Port Travel Demand Model. Other projects that are not included in

the SCAG Regional Travel Demand Forecasting Model were thus separately accounted for in the local area model. All Ports of Long Beach and Los Angeles container and non-container terminal traffic growth are included in the Port Travel Demand Model. Smaller related projects such as many of those listed in the Ponte Vista development are fully accounted for by the regional socioeconomic projections contained in the SCAG regional model and applied in the Port travel demand model. No changes to the Draft EIS/EIR are required.

- PN-12.** The Project is not anticipated to result in additional truck traffic to roadways west of the I-110 Freeway. As noted in the response to comment OC-4, most project related traffic is oriented to rail intermodal yards and warehouse/distribution businesses located farther to the north along I-110, I-710, and other regional routes (based on the 2004 comprehensive port truck driver origin/destination survey). That survey identified the origin and destination of several thousand port trucks over a several day period. Daily operations of the POLA Distribution Center and the Trapac Terminal are independent of each other and have no reciprocal effect on each other. Trips to and from the Los Angeles distribution Center will occur regardless of the proposed Project, they will come from other container terminals and other businesses throughout the region. Those trips are the result of the operation of the Distribution Center, not of the proposed Project. Also, the City of Los Angeles prepared an EIR for the N. Gaffey Distribution Center which assessed the reasonable maximum utilization of that permitted facility. No other truck traffic is anticipated on Gaffey Street or other streets west of the project site as the vast majority of all trips to the west will be on the freeway system. Therefore no analysis or evaluation of impacts from Project truck traffic is required on the arterial or local streets directly west of the Project site. Truck traffic would not increase on North Gaffey as a result of the development of the proposed Project.
- PN-13.** New onsite utility lines (water, wastewater, storm drains, and electrical lines) would be constructed to serve the proposed container terminal operations; the relocation and/or extension of some existing utility lines would also occur. These new utilities would tie into the existing utility lines that currently serve the proposed Project site. Therefore, no new offsite utility lines, crossbars, or poles would be required. The Port will be undergrounding power lines along the Harry Bridges Corridor. It is a longer term goal of the Port to underground power lines around the edge of the Port.
- PN-14.** The visual conditions described in the comment are from the Baseline for the Aesthetics/Visual Resources Impact Assessment and are not a result of the Project. Moreover, no significant impacts were identified regarding any aspect of the Project, including the changes to the existing gantry cranes. Therefore, no mitigation measures are required.
- PN-15.** The juxtaposition of industrial land uses and residential areas in the Project vicinity is an existing visual condition that is the Baseline for the Aesthetics/Visual Resources Impact Assessment and not an effect attributable to the Project requiring mitigation in the form of developing Knoll Hill as a “buffer area.” The Port has committed to developing Knoll Hill as an open space/park and is working with the community on the planning for this. Significantly, an element of the proposed project is the construction of a 30-acre buffer between the Berth 136-147 Container Terminal and the Wilmington Community.

Dr. Appy,

I'd like to challenge you to find a place on the west coast that has been more impacted from POLA than Wilmington...and as I tried to point out in person, besides the air quality - how the majority of their citizens "pride" has also suffered because of the expansion of POLA. It is reflected directly in the value of their real estate and other crime issues.

RP-1

Also, I'm one of the people who has submitted a serious "asthetic" mitigation proposal to help solve several problems and it is just a few feet off POLA property. Attached is my proposal and I'm serious about the above challenge to you.

RP-2

P.S. I saw you at Starbucks this morning and thought to myself that few whiskers might enlighten you about somethings and that you'd probably enjoy letting your beard grow. :-).

Richard Pawlowski (Royce online)
VenturEXPO Group

Richard Pawlowski, August 4, 2007

- RP-1.** During the public scoping meeting for the EIS/EIR, several Wilmington residents voiced concern over deflated property values and blight in the Wilmington Community because it is adjacent to the Port of Los Angeles industrial area. Much of the focus of the socioeconomic chapter of the EIS/EIR (Chapter 7.0) was to determine the extent of the Port's impact on the Wilmington Community. Please see that chapter in the EIS/EIR.
- RP-2.** The Los Angeles Board of Harbor Commissioners will consider all mitigation measures offered by the public and those in the EIS/EIR before rendering a decision as to whether or not the proposed Project proceeds and if it is to proceed, under what conditions.

David Rattray
5894 E Briarwood
Oak park, CA 91377-1064

July 31, 2007

Spencer D. MacNeil
U.S. Army Corps of Engineers, L.A. District P.O. Box 532711 Los Angeles, CA
90053

Dear Dr. MacNeil and Dr. Appy,

On behalf of [ORGANIZATION NAME], I am writing to urge the timely completion of the DEIR/DEIS for the redevelopment of the TraPac Terminal site. This project is significant to the Port of Los Angeles because of its strides to meet the green growth goals put forward in the Clean Air Action Plan. [ORGANIZATION NAME] congratulates the Port of Los Angeles and the U.S. Army Corps of Engineers, port commissioners and staff for producing the draft EIS/EIR - the first step in ensuring that our ports can efficiently manage expected growth while mitigating environmental impacts.

As you're well aware, the ports of Los Angeles and Long Beach are a major economic driver, providing approximately 500,000 jobs in the greater five county region and more than 1 million jobs nationally. At the same time, the ports are potentially facing a major capacity crisis. In its May 2007 forecast, The Los Angeles Economic Development Corporation predicted that the ports will grow 9.2 percent this year to 17.2 million TEUs. (The ports predict a 6.4 percent increase to 16.8 million TEUs).

We firmly believe that port growth, and the appropriate accommodation of that growth, is critical not only to the Southern California and national economy, but also to our air quality.

Re-development of the TraPac terminal is an important step towards efficiently managing the expected growth in container volume and mitigating environmental impacts. Terminal efficiency will nearly double, while minimizing truck idling and increasing use of rail. As a result, the EIR shows that the proposed project will reduce emissions of green house gasses and criteria pollutants below baseline levels. The proposed project also meets the green growth goals of the Clean Air Action Plan and significantly reduces health risk to local communities several through numerous environmental features. In addition, a 30-acre landscaped buffer zone separating the community from port operations would provide much needed green space and recreational facilities to community members.

Conversely, the "no project" alternative clearly shows that a failure to complete this project is detrimental to air quality in the local community and the region. In fact, even if no changes are made to the facility, the container cargo volume at the TraPac terminal is expected to nearly double without any of the environmental benefits of redeveloping the site. Moreover, it's clear that certain improvements can only be provided with the site redesign outlined in the EIR.

We believe that this project represents an important "green growth" initiative to provide more efficient goods movement through the Port of Los Angeles. We therefore support the project in concept, and encourage the Port of Los Angeles to continue moving the environmental process forward to completion.

Sincerely,

David Rattray

DRA-1

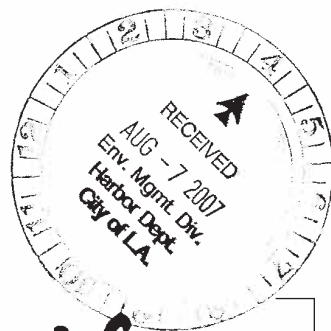
DRA-2

DRA-3

David Rattray, July 31, 2007

- DRA-1.** The comment is noted and will be forwarded to the Board of Harbor Commissioners for their consideration.
- DRA-2.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.
- DRA-3.** The comment is acknowledged and appreciated.

Send written comments to Ralph Appy, Port of Los Angeles, 425 S. Palos Verdes St., San Pedro, CA 90731; e-mail ceqacommments@portla.org.



MR. APPY:

Note photo - MAY I ASK if the Red CAR Trolley Line is going to EXPAND - viable transportation Route AROUND the ports/SAN Pedro?

DRE-1

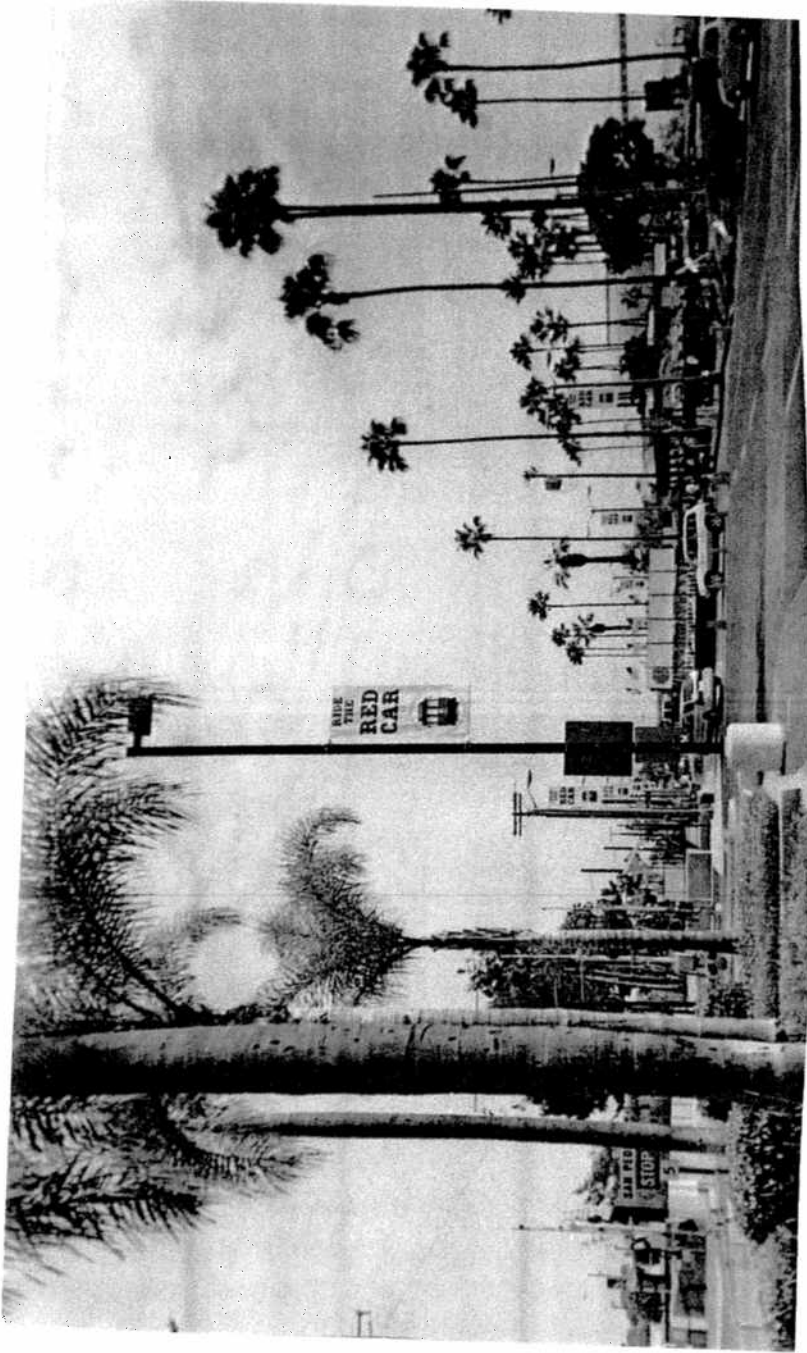
Wish MTA would go TO SANTA MONICA, TOO!

But, 8/6/2007 NO CALIF. State Budget, plus STATE TAKING ALL the transit money - Looks Like NOT much is going TO change! TRAVEL Smart - take MTA - Red CARS!

DRE-2

THANK YOU!

Mr. Dan Reilly
Apt. 36
1430 Wright St.
Los Angeles, CA 90015-2866



DON'T DRINK & DRIVE -

You'll spill

PRESSTELEGRAM.COM

How do "they" text message AND DRIVE?

COMMENT

What's a pre-flight drink or t

TRAVEL Smart. take MTA!



Dan Reilly, Undated

DRE-1. The comment is noted and will be forwarded to the Board of Harbor Commissioners for their consideration.

DRE-2. The comment is acknowledged and appreciated.

Alex San Andres
515 S. Flower Street, 8th
Los Angeles, CA 90071-2201

August 7, 2007

Spencer D. MacNeil
U.S. Army Corps of Engineers, L.A. District P.O. Box 532711 Los Angeles, CA
90053

Dear Dr. MacNeil and Dr. Appy,

On behalf of Los Angeles Area Chamber of Commerce, I am writing to urge the timely completion of the DEIR/DEIS for the redevelopment of the TraPac Terminal site. This project is significant to the Port of Los Angeles because of its strides to meet the green growth goals put forward in the Clean Air Action Plan. Los Angeles Area Chamber of Commerce congratulates the Port of Los Angeles and the U.S. Army Corps of Engineers, port commissioners and staff for producing the draft EIS/EIR - the first step in ensuring that our ports can efficiently manage expected growth while mitigating environmental impacts.

As you're well aware, the ports of Los Angeles and Long Beach are a major economic driver, providing approximately 500,000 jobs in the greater five county region and more than 1 million jobs nationally. At the same time, the ports are potentially facing a major capacity crisis. In its May 2007 forecast, The Los Angeles Economic Development Corporation predicted that the ports will grow 9.2 percent this year to 17.2 million TEUs. (The ports predict a 6.4 percent increase to 16.8 million TEUs).

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We believe that this project represents an important "green growth" initiative to provide more efficient goods movement through the Port of Los Angeles. We therefore support the project in concept, and encourage the Port of Los Angeles to continue moving the environmental process forward to completion.

Sincerely,

Alex San Andres

AS-1

AS-2

AS-3

Alex San Andres, August 7, 2007

- AS-1.** Your comment is noted and will be forwarded to the Board of Harbor Commissioners for their consideration.
- AS-2.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.
- AS-3.** The comment is acknowledged and appreciated.

From: JosephTowers1500@aol.com [mailto:JosephTowers1500@aol.com]
Sent: Friday, August 10, 2007 1:18 AM
To: Minch, Lawrence N SPL
Subject: PORT OF LOS ANGELES BERTHS 136-147 DRAFT EIS

Page 139 of subject DEIS states that USCE will not impose mitigation measures on Section 10/404 permits unrelated to USCE permit authority under these statutes. USCE permit for this project will permit vessels to moor at subject berths to be constructed pursuant to Corps permits. Since air pollution emanating from these vessels is a major environmental impact, please advise whether Los Angeles District will consider mitigation measures mandating air quality controls on berthed vessels within USCE permit authority. If Los Angeles District disclaims any authority for this, please provide legal authority for such disclaimer. Thank you.

JT-1

Joseph Towers, August 10, 2007

JT-1. As discussed in Draft EIS/EIR Section 1.5.6, CEQ Regulations 40 CFR 1505.3 requires that “mitigation and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency.” While the USACE may identify and analyze impacts outside its jurisdiction, the USACE limits the placement of special conditions in USACE permits (requirements for mitigation) to areas within the USACE jurisdiction (i.e., areas directly subject to its permitting authority under Section 404 of the Clean Water Act, Section 10 of the River and Harbor Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act). The USACE cannot constrain operations outside its jurisdiction where, absent USACE permits for construction in waters of the U.S., the federal government has no authority over operations that could otherwise occur. Therefore, while there may be an increment of upland indirect and/or cumulative effects within the USACE scope of review (i.e., traceable to the issuance of a permit), the USACE would not place special conditions on those upland impacts because activities in the uplands are not within the USACE jurisdiction, and some portion of those impacts would occur absent of a USACE permit.

The Port of Los Angeles however, does have jurisdictional control of ship emissions through leases. Mitigation identified in this EIS/EIR to reduce ship emissions would be made conditions of the lease to operate Berth 136-147.

>>> kathleen dwgkaw <dwgkaw@hotmail.com> 9/26/2007 4:39:42 PM >>>

September 26, 2007

Dr. Spencer D. MacNeil, Commander
U.S. Army Corps of Engineers, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

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

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

Dear Dr. MacNeil and Dr. Appy:

Thank you for this opportunity to provide comments on the Berths 136-147 Container Terminal Draft Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) ("DEIS/DEIR"). Although I am a signator on other comment letters, I would like to focus on the following points:

1. In reviewing the above-referenced EIS/EIR/DEIS/DEIR, it is clear to me that it does not conform with the Port of Los Angeles' Clean Air Action Plan (CAAP). Most specifically, it does not require full compliance with 2% low sulfur fuel in auxiliary engines in ships until 2015, whereas the CAAP clearly states that 100% compliance will be required with new leases effective 2007. The feasibility of the use of this fuel in ships has already been demonstrated by another Port of Los Angeles tenant, Maersk.

KW-1

It is particularly concerning that currently feasible mitigations would be phased in over long periods of time, thus ensuring that old technology is used in the future. For instance, since 2% low sulfur fuel for auxiliary engines in ships is feasible now, in 2015 the industry standard may be to use 1% low sulfur fuel in auxiliary and main engines for ships. The lower standard required in this DEIR/DEIS acts as a permission slip for the tenant to use outdated technology in the future. This is unacceptable, especially considering the amount of air pollution the Port, and the industry it facilitates, is responsible for contributing to the environment.

2. I outlined an example above where the DEIR/DEIS does not comply with the CAAP; however, complying with the CAAP does not guarantee compliance with the California Environmental Quality Act (CEQA). CEQA has a higher standard than the CAAP, and is the law that sets the bar. The Port can not replace CEQA requirements with CAAP requirements. In accordance with CEQA, all applicable and feasible mitigations should be implemented to offset significant environmental impacts. This DEIR/DEIS does not make use of all of the currently available and feasible mitigations.

KW-2

3. It is unconscionable that the Port would put forward an EIR/EIS to its commission for approval that does not mitigate air quality impacts to a level of insignificance. The California Air Resources Board (CARB) has estimated that 5,400 deaths per year in California are attributable to air pollution. It is widely understood that the Port is a major contributor to air pollution in this region and in the State. Therefore, the DEIR/DEIS should cure its air quality mitigation deficiencies until a level of insignificance is attained. Port-wide mitigations should be implemented if the use of all appropriate and feasible project-level mitigations still result in a level of significance.

KW-3

Additionally, it is becoming more-and-more clear that the shipping industry and the goods movement industry is creating impacts around the globe. Agressive mitigations need to be put in place in order to address these global impacts.

KW-4

KW-5

In closing, I do not believe that the mitigations outlined in the DEIR/DEIS are sufficient. It is irresponsible for the Port to continue expanding its operations, and the operations of its tenants, if it can not do so without causing additional harm to human health and additional significant negative impacts to the environment. The Port has an obligation to evaluate its procedures and policies and reform its practices so that it does not destroy the natural resources of the State, the Nation and the globe. These resources belong to the people, and should not be squandered.
Sincerely,

Kathleen Woodfield
San Pedro Resident

505 South Bandini Street
San Pedro, Ca 90731

Kathleen Woodfield, September 26, 2007

- KW-1.** The Project would comply with all applicable CAAP measures. The Final EIS/EIR has accelerated implementation of some mitigation measures proposed in the Draft EIS/EIR, as discussed in more detail in response to comments SCAQMD-7 through SCAQMD-24. For example, Mitigation Measure AQ-11 has been revised to increase the compliance rate of total ship calls that use low-sulfur fuel (maximum sulfur content of 0.2%) in auxiliary engines, main engines, and boilers within 40 nautical miles (nm) of Point Fermin (including hoteling for non-AMP ships) to a minimum of 20/30 percent in years 2009/2010. Additionally, by 2012, all frequent caller ships (three or more calls a month) shall comply with this requirement. These mitigations are very ambitious and in some cases will require dramatic changes to current vehicular and vessel operations. As a result, time is needed to implement these new measures.
- KW-2.** Please see the response to comment KW-1. Mitigation Measures AQ-1 through AQ-25 represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources.
- KW-3.** Please see the responses to comments KW-1 and KW-2. The Final EIS/EIR complies with the requirements of CEQA and NEPA. The Ports have begun implementation of the CAAP and this process would substantially reduce future emissions from Ports operations.
- KW-4.** Comment acknowledged.
- KW-5.** Please see the responses to comments KW-1 through KW-4. Implementation of Mitigation Measures AQ-6 through AQ-12 would reduce Project operational emissions to less than the CEQA Baseline emissions by year 2015. Additionally, the results of the health risk assessment in the Draft EIS/EIR show that the mitigated Project would produce lower cancer risks in the Project region compared to the CEQA Baseline existing conditions of 2003, except for a very small area in East Wilmington.

July 31, 2007

TO: US Army Corps of Engineers
U.S. Army Corps of Engineers, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Port of Los Angeles
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Attn.: Dr. Spencer D. MacNeil, Commander
Dr. Ralph G. Appy, Director of Environmental Management

FROM: Dr. C. Thomas Williams
4115 Barrett Road
Los Angeles, CA 90032

RE: Berths 136-147 [TraPac] Container Terminal Project/ Project file No.: 2003-01142-SDM
Initial Comments with regard to Adequacy and Sufficiency of Assessments for Water
Quality, Sediments, and Oceanography and Other Environmental Impacts

I wish to express my appreciation for receipt of notices and other documents made available for review of this valuable project and the Port and for your consideration in the upgrading and revision of various elements commented on below. These particular comments are of an initial nature and shall be updated during the course of the final review due in August or after. I again request an extension of the review period and an additional public hearing in late August to better present the comments on this massive review. The review comments are summarized below:

1. Comprehensibility and Consistency

Earlier court rulings have indicated that the EIR/EIS should be comprehensible for the typical decision-maker and typical high-school or junior college graduate. The massive nature of 6000 pages of documents harks back to the 1970 encyclopedic approaches. The large number of pages and chapters and appendices create conditions lending themselves to contradictions and inconsistencies and evident in Executive Statement, Chapter Texts, and Appendices.

Executive Summary and Chapter 3.13 do not agree as to significant, less than significant with mitigation, and less than significant (even before mitigation).

Titles and references in and to sections should be consistent and highlight the elements in the titles, the

Water quality
Sediments (sediment quality)
(Hydrology)
Oceanography

Appendix L includes a laundry list (40 pages) of NPDES permit holders, sediment and water chemical reports not made specific to the Project, and incomplete chemical appendices in

TW-1

TW-2

TW-3

TW-4

TW-4 ↑ included reports which provide bulk but no substantive information relevant to the EIS/EIR under review.

REQUEST

TW-5 All referenced, West Basin, and relevant-nearby (within 1200 feet of the project) discharges should be highlighted in the appendix.

Materials should be relevant only to the Project and vicinity, unless the contention is made that distant conditions are related to the Project.

TW-6 The Chapter 3.13 and Appendix L mass of 100+254 pages should be combined and reduced in volume and focused on the Project; the Chapter text should be not more than 25 pages so that it can be comprehended by Decision Makers, stakeholders, and reviewers.

TW-7 The Executive Summary should be consistent with the chapter text with regard to the level of impacts and mitigation required.

2. Alternatives related to Water Resources

TW-8 Current project should not be used to compensate for past poor and piece-mealed port, harbor, and maritime planning. Current project review should not expect less than state-of-the-trade operations to compensate for poor port/harbor/maritime planning and coordination (e.g., HongKong terminals can move 500K-1Mil TEUs per berth; Hamburg is going to automated yards).

TW-9 Alternatives have been limited by various statements so as to disallow favorable alternatives from the current and future projections of maritime development and landside logistics developing in Mexico and as part of the Security and Prosperity Partnership relationship.

Various water quality impacts and risks of significant impacts result directly from the restricted location and poor port planning leading to the proposed location.

Exclusions – Coastal Washington Tacoma, Seattle, and BC
Baja and Mainland Mexico
Regional Oakland
Ventura, LB, SD, Baja

TW-10 Alternatives are underway at present for development irrespective of the PoLA “plans” (=hopes and desires) and whether the US Army CoE wishes to recognize such.

The West Basin is accessed through the Main PoLA Channel and largest ocean-going vessel must transit amongst pleasure craft, barges, service vessels, and smaller freight and container vessels both in-/out-bound. Numerous areas along the channel are occupied without direct maritime uses some with conflicting small vessel traffic.

Immediately adjacent to the proposed Project (East/Turning Basins) are significant petroleum and product terminals which increase the transit/passage risks for collisions and spillage.

TW-11 ↓ **2.A State-of-the-Industry Bench-Marked Terminal Alternative**

Alternatives should be and will be offered that will meet/beat operational requirements with less environmental and maritime impacts and risks. Alternative Port Configurations shall be presented along the following lines (based on Apdx.I of this EIS/EIR and Pacific Basin port and terminal operations elsewhere):

Improved Berth/Rail Efficiencies to Achieved World Standards:

Seaward Vessel Berthing -

Future 2+3 1200ft berths 5 x 0.5-1.0M TEUs /Berth

Container capacity – 3.65M TEUs/yr all berths

10,000/day = 400+/hr = 1.2+ trains/hr 30 trains / day

One ship/day averaged

5 x 1000 x 200ft = 1.0M sq ft surface = 25 ac

Rail – 24 trains/Day x 120 cars x dual stack =240x 24 =5760 (40ft-Equiv.Units)

= 7000-10,000 TEUs (5760 40EU) in-off/on empties / full containers

Multi-Storeyed Truck Parks – CSX HongKong, Hamburg, and Rotterdam

TW-11

For water resources (including the various related elements mentioned in different sections and paragraphs), no effects are attributed to or assessed for the presence and circulation of vessel hulls within the channels and at berth with regard to sedimentation, circulation, deposition and propeller dredging in the shallower West Basin routes to/from berths.

Similarly the redistribution of leaching contaminants from fills and “muds” (a recognized Significant Impact) by vessel movement is not assessed although sediment contaminants (especially DDD, DDE, and DDT) in previously dredged channel muds (maintenance muds) clearly shows that redistribution of 30+ year old materials is occurring since the ban for DDT in the 1970s.

2.B Western Harbor Relocation

Local Configurations with Elimination of Shore-Side Non-Maritime facilities.

Relocation of support non-berth requirements – empty containers, offices, etc.

Aerial surveys and images clearly show that much of the area and quayside are used for container storage, and no assessment has been made to increase the quayside for actual maritime transfer of containers rather than storage and for other non-direct maritime uses. Of a total of more than 5000ft of quayside, only four berths are shown; 3 – post-PanaMax and one PanaMax. At least five could be placed but would required handling and maneuvering procedures and facilities. Therefore as an alternative, all future filling would require justification based on international berthing and transshipping capacities prior to filling.

TW-12

2.C Risks of Collisions and Oil Spill

Collision risks are not assessed at the levels available for maritime movements, although the spills is considered as a Significant Impact for water resources. The proposed project location, the circulation routing for vessels, and conflicting maritime modes all contribute to a heightened risk of collisions and spill, although no traffic and risk management (VTS) assessment has been conducted, only passing the potential impacts as Significant and Unmitigateable, which they are not (e.g., Port of Valdez, prior to the disbandment of the 24-hour spill program and the grounding of the Exxon Valdez). Assessment and relocation based on the risk and spill assessment would provide alternative locations along the Main Channel.

TW-13

REQUEST

Adequate development of:

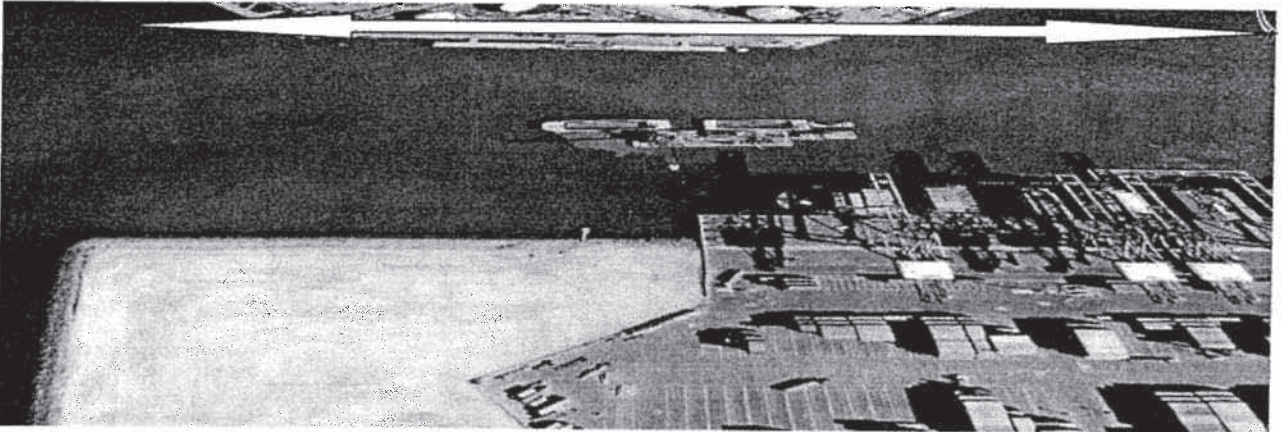
- More efficient terminal alternatives
- West Basin/Main Channel maritime alternatives
- Risk-based terminal alternatives

would produce more environmentally acceptable alternatives and greatly lessen impacts from collisions, spills, and other related water related activities.

3. Water Quality, Sediments, [Hydrology] and Oceanography

3.A.1 Water Quality - Effects of dredging on water quality can be easily seen from a random satellite image (google earth) from maintenance dredging (presumably maintenance dredging).

3.A.2 Sediments – Effects of dredging on sedimentation can be easily seen from a random satellite image (google earth) and potential redistribution of muds (clays and silts) for later maintenance dredging.



3.A.3 Hydrology/Oceanography - Same image can also demonstrate potential circulation of oil spills and leachate of contaminants from filling and dredging.

Request: Adequate water/sediment surveys of actual operations should be made along with visual/graphic documentation of the general conditions (e.g., aerial overflight and filming).

Other Comments

Various comments below are presented along with the relevant section from the DEIS/DEIR in bolded italics.

3.B Numerous plans are required but not provided as part of the EIS/EIR. No demonstration of mitigation application and enforcement and thereby proposed mitigation can not be considered as effective. Mitigation is not consistently assessed and applied.

REQUEST: All plans should be included as draft in order to assure that mitigation is meaningful, monitorable, and reportable. Audit results of previous mitigations would provide verification of actual adequacy and sufficiency.

3.C Filling Sec. 3.13.1/p.3.13-1 *is described as not significant for water quality, sediment, and oceanography*

impacts from the proposed Project to water and sediment quality, hydrology, and oceanography would be less than significant. In addition, loss of marine surface water due to the creation of a 9.5-acre (4-hectares) landfill in the Northwest Slip would result in a less than significant impact on water and sediment quality and oceanography.

Filling is generally the total loss of water and impacts should be listed as significant but can be reduced by adequate compensation and mitigation for sediment transport and circulation which are not referenced in text.

REQUEST: Revise this and other paragraphs and statements to Significant but reduced to less than significant by compensation and mitigation and then specify what measures are to be taken, how to be monitored, and when/to whom reported.

TW-17

3.D p.3.13-2 Yard areas only protected for 1/10year runoff event, therefore rainfall inundation/flooding would be expected before the storm event of 50-year would be expected.

~~West Basin~~ All of the developed backlands (upland areas) have storm drains that are designed for a 10-year event and comply with the standard urban storm water mitigation plan of the County of Los Angeles (see Section 3.13.3.4). These drains are inspected at least annually and maintained as necessary.

- WQ-1 Discharges which create pollution, contamination or a nuisance as defined in Section 13050 of the California Water Code (CWC) or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permits or Water Quality Control Plan for the receiving water body.
- WQ-2 Flooding during the projected 50-year developed storm event, which would have the potential to harm people or damage property or sensitive biological resources.
- WQ-3 Permanent, adverse changes to the movement of surface water sufficient to produce a substantial change in the current or direction of water flow.
- WQ-4 Accelerate natural processes of wind and water erosion and sedimentation, resulting in sediment runoff or deposition which would not be contained or controlled on-site.

TW-18

Excess stormwater, container/vehicle spillages, and leachate (not described other than in Soils and mitigation tables) collection and treatment has not been included, or runoff should be assessed as significant impacts from regulatory non-compliance, uncontrolled spills from containers transshipped across the berths, and from rain storm runoff from large polluted surfaces (e.g., oils, grease, lubricants, hydraulic fluids, particulates, tire-rubber, and precipitates).

TW-18

REQUEST: Provide spill and runoff treatment as required before surface runoff discharge to adjacent waterways (Waters of the US). Provide leachate collection (considered as Significant Unmitigateable Impacts) which can be combined with stormwater and spillage collection and treatment before discharge.

3.E Disposal Areas are not available within the time frame required.

the Pier 400 underwater storage site, the upland Anchorage Road Soil Storage Site (ARSSS), a confined disposal site to be identified at the time of dredging, or used as fill for the 9.5-acre expansion area during Phase II (see Section 2.5.1). The ARSSS is a 31-acre site adjacent to Pier A West, and it has been used for the past 15 years to dispose or store dredged material from various maintenance dredging projects. However, the

TW-19

~~Additionally, following completion of the Channel Deepening Project, the Pier 400 underwater storage site must remain unused per a Port interagency agreement. The Channel Deepening Project is expected to be complete in early 2009, pending approval of a Supplemental EIR/EIS being completed for the Project. Therefore, this site would not be available until 2012 at the earliest.~~

REQUEST: Revise appropriately for dredging and include schedule impacts.

3.F WQ1a p. 3.13-30 "Adaptive Management Program" required but not provided. No demonstration of mitigation application and enforcement, and thereby proposed mitigation can not be considered as effective. Mitigation is not consistently assessed and applied.

Mitigation Measures

Although the impact is less than significant, the above adaptive management program will be included in the proposed Project as a condition of approval and is subject to monitoring provisions for enforcement and compliance purposes.

Residual Impacts

Residual impacts would be less than significant.

TW-20

Mitigation Measures

No mitigation measures would be required for impacts of offshore construction to water quality.

Residual Impacts

Residual impacts would be less than significant.

Mitigation measures are insufficient and inadequate to demonstrate effectiveness as no programs are provided in available documentation for the above and later. The same was copied for: WQ1b 3.13-34, 1c 3.13-36 - -37; 1d, 2a -39; 3a -40; 4a -41; 1e -42; 2b -47; 3b -47; 4b -48-9.

TW-20

REQUEST: Review and revise mitigation measures and include drafts of project specific mitigation programs, measures, monitoring and documentation, and auditable reporting of successes and modifications required during implementation.

3.G Oil spills and leaching of contaminants are considered as unmitigateable and are considered as significant to water quality but not to biology.

REQUEST: Indirect impacts of oil spills and leaching of contaminants should be considered as Significant.

TW-21

Provide adequate available maritime measures for mitigation of oil spills and leachate migration and eliminate or reduce impacts to less than significant for water quality and other environmental sectors.

3.H Section 3.13.4 Although the Executive Summary and Mitigations (for Oil-Spill) states significant impacts (mitigated and unmitigated) would occur, other sections state that:

No mitigation measures are required for the proposed Project or the Alternatives because construction and operational impacts to water and sediment quality, hydrology, and oceanography would be less than significant. Although the impact is less than significant, the following measures are included as conditions of approval, and they are subject to monitoring provisions for enforcement and compliance purposes.

- An integrated multi-parameter monitoring program shall be implemented by the Port's Environmental Management Division in conjunction with both USACE and RWQCB permit requirements under **Mitigation Measure WQ-1.**
- Conformance with applicable requirements of the Non-Point Source (NPS) Pollution Control Program under **Mitigation Measure WQ-2.**
- Requirements for the tenant to develop an approved Source Control Program with the intent of preventing and remediating accidental fuel releases under **Mitigation Measure WQ-3.**

TW-22

As a condition of their lease, the tenant also will be required to submit to the Port an annual compliance/performance audit in conformance with the Port's standard compliance plan audit procedures. This audit will identify compliance with Regulations and BMPs recommended and implemented to ensure minimizing of spills that might affect water quality, or soil and groundwater.

Thus the above requires mitigation for less than significant impacts on resources. This is not applied consistently to other elements or changes have occurred in the levels for significance.

TW-22

REQUEST: *Review and revised appropriate sections to reflect significant, less than significant with mitigation, and less than significant impacts and provide mitigation programs which are effective, monitorable, auditable, and reportable.*

3.I 3.13.5, p.3.13- *Oil spills, illegal discharges, and leaching of contaminants are considered as significant to water quality but unmitigateable, although they only require facilities, procedures, and enforcement (e.g., Port of Valdez).*

There will be a significant unavoidable impact from in-water vessel spills, illegal discharges and leaching of contaminants. This is the one significant unavoidable impact that would occur for the proposed project and all of the alternatives.

Mitigation Measures

Although the impact from upland spills and stormwater is less than significant, the following measures are included in the proposed Project as conditions of approval and are subject to monitoring provisions for enforcement and compliance purposes. Beyond legal requirements, there are no available mitigation to eliminate vessel spills and leaching of contaminants.

TW-23

MM WQ-2: The tenant shall conform to applicable requirements of the Non-Point Source (NPS) Pollution Control Program. The tenant shall design all terminal facilities whose operations could result in the accidental release of toxic or hazardous substances (including sewage and liquid waste facilities, solid and hazardous waste disposal facilities) in accordance with the state Non-Point Source Pollution Control Program administered by the State Water Resources Control Board (SWRCB). As a performance standard, the measures shall 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 the Basin Plan are maintained, or in cases where ambient water quality exceeds these criteria, maintained at or below ambient levels. The applicable measures include:

- 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.

MM WQ-3: The tenant shall develop an approved Source Control Program with the intent of preventing and remediating accidental fuel releases. Prior to their construction, the tenant shall develop an approved Source Control Program (SCP) in accordance with Port guidelines established in the General Marine Oil Terminal Lease Renewal Program. The SCP shall address immediate leak detection, tank inspection, and tank repair.

Residual Impacts

Impacts to water quality from vessel spills, discharges and leaching remain significant under CEQA

NEPA Impact Determination

There is potential for an increase in incidental spills and illegal discharges due to increased vessel calls at the facility. Leaching of contaminants such as copper, from anti-fouling paint could also cause increased loading in the harbor which is listed as impaired with respect to copper. Therefore, impacts to water quality from vessel spills, discharges and leaching are significant under NEPA.

Mitigation Measures

No mitigation is available.

Residual Impacts

Impacts to water quality from vessel spills, discharges and leaching remain significant under NEPA.

REQUEST:

- Conduct a vessel traffic/collision risk assessment for the Main Channel, Turning Basin, and West Basin;**
- Provide thorough risk assessment for oil spills on land and in-water and appropriate measures to control risks;**
- Provide oil spill programs, equipment and facilities for in-water spills;**
- Provide controls for all shoreline discharges as NPDES permits and prohibit and enforced compliance "illegal" discharges with suitable penalties; and**
- Provide leachate collection and treatment system suitable for approval by the California Regional Water Quality Control Board.**

3.J Mitigation Table is inconsistent with Executive Summary and typically available mitigation measures.

TW-23

TW-24

REQUEST: Review, revise, and make table consistent with texts and best available mitigation measures and currently available/applied to US Pacific Coast ports.

Table 3.13-2: Summary Matrix of Potential Impacts and Mitigation Measures for Water Quality, Sediments and Oceanography Associated with the Proposed Project and Alternatives

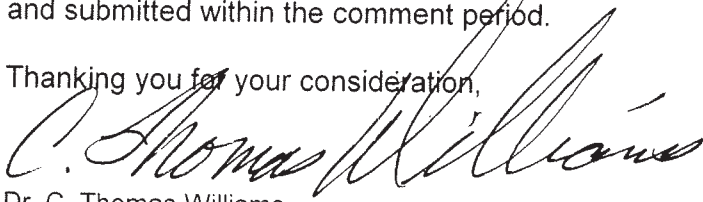
<i>Alternative</i>	<i>Environmental Impacts*</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.13 Water Quality, Sediments, and Oceanography				
Proposed Project	WQ-1a: Wharf demolition and construction activities could create pollution, contamination, or a nuisance as defined in Section 13050 of the CWC or cause regulatory standards to be violated in harbor waters.	CEQA: Less than significant impact NEPA: Less than significant impact	Mitigation not required Mitigation not required	CEQA: Less than significant impact NEPA: Less than significant impact
	WQ-1b: Runoff from backland development redevelopment could create pollution, contamination, or a nuisance as defined in Section 13050 of the CWC or cause regulatory standards to be violated in harbor waters.	CEQA: Less than significant impact NEPA: No impact	Mitigation not required Mitigation not required	CEQA: Less than significant impact NEPA: No impact
	WQ-1c: Fill, development, and wharf extension in the Northwest Slip could create pollution, contamination, or a nuisance as defined in Section 13050 of the CWC or cause regulatory standards to be violated in harbor waters.	CEQA: Less than significant impact NEPA: Less than significant impact	Mitigation not required Mitigation not required	CEQA: Less than significant impact NEPA: Less than significant impact
	WQ-1d: Accidents during construction could create pollution, contamination, or a nuisance as defined in Section 13050 of the CWC or cause regulatory standards to be violated in harbor waters.	CEQA: Less than significant impact NEPA: Less than significant impact	Mitigation not required Mitigation not required	CEQA: Less than significant impact NEPA: Less than significant impact
	WQ-2a: Proposed Project construction would not result in increased flooding, which would have the potential to harm people or damage property or sensitive biological resources.	CEQA: Less than significant impact NEPA: Less than significant impact	Mitigation not required Mitigation not required	CEQA: Less than significant impact NEPA: Less than significant impact
Proposed Project (continued)	WQ-3a: Construction activities would not result in a permanent adverse change in movement of surface water in the harbor.	CEQA: Less than significant impact NEPA: Less than significant impact	Mitigation not required Mitigation not required	CEQA: Less than significant impact NEPA: Less than significant impact
	WQ-4a: Construction activities have the potential to accelerate natural processes of wind and water erosion and sedimentation, resulting in sediment runoff or deposition which would not be contained or controlled on-site.	CEQA: Less than significant impact NEPA: Less than significant impact	Mitigation not required Mitigation not required	CEQA: Less than significant impact NEPA: Less than significant impact
	WQ-1e: Operation of proposed Project facilities could create pollution, contamination, or a nuisance as defined in Section 13050 of the CWC or cause regulatory standards to be violated in harbor waters.	CEQA: Upland Stormwater Discharges: Less than significant impact In-water vessel spills and leaching: Significant impact NEPA: Upland Stormwater Discharges: Less than significant impact In-water vessel spills and leaching: Significant impact	WQ-2: Non-Point Source (NPS) Pollution Control Program WQ-3: Source Control Program. Mitigation not required for upland activities Mitigation not available	CEQA: Upland: Less than significant impact In-water: Significant and unavoidable impact after mitigation NEPA: Upland: Less than significant impact In-water: Significant and unavoidable impact after mitigation
	WQ-2b: Operation of proposed Project facilities would not result in increased flooding, which would have the potential to harm people or damage property or sensitive biological resources.	CEQA: Less than significant impact NEPA: Less than significant impact	Mitigation not required Mitigation not required	CEQA: Less than significant impact NEPA: Less than significant impact
Proposed Project (continued)	WQ-3b: Operations would not result in a permanent adverse change in movement of surface water in the Harbor.	CEQA: Less than significant impact NEPA: Less than significant impact	Mitigation not required Mitigation not required	CEQA: Less than significant impact NEPA: Less than significant impact
	WQ-4b: Operations have a low potential to accelerate natural processes of wind and water erosion and sedimentation, resulting in sediment runoff or deposition which would not be contained or controlled on-site.	CEQA: Less than significant impact NEPA: Less than significant impact	Mitigation not required Mitigation not required	CEQA: Less than significant impact NEPA: Less than significant impact

TW-24

Based on previous submitted comments by others, I request additional time for preparation of comments for the Public Hearing and for the preparation of complete formal comments and their submission (total 120 days after the current closure date). TW-25

As the documents stand at present, they are considered as inadequate and insufficient for decision making and reliable assessment of the interrelated environmental impacts of the proposed project or its alternatives as devised at present. Additional comments shall be prepared and submitted within the comment period. TW-26

Thanking you for your consideration,



Dr. C. Thomas Williams
Dubai Isles Development
4115 Barrett Road
Los Angeles, CA

Dr. C. Thomas Williams, July 31, 2007

- TW-1.** Your comment is noted and appreciated. Please see response to comment AS(A)-7. The Final EIS/EIR has been revised to eliminate internal inconsistencies.
- TW-2.** The Final EIS/EIR Executive Summary and Chapter 3.13 will be revised as appropriate to ensure consistency between the findings and conclusions.
- TW-3.** Chapter section titles and headings will be revised as needed to provide consistency.
- TW-4.** This material is provided as appropriate backup for information presented in Chapter 3.13 and does not add bulk to Volume 1 of the Draft EIS/EIR which contains the environmental analysis.
- TW-5.** Please see response to comment TW-4.
- TW-6.** Please see response to comment TW-4 regarding Appendix L. Draft EIS/EIR Section 3.13 is already condensed and focused on the project area to the extent feasible. All of the potential impacts of the project must be evaluated under CEQA and NEPA so the volume of the chapter cannot be reduced while meeting those requirements. Therefore, no revisions to the Final EIS/EIR are required. As noted, the EIS/EIR does include an executive summary which highlights the content of the environmental analysis.
- TW-7.** Please see response to comment TW-2.
- TW-8.** Comment acknowledged. The comment does not focus on pertinent information in the EIS/EIR. Hong Kong is a transshipment port that is capable of greater cargo throughput.
- TW-9.** There is pressure on all existing and proposed new ports to grow and accept more container cargo along the west coasts of Mexico, the United States, and Canada. The demand for goods in the Los Angeles Basin continues to grow. Each port continues to plan on how to accommodate their share of the increased growth. Regarding your comment that the Port should include an alternative to accommodate the growth slated for the Port of Los Angeles in Mexico, the Port has no jurisdiction beyond its boundaries to identify an alternative location to accommodate cargo.
- TW-10.** See response to comment TW-9 above. In accordance with legal mandates, the Port includes a variety of maritime uses (see Draft EIS/EIR Table 2-5). The channels have been designed for safe transit, and Marine Transportation is discussed Draft EIS/EIR Section 3.11. The Port has appropriate tariffs to minimize conflicts. The Draft EIS/EIR did evaluate the risk of collisions and consequent impacts.
- TW-11.** Thank you for your comment and the suggested alternative. As described in Section 2.5 of the Draft EIS/EIR, many alternatives were considered but most were not carried forward because they did not meet enough of the project objectives. The analysis contained in the EIS/EIR is based on realistic assumption for cargo moving through the Port of Los Angeles. The basis for that analysis is provided in Draft EIS/EIR Section 1.2 and Appendix I. Therefore, no revisions to the Final EIS/EIR are necessary.

Similar to the response to comment AS(B)-7, it is understood that the second part of the comment is referring to effects from prop wash on redistribution of existing sediment

contaminants. Sediment resuspension from prop wash can occur from any shipping activities within the Port, not just those associated with the proposed Project. Ship movements can also cause sediment resuspension. Resuspended sediments are expected to settle quickly to the bottom, and associated contaminants are not expected to increase toxicity or bioavailability because contaminants typically have a strong attachment to sediment particles. The effects of sediment resuspension from dredging and construction are addressed in Section 3.13.4.

- TW-12.** This comment does not specifically address the adequacy of the EIS/EIR analysis. The comment infers that the Port consider an alternative that would relocate the Project site western harbor area. However, the comment does not specifically identify how the proposed alternative would feasibly attain most of the basic project objectives or substantially lessen any of the significant effects of the Project (CEQA Guidelines Section 15126.6 and CEQ Regulations 40 CFR 1502.14). Additionally, as stated in CEQA Guidelines Section 15126.6(a), an “EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” As Draft EIS/EIR Section 2.5 includes a reasonable range of alternatives, no revisions to the Final EIS/EIR are required.
- TW-13.** Please see response to comment AS(B)-9.
- TW-14.** The comment suggests that the Port consider adequate development of alternatives, including more efficient terminal alternatives, West Basin/Main Channel maritime alternatives, and risk-based terminal alternatives to minimize impacts from collisions, spills, and other water related activities. As stated in CEQA Guidelines Section 15126.6(a), an “EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” As Draft EIS/EIR Section 2.5 includes a reasonable range of alternatives, no revisions to the Final EIS/EIR are required.
- TW-15.** Impacts from project activities, including dredging, as discussed in Draft EIS/EIR Section 3.13, are based to the extent possible on empirical data from previous monitoring activities in the Port. In contrast, the source(s) of any discoloration of surface waters observable in satellite images can be difficult to discern. Therefore, the information presented in the EIS/EIR is considered appropriate for evaluating impacts to water quality from the proposed project and alternatives. Therefore, no revisions to the Final EIS/EIR are required. The amount of maintenance dredging being carried out at the Port is minor. However, the USACE is presently completing the Channel Deepening Project which will deepen all the main channels in the harbor to -53 ft. MLLW to provide access by the largest container vessels.
- TW-16.** Should the Board of Harbor Commissioners elect to approve the Project, all mitigation measures would become incorporated into construction contracts and leases, as appropriate. In addition, the Board will also approve a Mitigation Monitoring and Reporting Program as required by Section 21081.6 of the California Public Resources Code.
- TW-17.** Construction of the 10-acre fill is not considered a significant impact to water resources because it is not expected to degrade water quality or inhibit circulation in the basin. The fill represents a loss of open-water habitat; however, this is considered a biological resources issue and not a water resources issue. Therefore, no revisions to the Final EIS/EIR are required.
- TW-18.** As discussed in Draft EIS/EIR Section 3.13.4, stormwater runoff would be regulated by a stormwater discharge permit that prevents releases of contaminants to the harbor. The permit

also requires routine monitoring to confirm that the discharges meet specific water quality limits. Therefore, no revisions to the Final EIS/EIR are required.

- TW-19.** The Final EIS/EIR will be revised consistent with this comment.
- TW-20.** The adaptive management program is included as another tool to ensure that dredging operations comply with specific permit conditions. This program is not intended to mitigate significant water quality impacts because dredging and other construction activities are not expected to cause significant impacts to water resources. Therefore, no revisions to the Final EIS/EIR are required.
- TW-21.** The project description includes standard measures to prevent, contain, and cleanup any spills, including implementation of a spill prevention, containment, and cleanup (SPCC) plan. Given these measures, combined with the low probability of a spill, impacts to water quality typically would be considered less than significant. However, a spill directly to the harbor could result in a visible film, which would violate water quality objectives in the Basin Plan, resulting in a significant impact to water resources. In fact, biological resources in the harbor have improved significantly since the 1970s (Draft EIS/EIR p. 3.3.2). A film or contained spill would not necessarily result in significant impacts to biological resources. Therefore, no revisions to the Final EIS/EIR are required.
- TW-22.** The Final EIS/EIR will be revised to clarify that these measures are intended as conditions for approval as part of Port-wide efforts to maintain high water quality conditions, and not as mitigation measures to reduce the level of significance associated with project-specific impacts to water quality.
- TW-23.** The risks of hazardous materials spills are evaluated in Draft EIS/EIR Section 3.7. Oil spill prevention and response programs presently exist within the Port and would continue for the proposed Project. Draft EIS/EIR Section 3.7.2 includes a good description of the spill response and regulatory setting for the Port. Stormwater discharges are regulated by the Clean Water Act, and any discharge associated with the project would be in accordance with an approved stormwater pollution prevention plan (SWPPP). Therefore, no revisions to the Final EIS/EIR are required.
- TW-24.** The Final EIS/EIR mitigation table will be revised as needed to ensure consistency with the Executive Summary.
- TW-25.** Please see response to comment AS(A)-7. Your comment is noted and appreciated.
- TW-26.** Your comment is noted and will be forward to the Board of Harbor Commissioners for their consideration. The Berth 136-147 Container Terminal EIS/EIR has been prepared in accordance with the California Environmental Quality Act and the National Environmental Policy Act and supporting guidance. The document contains a thorough analysis of environmental effects of the proposed project, range of alternatives, and feasible mitigations.

Sept 23, 2007

We have reviewed the June 2007 Draft EIS/EIR for the Berths 136-147 [TraPac] Container Terminal Project (SCH # 2003104005). We have a number of concerns. We appreciate the opportunity to submit comments on this DEIR.

Several things stand out in this large document. There are many useful features in this DEIR, however the committee views it as fundamentally flawed.

PW(A)-1

We note with concern that despite the spending of millions of dollars of public money (the Port's funds are public money) , major errors in the had to be corrected within days of its release. ("Errata: Executive Summary July 2, 2007). This does not inspire confidence on the part of an apprehensive public.

As in previous POLA Environmental Impact Reports, there emerges a picture of a systematic, programmatic effort to underestimate the impacts of the project. Of course with systematically underestimated impacts, needed mitigation is minimized. As examples (discussed below) Ship Calls and potential cargo through put appear to be seriously underestimated, while rail capacity may be overstated leading to more than anticipated truck trips. Many off port impacts are simply ignored.

PW(A)-2

(We request that a document previously prepared by and for our Subcommittee , "Review of Previous Environmental Documents", S. Genis, August 2004, on file at POLA, be made a part of the Public Record on this matter.)

PW(A)-3

To be built, the project must be properly and completely analyzed in order for all negative impacts to be understood and mitigated.. The present DEIR fails to do this.

The committee notes with alarm that the projected "residential cancer risk" in Wilmington from this project is larger than the "occupational cancer risk" . This ominous finding alone suggests this is a very dangerous project for surrounding communities.

PW(A)-4

Notice of Preparation

The Notice of Preparation for the proposed project was initially circulated in 2003. However, a "Special Notice" was then circulated in early 2006. The "Special Public Notice" was apparently designed to supplement the Notice of Intent/Notice of Preparation (NOI/NOP) previously circulated for an earlier project in October 2003. As described in 2003, the project would have occupied Berths 136-147. Project elements included 62 acres of additional backlands for a total of 238 acres or backlands, a 705 foot wharf, dredging, railroad grade separations at Neptune Avenue and Avalon Boulevard, relocation of Harry Bridges Road, and construction of a sound barrier along the relocated road. As described in the Special Notice, the project was later expanded to include Berths 136-149, placement of 1.2 million cubic yards of fill, elimination of 10 acres of water at the Northwest Slip, an increase in total backlands to 251 acres, elimination

PW(A)-5

of the proposed grade separations, and ramp improvements at Harry Bridges Road/John Gibson Boulevard and the Harbor Freeway (I-110). The current project would provide 243 acres of backlands and entail 800,000 cubic yards of fill.

We remain concerned that rather than issue a revised NOI/NOP, a “Special Notice” was issued instead. Clearly the scope of the project has increased beyond that originally contemplated. The 2003 NOI/NOP clearly stated that “There would be no loss of waters of the United States.” The currently proposed project would result in the loss of ten acres of waters of the United States in addition to five acres included in the project area that will be examined in a separate environmental document. That alone would clearly demand recirculation of all required notices. The increase in backlands would be over twenty percent greater than originally proposed, with total backlands five percent greater than originally proposed. A stated goal in the 2003 NOI/NOP was to increase cargo handling capacity. Ramping improvement at Harry Bridges and I-110 were also new elements.

PW(A)-5

Any one of these changes on its own would have generated a need for additional environmental documentation. Taken together, they demanded that a new NOI/NOP be circulated. It is clear to the Subcommittee that, regardless of what it was called, the “Special Notice” must actually serve as a re-circulated NOI/NOP. We think a new NOI/NOP should have been circulated.

In accordance with Section 15082 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Notice of Preparation must include a description of the project and the probable environmental effects of the project. The “Special Notice” described the project primarily in terms of contrast to the project proposed in October 2003, leaving some elements in question. It also raised additional questions. As noted in the NOI/NOP for the Berths 136-147 project published in the Federal Register on October 27, 2003 (Volume 68, Number 207), 238 acres of backlands would have been provided. The 2006 notice referenced a project with 244 acres of backlands. Was another, third notice, circulated for a project at the Berths 136 et al location for a 244-acre project more closely resembling the currently proposed project?

Lack of Comprehensive Planning

PW(A)-6

The Subcommittee continues to be concerned about the lack of comprehensive planning for both the proposed project and the Port as a whole. In accordance with Section 15125(d) of the CEQA Guidelines, an EIR must identify any inconsistencies between a proposed project and adopted planning programs. This is important in order to assure that future on- and of-port infrastructure will be adequate for future needs. However, local planning programs for the Port consist primarily of bland platitudes and are so out of date as to be nonfunctional and non-existent.

Section 65302 of the Government Code requires that local agencies identify both land use type and land use intensity in the land use element of a general plan, the function of which is fulfilled by the Port of Los Angeles Community Plan, last comprehensively revised in 1982. In accordance with Section 65302, the land use element must then be coordinated with other general plan elements addressing such factors as circulation, safety, noise, housing, and open

space. The local plans must be coordinated with regional plans such as the Regional Transportation Improvement Plan and the Air Quality Management Plan.

Without some degree of certainty as to the magnitude of future uses, it is impossible to coordinate future infrastructure with future needs. The failure of POLA to address growth in a comprehensive manner has lead directly to our current critical problems in local and regional circulation systems and harmful levels of air pollution.

PW(A)-6

The Subcommittee is aware that POLA has stated its intent to prepare a Port Master Plan. However, little progress has been made to that end. We are concerned that by the time a new Master Plan is prepared and adopted, it will be moot due to the numerous projects approved on a piecemeal basis in the preceding years. It is the position of the Subcommittee that additional projects should not be approved on a piecemeal basis, but only as part of a comprehensive plan for the entire port.

Lack of Notification to Surrounding Communities?

Multiple phone calls made to the offices (Planning, Public Works, City Manager) of the City of Rancho Palos Verdes in late July 2007 revealed they claimed that they had not received a copy of the DIER. Is it possible other surrounding communities or public agencies were not sent copies of this DEIR or not properly notified? Is there a problem with lack of notification of surrounding cities?

PW(A)-7

Cumulative Impacts

The Subcommittee/Working Group evaluated a sample of past EIRs and determined that there exists in the port area an unmitigated backlog of cumulative impacts, especially with regard to Air Quality, Traffic and off-port community impacts. Therefore, evaluation of cumulative impacts and development of effective mitigation measures is a particular priority for the PCAC.

As stated in Section 15355(b) of the CEQA Guidelines:

The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

PW(A)-8

Thus, if a past or present project is used as a baseline for environmental purposes, the impacts from the past or present project must be included in assessment of cumulative impacts.

The Committee is concerned that small, incremental changes have occurred at Port facilities without environmental analysis or mitigation resulting in unmitigated impacts on the surrounding community. Unfortunately, the list of projects included for cumulative analysis purposes in the DEIR appears to include only those major projects for which formal environmental

documentation has been or will be performed, even though POLA continues to process numerous ADPs without preparation of a CEQA document.

Even in those cases where environmental documentation has been processed, often no significant impact is found to occur. Analyses of cumulative impacts must include all projects, whether or not an EIR or other formal environmental documentation was prepared.

The Committee recognizes that where an impact is negligible, a project would not be considered to result in a significant cumulative impact. However, an impact which is less than significant may be far from negligible.

It is not enough that impacts are minimized in an individual project. Even if the impacts of individual projects have been mitigated to a level of insignificance, a significant cumulative effect may still occur.

We are concerned that leases have been structured in a manner that allows for substantial increases in activities absent any formal action by POLA which would trigger the requirement for environmental documentation. This has ranged from increased hours of operation encouraged through the Pier Pass program to increases in cruise line activity. We are disappointed that POLA has chosen to abdicate responsibility and accountability in these cases.

We note that the baseline utilized for CEQA analyses in this EIS/EIR is 2003. POLA throughput in 2003 was 7,178,940, increasing to 8,469,853.00 in 2006, an 18 percent increase. It is not clear how or if this increase was included in analyses of cumulative impacts. Failure to include the 1.3 million TEU increase between 2003 and 2006 in analyses of cumulative impacts in the EIS/EIR will increase the backlog of unmitigated impacts sustained by the community. Likewise, increases in cruise activity must be included in analyses of cumulative impacts as well.

Off Port Impacts

The committee has heard consistent repeating patterns of complaints about impacts occurring off port land that go far beyond issues of air quality and traffic congestion. It is clear that port related activities have cumulatively resulted in blight in communities such as Wilmington. Yet this DEIR is silent as to any analysis of how this project would contribute to blight or what needs to be done to prevent and mitigate this.

As an example of an off Port impact that is damaging to a neighborhood, a committee member, Mr Skip Baldwin brought to our attention documentation of a facility in Wilmington that generates negative impacts on a neighborhood, and is off port land but conducts Port related activity. It has been directly authorized by the Port of Los Angeles. The activities and thus the negative impacts of this facility can be reasonably expected to be intensified by the project that is envisioned in the DEIR.

This is the trucking container yard/warehousing operation at 1026 N. McFarland Ave, Wilmington CA, operating under a Foreign Trade Zone, under agreement with the City of L.A. , Harbor Dept. We attach the documentation for this as "Attachment A" (Includes map, Mr. Baldwin's letter, a copy of the agenda of Special Meeting of Los Angeles Board of Harbor

Commissioners Sept 1 2004 to authorize this, and copies of 5 photographs showing piles of containers directly across the street from peoples homes.)

This is an example of a negative impact related to Port activity that has occurred off Port land , but sanctioned explicitly by the Board of Harbor Commissioners. Of course, there is much other similar activity occurring without explicit BOHC approval, but all this off Port land activity is a result of the presence of the Port.

Large trucks over 6000 lb gross weight must use prohibited City streets in a residential area to access this facility. (A fully loaded container may weigh up to 72,000 lbs.)

Ms. Lucy Mejia presented to the Committee photographs of a 40 foot shipping container being unloaded on a city street in Wilmington on July 14, 2007 with Port police standing by. She stated that the police did not insist on removing the truck nor did they take other actions despite the illegal presence of a tractor trailer with a shipping container on a neighborhood street.. See “Attachment B” copies of Ms. Mejia’s photos.

Mr. Art Goodwin from ACTA mentioned another problem facility at a recent PCAC meeting. This is known as “Truckers Transit”

It is reasonable to assert that activities at these and other similar facilities located off port , but doing port related activities that contribute to blight, will be intensified by this project. We request formal analysis within this EIR as what are the present sites in the City of Los Angeles of this sort of off Port land Port related activity, the impacts of this activity and how the proposed project will affect that activity. Wilmington has been especially negatively impacted by this off Port land activity.

PW(A)-9

We request mitigation measures to reduce the impact of these off Port land activities that do occur and will intensify as a result of Port operations at the proposed project.

We assert that off port impacts will worsen as a result of this project. These types of off port impacts that cumulatively result in blight need further analysis and meaningful mitigation.

Mitigation Measure MM-2 states: “Truck Traffic Enforcement. Port Police shall increase enforcement of prohibition against truck traffic within Wilmington.” In light of attachment A., Mitigation Measure MM LU-2 looks like an absurd example of “this time its going to be different,we promise!” Especially since said neighborhood truck traffic was essentially sanctioned by the Board of Harbor Commissioners.

Wilmington residents are demanding enforcement of existing laws now. This enforcement should not be offered as some future “Mitigation Measure”.

Project Description

PW(A)-10

We note that the text in the DEIR refers to extra lanes and unspecified modifications to the C-Street/I-110 Freeway on ramps. We were dismayed to not see these proposed modifications in the project description or diagrams. Instead they appear as alleged “mitigations”. We assert that any modifications to this freeway on-ramp should have been in the project description. This is not a mitigation it is a project element. We wonder if this is an example of hidden project elements or improper segmentation of this project?

Further, we note that since Interstate 110 seems to be a Federal Highway, any modification to an on ramp would logically be a Federal Action. This should be subject to an approval /permit process by some Federal agencies beyond the POLA’s and the Army Corps of Engineers jurisdiction such as the D.O.T. or the Federal Highway Administration. The DEIR is silent on this but should address this issue.

PW(A)-10

The project description also fails to mention the addition of one new Eastbound lane on Harry Bridges Blvd. This is found as a “mitigation measure”. This is a project element. It should have been included in the project description. This is an inaccuracy in the project description. The DEIR is silent as to when this lane would be added.

How does this extra lane affect traffic and noise impact assessments in this DEIR?

Referring to page 2-61 We note that this project does not “disconnect cargo growth from emission increases” and is therefore not consistent with the San Pedro Bay Clean Air Action Plan.

We assert that the City of Los Angeles needs a new General Plan before this project is attempted. Our understanding is that the City of L.A. General Plan is out of date/’expired” as of 2002. The City of Los Angeles General plan is an “applicable plan” in relation to this project.

Project Segmentation

As noted in the project description, placement of fill to create a five acre area integral to the proposed project is being examined under a different environmental document currently in process. We are concerned that analyses will minimize the full impact of the proposed project by chopping what is essentially one project into several pieces to be analyzed separately.

PW(A)-11

Section 2.4.4.1 Phase I Projects Completed by 2015 states in part regarding Dredging at Berth 144-147 “Clean material would be considered for disposal at the Pier 400 disposal site or at an EPA approved ocean disposal site...” The Committee wonders if disposal of dredging material at the Pier 400 site actually represents improper segmentation of another project? Is this a “running start” on another project to create more land near Pier 400? Is this the beginning of a “Pier 500” or some such similar project as has been repeatedly rumored in the community to take the place of the lost “Pier 400 Energy Island”?

We wonder if the Anchorage Road disposal site can handle all the material that is “unsuitable for uncontrolled ocean disposal”? If not, where will it go and how will it get there?

Project Operations

The project description indicates that throughput would reach its maximum in 2025, yet this does not appear to reflect actual maximum capacity of the built out facility. The project description indicates that throughput would be 1,747,500TEUs (twenty foot equivalents) in 2015 increasing to 2,389,000 by 2025. This throughput forms the basis for numerous analyses in the EIS/EIR including analyses of impacts on traffic, air quality, and noise. It is thus essential that the project be implemented in a way that insures that the estimate of ultimate throughput will ultimately be proven accurate.

While the Subcommittee had expressed concerns regarding the lack of information regarding project operations under the project description in environmental documents, the EIR for Berth 206-209 was a great step forward in this regard, providing such basic operational information such as anticipated use of rail and right up front work shifts. The Subcommittee is disappointed that this EIS/EIR appears to be a step back. These factors are critical in assessing future impacts and should be an inherent part of the approved project to be monitored and managed so that increased impacts due to any changes may be addressed.

The project description contains no information as to how activity will be split. It is not until well into the EIS/EIR, on page 23 of Section 3.10, that one finds that cargo will be split 80 percent day shift, 10 percent night shift, and 10 percent hoot shift in 2015; and 60 percent day shift, 20 percent night shift, and 20 percent hoot shift in 2038. It is not clear if this includes any weekend shifts. In any case, it would appear that the facility would not be operating at full capacity full time. Even allowing down time for maintenance, it does not appear that maximum capacity would be reached with the shift split outlined in the EIS/EIR.

Does POLA intend to cap throughput at the projected 2025 level, even if demand exceeds the projected amount? POLA has repeatedly prepared environmental documents for projects with estimated throughputs that are repeatedly exceeded, leading to a backlog of unrecognized, unanalyzed and unmitigated impacts on the surrounding community. How will POLA ensure that throughput does not exceed EIS/EIR estimates? What steps will POLA take to ensure that any additional impacts are fully mitigated?

The Subcommittee has already grappled with the issue of increased cargo throughput in what had been considered the off hours. The Pier Pass program, for example, encourages greater activity in evenings and at night. While this can reduce peak hour traffic congestion, extended hours of operation also increase potential throughput and associated impacts. The increase in operations occurred without any formal BOHC action which would constitute a project under CEQA and was therefore not subject to environmental review.

PW(A)-12

PW(A)-12

It is possible and, based on past performance, highly likely that TEUs projected in the EIS/EIR would be exceeded. The EIS/EIR must examine actual maximum throughput that could physically occur absent any further action by the Board of Harbor Commissioners.

Potential Underestimation of Actual Maximum Throughput

Total capacity of the facility is likely to be seriously underestimated. Given the above mentioned projections to split the cargo throughput 80% on dayshift and 10% each on night and hoot shifts in 2015 and 60% on dayshift with 20% each on night and hoot shifts by 2038, it would appear that the facility would not be operating at anywhere near full capacity anywhere near fulltime. Yet the DEIR is peppered with references that anticipate a future full bore 24hour day/7day week/365 day year style of operation to meet projected demand at the port, such as “The analysis showed that all terminals are expected to be operating at maximum capacity.” (from the DEIR 2.1.2)

What might be the full capacity of this project ? Our analysis shows it would be possible to have a throughput of up to **4,194,000 Annual TEUs in 2015 versus only 1,747,500 anticipated in the DEIR!** Likewise, we estimate a possible **4,300,200 TUEs in 2025 to 2038 versus only 2,389,000 anticipated in the DEIR!**

These throughputs would be 4.7 to 4.8 times larger than the CEQA baseline of 891,976 TEUs . They would be 2.4 to 1.8 times larger than anticipated in the DEIR for 2015 and 2025-38 respectively.

PW(A)-13

How we got these numbers: **The key is the underutilized night and hoot shifts.**

For 2015: If we assume that the DEIR is correct and 80% of the total TEUs can be moved in one of the three eight hour periods of the day (dayshift) , that would represent the real 8 hour maximum potential throughput . It would mean that 1,398,000 TEU/year are moved on the day shift. (0.80 X 1,747,500 Total DEIR Projected TEUs= 1,398,000 annual TEU moved on day shift) We have two more underutilized shifts. If their through puts were maximized to match day shift throughputs we would have 2 more shifts processing 1,398,000 TEU each per year. Thus: 1,398,000 TEU/shift X 3 shifts = 4,194,000 TEU

For 2025-2038: If we assume DEIR is correct and 60% of the total TEUs can be moved in the day shift, that would represent the real eight hour maximum throughput in that future era. It would mean that this max 8 hour throughput would be 1,433,400. (Interestingly this is very close to the max assumed annual 8 hour shift throughput noted for 2015.) (2,389,000 DEIR Projected Annual TEUs for 2025 to 2038 X 0.60= 1,433,400 annual TEU moved on the day shift) Thus : 1,433,400 TEU/shiftX 3 shifts = 4,300,200TEU

Even if dayshift through put is underestimated in this DEIR, the other 2 shifts offer huge potential for unanticipated and unmitigated increases in cargo volume. **Even if the estimates above are not reached, there is a very real potential for gross underestimation of throughput, impacts and needed mitigation.**

The Subcommittee is thus concerned that actual operating conditions at the Trapac facility may eventually evolve in a manner which results in unanticipated increased impacts to the surrounding community. Staff has offered reassurances that all assumptions regarding project operations up to thirty years in the future are reliable and that our concerns are unfounded. i.e. “This time it is different.”

PW(A)-13

However, past estimates of future throughput have consistently been exceeded. Indeed, the May 1997 West Basin Transportation Improvements Program EIR then states that “Actual increases have greatly exceeded forecasts,” when discussing the cargo increase forecast in the 2020 Plan (which was adopted in 1992-only 5 years earlier) which was based on extensive studies of anticipated cargo demand. Even the most recent forecasts for the Phase I China Shipping project were exceeded in only a few short years. History has way of repeating itself.

Throughput comparison vs other facilities also suggest throughput estimates may be low.

The DEIS/DEIR states that annual throughput at the facility will be 2,389,000 by 2038, or 9,831 TEUs per acre. This is well below the 19,070 annual TEUs per acre currently achieved at Kwai Tsing (Hong King) and 24,582 annual TEUs per acre achieved at Singapore. The China Shipping DEIS/EIR indicates that each crane would move 25 to 40 TEU per hour, equating to 2,628,000 to 4,204,800 TEU per year, exceeding estimates in the pending DEIS/EIR

PW(A)-14

We thus request that all operational assumptions regarding maximum cargo, number of ship calls, gate calls, truck trips, rail calls, and so forth be stipulated in POLA’s contract with Trapac.

Any increase in activity levels above that analyzed in the DEIS/EIR and stipulated in the contract would then be subject to further review. Due to staff’s high level of confidence in operating forecasts utilized in the DEIS/EIR, this should not be a problem. As maintained by staff, the activity levels forecast in the DEIS/EIR would never be exceeded, so including them in the Trapac contract would merely reiterate a fact of life.

We further request that the DEIR analyze the full potential impact of running all 3 shifts at full capacity. Analysis should describe needed mitigation.

Potential for Underestimation of Ship Calls

Ship calls are known to contribute approximately 55% of all port related air pollution. (From POLA June 2004 Port-Wide Baseline Air Emissions Inventory -full text of this to be included in these comments by reference)) . Underestimation of ship calls would thus significantly underestimate the project’s impacts on air pollution.

PW(A)-15

In the DEIR ship calls are estimated to increase by only 25% from 2003 to 2015 but TEU throughput is estimated to increase by 96% with number of containers per ship call will be 191% of 2003’s numbers. How does this miraculous minimization of ship call numbers occur?

This is all based on the assumptions that planned larger ships that can carry more cargo will be built in the next 8 years and that these ships will frequently call at this facility. The ship size assumptions may be wildly overoptimistic, leading to a large underestimation of ship call numbers and a convenient underestimation of attendant ship call impacts.

PW(A)-15

What happens if these ships aren't built in the next 8 years, for whatever reason, say an economic downturn? What happens if these big ships don't call in the numbers assumed in the DEIR? Won't we have more ship calls if anticipated freight volume is achieved? The DEIR should analyze this possibility and its attendant impacts. Does the present analysis contain the implicit assumption the new large capacity ships-if they do get built- will somehow preferentially call at this facility?

The 2015 estimated number of ship calls is estimated at 279 in one area of the document but 309 in another area of the document- an 11% discrepancy. Which is the real number?

We assert that projected ship call number estimates are most likely low and this allows underestimation of potential impacts.

Potential Overestimation of Rail Capacity

Rail capacity appears to be overestimated. This would lead to an underestimation of the number of truck trips on our freeways that this facility will generate as well as an underestimation of the total air pollution. (Rail transport being less polluting per ton-mile than trucks.)

PW(A)-16

For example one area of the document says the rail yard will handle 374,551 containers annually whereas another area of the DEIR says max train capacity is 231,000 containers per year. (2 trains per day X 330 containers/train X 350 days per year=231,000). These contradictory assertions are contained in the same paragraph (!) [lines 25-33 page ES-15] Somehow we are missing 141,331 containers which would most likely have to leave the port by truck. This would give 410 more truck trips per day. Also, this does not figure in the inbound truck trips required to pickup these.

It appears that truck and train idling time estimates are unrealistically low, again minimizing anticipated operational impacts and needed mitigations.

Community Impacts

PW(A)-17

The Subcommittee is concerned that Wilmington will be further cut off from the water by the proposed berm. We are insulted that the EIS/EIR analyses address visual impacts with the cavalier attitude that views in the area have always been the degraded views of what is essentially a massive, multi-story industrial park and are therefore not important.

We submit that POLA activities over the past couple of decades have led to a significant, adverse impact on views from the surrounding community, as container freight has come to dominate port activities. Cranes have multiplied like hormone-enhanced rabbits. Cranes have also become larger and larger as have vessels. We note that while the proposed project would eliminate one crane, the new cranes would increase from 50 gauge to 100 gauge. Moderately

sized, picturesque cruise ships have been replaced by floating high-rises. Cargo vessels have also dramatically increased in size, reaching Panamax and then Post Panamax proportions. Container stacking has also degraded views, both on and off port lands. This has led to a cumulative, significant, adverse impact that must not be dismissed.

PW(A)-17

The Draft EIR/EIS claims (ES.5.2.3) that the Project will have no significant impacts under both CEQA and NEPA in the area of Aesthetics and Visual Resources. The Subcommittee disagrees with this assessment. We note that this project will have substantial negative aesthetic and visual impacts and will further contribute to worsening of already severe cumulative impacts in this regard.

Air Quality

The Subcommittee concurs with the comments submitted by the Air Quality Subcommittee of the Port Community Advisory Committee.

PW(A)-18

We request that a document titled “Health Effects of Diesel Exhaust Air Pollution” August 28, 2003, prepared by the Air Quality Subcommittee of the Port of Los Angeles Port Community Advisory Committee (on file at POLA) be made a part of the public record on this matter.

Section 7 Socioeconomics and Environmental Quality

While it may be laudable to have included a section on the economics of this project, this section is entirely devoted to the possible positive benefits of the *project with no meaningful analysis of the actual costs to society of this project*. The issue of externalized costs that will be attributable to this project is avoided entirely. As it stands now this section reads as if it were written by a fervent advocate of the project. To achieve balance the socioeconomic costs-the downside- must also be recognized and analyzed. Thus this section requires major revision. At present this section is not informational, but merely conclusory through avoidance of inconvenient facts.

Dr. Jon Haveman, an economist, in a 2004 report for the Public Policy Institute of California concluded that when all externalized costs are considered ports are not necessarily an economic good. We request that this report titled “California’s Global Gateways” be included in the public record on this matter.

PW(A)-19

We also request inclusion, by reference, in the Public Record on this matter the following additional documents pertinent to the issues of externalized costs and negative economic impacts of goods movement as well as health, safety and infrastructure damage issues,

1. “Externalized Costs of Shipping” article by Paul Rosenberg, Random Lengths News Sept 21-Oct. 4, 2007.
2. “Paying With Our Health, The Real Cost of Freight Transport in California” Pacific Institute, Natural Resources Defense Council, 2006, ISBN: 1-893790-14-2

- PW(A)-19
3. “Sick of Soot, Reducing the Health Impacts of Diesel Pollution in California” D. Anair , P Monahan Union of Concerned Scientists , June 2004 www.ucusa.org
 4. “Exhausted by Diesel” Gina Soloman, M.D. (lead author) Natural Resources Defense Council, 1 May 1998

These amply demonstrate that a significant economic downside exists.

Another way to look at this downside is to consider a few facts presented in this DEIR in relation to what other public agencies have said about the costs of two project generated pollutants alone: We calculate that in 2015, NOX and PM10 pollution will cost California the deaths of 21 citizens that year at a monetary cost of \$157.5 million!

[From table 3.2-22 we note that the project will generate 17,691 lb NOX and 1243 lb. PM10 average per day in 2015.. Annualized, these are 3229 tons NOX and 227 tons PM10 respectively. During the process that generated the No Net Increase Task Force Report, we learned that CARB uses factors of 669 tons NOX per death and 227 tons PM10 . These factors yield 2015 project NOX and PM10 related deaths of 4.8 and 16.2 –total 21 deaths. We also learned that the US EPA values one such death at \$6 million 2000 dollars and \$8million 2020 dollars. Thus the interpolated value on one such death in 2015 would be \$7.5 million. 21 deaths X \$7.5 million per death gives \$157.5 million!]

Twenty one deaths due to operations of this project in one year!

How many deaths for the “lifetime” of this project? It would appear this will be several hundred deaths of California citizens. We do not envy the task of those who will ultimately approve this project, despite pretenses that alternatives have been meaningfully evaluated.

This of course is only one small piece of a much larger picture of massive externalized costs that go completely unacknowledged in this DEIR. We wonder if the decision makers realized the true costs involved, would they be willing to sacrifice the lives of their fellow citizens for this project?

Additional Concerns

The Subcommittee is continuing to review the EIS/EIR and looks forward to submitting more comprehensive comments in the future. However, the EIS/EIR is a very large document, many years in the making. We note that notice regarding release of the document was made just prior to a holiday and many local residents are currently on vacation. The limited time available for public review limits the ability of the Subcommittee and the general public to adequately evaluate the document and the proposed project.

Port Staff has stated that they have met with small groups of “selected stakeholders” to review this project and DEIR. We remain concerned that this is the antithesis of the open and public process called for by CEQA.

The Subcommittee has had extensive input from the public on this EIR and others regarding the rather unique EIR process at work here in which the Port functions as the Developer, the Lead Agency, Reviewing Agency and ultimately the Approving Agency (via the Board of Harbor Commissioners) for its projects. We are concerned that there is a lack of meaningful outside oversight in this process.

PW(A)-22

We are gravely concerned over the possible use of Overriding Considerations by the BOHC to grant approval for this project.

PW(A)-23

Despite all the convenient falsely low numbers, incorrect assumptions favoring the Port and minimized or ignored impacts, especially off port impacts, at the end of the day the Board of Harbor Commissioners will still most likely have to use a Statement of Overriding Considerations to approve this massive expansion project. Such an action would seem to be in direct conflict with stated purpose number 2 of this project “to comply with the Mayor’s goal for the Port to increase growth *“while mitigating the impacts of that growth on the local communities and the Los Angeles region.”* (Italics ours)

PW(A)-24

Simply stated: Impacts that are unacknowledged and systematically underestimated will not be mitigated.

Thank you,

Peter m. Warren
Melanie Jones
Roslyn Warren
Mollie Warren
619 West 38 street
San Pedro CA 90731

Peter Warren A, September 23, 2007

PW(A)-1. Thank you for your comments. As noted, there was an error found in the Executive Summary. The error was solely restricted to the Executive Summary and was not present in the rest of the document. This error was caught within a day of the public review. As such, an errata was distributed correcting the error. The comment period was also extended to a total of 90 days to facilitate public review noting this error and the document's size.

PW(A)-2. As discussed in response to comment PCAC EIR-2, this document relied upon a number of forecasting studies and industry communication to determine the physical capacity of the wharf, backlands, gate, and on-dock rail facility. The EIS/EIR's analysis is based upon the physical capacity.

PW(A)-3. Please see response to comments PCAC EIR-3. The document has been incorporated by reference.

PW(A)-4. Thank you for your comment. The Port and USACE respectfully disagree. The EIS/EIR adequately analyzes potential environmental impacts and presents mitigation where necessary.

In regards to health risk, comment noted. This higher residential risks are due to a longer exposure duration evaluated for this receptor type compared to occupational receptors.

PW(A)-5. Please see response to comment PCAC-5. As discussed in the March 7, 2006 Special Notice, in the time between the October 2003 NOI/NOP and preparing the Draft EIS/EIR, there were some project changes for the EIS/EIR. These changes came about in response to community opposition to the project as proposed in the NOP/NOI. No new potentially significant impacts were found as a result of the changes.

PW(A)-6. There are no inconsistencies between the proposed Project and either the Port Master Plan or the City's General Plan. The Port Master Plan and the Port Element of the City's General Plan address general cargo land uses (container operations) as a permitted short and long term preferred use in Master Planning Area 5, the Wilmington District of the Port master Plan. Additionally, the proposed project is consistent with the Wilmington – Harbor City Community Plan which seeks to coordinate Port related land use development with the Wilmington community by providing adequate buffers and transitional uses between the Wilmington community and the Port. The Harry Bridges Buffer Project addresses this issue.

PW(A)-7. Please see response to comment PCAC-EIR-7. The City of Ranchos Palos Verdes is on the Port's standard mailing list and was sent a copy of the Draft EIS/EIR.

PW(A)-8. Please see response to comment PCAC EIR-8. The EIS/EIR describes existing conditions in 2003 in accordance with CEQA requirements. The existing conditions capture the effects of past projects to the extent feasible.

PW(A)-9. Please see response to comment PCAC EIR-9.

PW(A)-10. Please see response to comment PCAC EIR-10.

PW(A)-11. Please see response to comment PCAC EIR-11.

PW(A)-12. Please see response to comment PCAC EIR-12.

PW(A)-13. Please see response to comment PCAC EIR-13.

PW(A)-14. Please see response to comment PCAC EIR-14.

PW(A)-15. Please see response to comment PCAC EIR-15. The annual ship calls presented in Chapter 2 of the Draft EIS/EIR are derived with the use of a single average cargo capacity vessel for each Project year. To better simulate the real world, the air quality analysis expanded these data into a fleet of vessels with cargo capacities that are expected to frequent the Project terminal in the future. The estimation of these adjusted ship visits roughly stayed within 10 percent of the average values developed by the Port.

PW(A)-16. Please see response to comment PCAC EIR-16.

PW(A)-17. Please see response to comment PCAC EIR-17.

PW(A)-18. Please see response to comment PCAC EIR-18.

PW(A)-19. Please see response to comment PCAC EIR-19.

PW(A)-20. Please see response to comment PCAC EIR-20.

PW(A)-21. Please see response to comment PCAC EIR-21.

PW(A)-22. Please see response to comment PCAC EIR-22.

PW(A)-23. Please see response to comment PCAC EIR-23.

PW(A)-24. Please see response to comment PCAC EIR-24.

>>> "Peter M. Warren" <pmwarren@cox.net> 9/26/2007 7:09:30 AM >>>

Port of LA and Army Corps,

It has come to my attention that your press release on the TRAPAC DEIR, which is one of two primary notice pages on the web site about the deadline for comments contains the wrong date. The Press Release, which was published July 12 and never replaced, updated or superseded at the Port news site states that the EIR deadline is August 20.

More importantly, this is not the only place that the deadline is improperly listed as August 20. Please see this link:

http://www.portoflosangeles.org/environment_pn.htm

Public Notices

The following table lists the public notices issued by the Port of Los Angeles in accordance with the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA). The table also includes notices of any public meetings planned to take comments on the environmental documents. Items listed in the table below show the project title, type of notice, and start and end dates of the public review period. Click on a link in the table for more information and to access the full text of the document (if available).

PW(B)-1

You must have Adobe® Reader® in order to view these files.

Project Notice

Type Public Review

Period Starts Public Review Period Ends

Berths 136-147 [TraPac] Container Terminal DEIS/DEIR 06/29/07 08/20/07

As this is the primary page for environmental notices and is the official environment link from the page directory on your home page, I believe this is an even more serious error.

I believe this error requires a reopening of the deadline and extending it at least through the end of November, which is an equivalent time that the error has been on your website. This is the second clerical error with regard to TRAPAC and it makes one wonder about the completeness, diligence and attention that the PORT is paying to these environmental assessments.

PW(B)-2

Peter Warren
PCAC alternate
San Pedro

Peter Warren B, September 26, 2007

PW(B)-1. Thank you for bringing to our attention that the original comment period date was left on our web page. When the Port decided to extend the public comment period to 90 days to ensure broad stakeholder input, a new deadline of September 26, 2007 was posted on the Port's website home page. Consistent with CEQA Guidelines 15105(a) that states, "the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances," the extended 90 day comment period allowed for more participation by stakeholders.

PW(B)-2. Based on the steps the Port took to publicize this information (listed below) the Port will not be extending the comment period.

The Port took the following steps to ensure adequate public notification of the extended public comment period:

1. An announcement was made at the public meeting on July 31 that the comment period had been extended.
2. An email was distributed to over 100 people (including agencies, community groups and individuals) announcing the comment period was extended.
3. An email was sent to all PCAC members announcing the comment period was extended.
4. A letter was sent to the State Clearinghouse announcing the new deadline.
5. The following statement was placed on the Port's homepage:

"The Port of Los Angeles and U.S. Army Corps of Engineers have prepared a joint Draft Environmental Impact Statement/ Environmental Impact Report (DRAFT EIS/EIR/DEIR) for the Berths 136-147 [TraPac] Container Terminal Project. Written comments on the Draft EIS/EIR will be received until September 26, 2007 (deadline extended)."

6. Public Affairs released a press release with the new deadline.
7. The USACE posted the new deadline date on their website.
8. A newspaper article on the time extension appeared in the Daily Breeze on August 3.

From: Andrea Hricko [<mailto:ahricko@usc.edu>]
Sent: Wednesday, September 26, 2007 12:04 AM
To: Andrea Hricko
Subject: Trapac URGENT: ERROR on POLA website re TraPac, limiting public participation

Pls read below.

http://www.portoflosangeles.org/EIR/TraPac/eir_062907trapac.htm

From: Andrea Hricko [<mailto:ahricko@usc.edu>]
Sent: Tuesday, September 25, 2007 11:44 PM
To: 'rappy@portla.org'; 'gknatz@portla.org'; 'Martinez, Adriano'; 'ceqacomments@portla.org'; 'spencer.d.macneil@ace.gov'
Cc: 'mchristensen@portla.org'; 'LinPerrella, Melissa'
Subject: URGENT: ERROR on POLA website re TraPac, limiting public participation

Dear Dr. Knatz and Dr. Appy: I direct a Community Outreach program at USC and, as part of my mission (in addition to disseminating the latest research findings on the health impacts of air pollution), I analyze methods of effective community outreach on environmental health matters. Thus, I follow community outreach efforts of the Ports with some degree of diligence.

In that regard, I think there is an extremely significant error on the Port of LA website,
http://www.portoflosangeles.org/EIR/TraPac/eir_062907trapac.htm

which states, as viewed TONIGHT, September 25, 2007 (and has stated since mid-AUGUST 2007), with regard to comments on the TraPac DEIR/EIS that:

"COMMENTS: Written comments on the Draft EIS/EIR were received until August 20, 2007 and sent to both of the following contacts:

Dr. Spencer D. MacNeil, Commander
U.S. Army Corps of Engineers, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

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

<<mailto:ceqacomments@portla.org?subject=TraPac%20DEIS/DEIR%20Comments%20%28P>

AH-1

OLA%20Website%20Referral%29> cegacomments@portla.org"

The problem with the wording on the Port of L.A.'s official website, which has been up for a full month, is that the POLA issued an extension for comments on the TraPac EIR/EIS until September 26th, 2007.! Thus, anyone looking at the Environment/CEQA notice section of the POLA website [the only section of the website that I (and most likely others) personally check] was informed ONLY that "COMMENTS WERE RECEIVED UNTIL August 20, 2007".

Without any debate, any question, any challenge, I am sure that the Port of Los Angeles recognizes that this means that dozens of community residents and others "not in the know" (whether industry, academia, environmental or community groups/resident) were DENIED the opportunity to take advantage of the 5-week extension by the Port so that they could submit comments.

I would argue that is this is totally unacceptable, perhaps even illegal [but then again, I am not an attorney].

I urge the Port of Los Angeles to correct this serious error and to extend the comment period on the TraPac DEIR/DEIS comments for at least 5 weeks (to match the # of weeks in the error) and to POST THE EXTENSION ON THE PORT'S WEBSITE IMMEDIATELY . so that those who thought the comment period ended on August 20th.. still have a right to comment.

When a government agency is relying on the Internet for notifying residents, community members, impacted residents, and others about an important legal proceeding, I would argue that the agency has an obligation to notify the public correctly.

In this case, the dates posted were completely wrong and prohibited residents and others from commenting.

To summarize, in my opinion, the Port's notification error needs to be corrected immediately, and the only way to do that is to extend the deadline for 5 weeks and repost a notice that comments on the TRAPC EIR are still being accepted until a certain date in the future.

Sincerely yours, Andrea Hricko, USC

Andrea Hricko, September 26, 2007

AH-1. Please see response to comments PW(B)-1 and PW(B)-2. When the Port decided to extend the public comment period to 90 days to ensure broad stakeholder input, a new deadline of September 26, 2007 was posted on the Port's website home page. Based on the steps the Port took to publicize this information, the Port will not be extending the comment period.

**Wilmington Boat Owners Association
Berth 203 #9
Wilmington, CA 90744**

September 17, 2007

U.S. Army Corps of Engineers, Los Angeles District
Dr. Spencer D. MacNeil, Regulatory Division
P.O. Box 532711
Los Angeles, CA 90053-2325

Los Angeles Harbor Department
c/o Dr. Ralph G. Appy
425 S. Palos Verdes Street
San Pedro, CA 90731

RECEIVED

SEP 26 2007

REGULATORY DIVISION
LOS ANGELES OFFICE

Subject: Comments on TraPac Draft EIS/EIR, Berths 136-147

Dear Dr. Appy and Dr. MacNeil,

We basically agree that TraPac needs an intermodal rail yard and that as much cargo as possible should be moved by rail versus truck until such time as newer technology, i.e. maglev or conveyor-type system is available. However, the EIR does not provide an adequate description or evaluation of the proposed relocated PHL rail yard. It should be assessed as a separate project element and potential impacts evaluated using residential standards including but not limited to:

- actual rail yard noise that considers increased capacity (twice the size of the existing yard) and activity, i.e. cargo handling including liquid and dry bulk and containerized cargo and more switch engines and/or locomotives operating simultaneously
- cumulative increase in localized noise level from rail yard, increase in rail movements on adjacent tracks including movements between the yard and terminals and Port-related traffic on Alameda, Anaheim and Henry Ford
- cumulative emissions of newer and older switch engines and locomotives operating in the yard and on adjacent tracks
- amplified impact of noise and emissions on marina and commercial areas adjacent to the rail yard due to prevailing winds, atmospheric conditions and lack of ground attenuation
- emissions and health risk assessment based on expanded rail yard activities that will be conducted on a currently vacant lot
- hazardous risk assessment on storage of chemical tank cars (potential footprint of hazardous, toxic, flammable or explosive chemicals if tank cars were to leak or rupture), vibrations on subsurface pipelines and refueling, specific Port policies and agencies that govern the storage of chemical tank cars on Port property
- rail yard lighting and containment of runoffs of operations-generated contaminants
- any new environmental requirements in the PHL lease relevant to the relocated rail yard

WBO-1

The Pier A rail yard is currently located well within the Port's boundaries. Activities at the yard, other than train horns, are not a significant source of noise in residential areas north of Harry Bridges or east of Avalon due to distance, container stacks, the DWP facility, tanks, other marine terminals and buildings.

The EIR states, 'The Pacific Harbor Line's (PHL) Pier A rail yard would be relocated to a 70-acre area northeast of the existing terminal, between the Consolidated Slip and Alameda Street that is currently being used as a rail transfer facility.' This tends to imply that a 70-acre rail transfer facility already exists. There are currently two or three tracks along the southern perimeter used as sidings and a switching track that allows for a through move on one or the other of two tracks.

The proposed relocation site is an approx. 100-acre paved lot enclosed by a chain-link fence that is alternately vacant or used for storage of new vehicles, neither of which generates any noise. Any activity that produces noise anywhere on the lot would increase the existing noise level. The proposed 70-acre rail yard will have 46 tracks and operate as it does at the existing yard, described as train engines coupling and uncoupling groups of railroad cars, shuttling cars back and forth on different tracks, recoupling the cars to other strings of railroad cars and generating noise levels of 68-80 dBA.

Although PHL may assemble trains at the west end of the yard, groups of cars included in these assemblies could be on any one of 46 tracks in the yard. Thus, all noise generating activities could not be confined to the west end of the yard or 800 feet from the nearest sensitive receiver.

PHL operates 24-hours-a-day. Currently 'the busiest level of activity occurs between 6:00 AM and 3:00 PM when incoming trains are sorted.' As terminals modify operations to accommodate the increase in cargo and rail lines reach capacity, sorting incoming trains and assembling trains could occur throughout the evening and nighttime hours.

According to Figure 3.8-1 'Land Use Designations for the West Basin and Project Area' the proposed site is designated as Limited Industrial, however Figure 3.8-2 'Zoning Designations for the West Basin and Project Area' indicates it is an M3 Heavy Industrial Zone. Although the site is part of the Port area and industrially zoned, it defines the boundary between the Port and the Wilmington community and likely accounts for the Limited Industrial designation, which according to the Wilmington-Harbor City Community Plan would require a buffer between heavy industrial uses and the community – Policy 19-1.4 'New and/or expanded industrial facilities to be sited to provide a sufficient open space, landscaped and maintained buffer area to minimize adverse impacts on surrounding property.'

The northeast portion of the relocated rail yard would be well within 500 feet of a number of commercial/retail businesses and restaurants on the north side of Anaheim Street. There is also a proposal to build an ILWU facility within the 100-acre site at Alameda and Anaheim that would be significantly impacted by the proximity of the proposed rail yard.

The East Basin is not only Port industrial use but home to eleven marinas with long-term leases, 1700 boats, ships' chandleries, two boat repair facilities, boat brokerages, two restaurants and, according to the EIR approx. 360 to 402 live aboard residents. These marinas are Wilmington's only recreational use and physical access to its waterfront. While most of the marina tenants may not fall into the minority or low-income population the Port has stated, 'there is no where else in the Port to relocate these marinas.' Due to a statewide shortage of available boat slips it is not

WBO-2

WBO-3

possible for the 1700 boat owners to relocate inside or outside of the Port to avoid the increasing impacts.

WBO-3

The EIR should also take into account potential future development of the north side of the Consolidated Slip for recreational use to prevent any future determination that the proximity of the rail yard would prohibit such development. This could include relocation of marina slips due to: reconstruction of the revetments, development of the POLB Pier A West property, addition of a third rail line on the Badger Street Bridge as part of the Port-wide rail transportation plan, and construction of the Wilmington Youth Sailing Center.

WBO-4

According to the noise monitoring study, 'because vehicular traffic on Henry Ford Avenue and other railroad trains traveling adjacent to Henry Ford Avenue are more significant sources of noise at the Leeward Marina, the increase in the overall CNEL would be less than 1.8 dBA. So, while there will be an increase in the number of audible train horns, this is a less than significant environmental impact.' The streets bordering the proposed site, Alameda, Anaheim and Henry Ford are designated truck routes. The majority of trucks on them are hauling containers to or from Terminal Island, Pier A (Long Beach), near- or off-dock rail yards or any number of destinations. Thus it would be safe to say that a significant cause of the existing elevated ambient noise is Port-related and should not be used to minimize the potential increase in noise from the relocated rail yard.

WBO-5

According to Figure 3.9-8, site ST-9 in Leeward Bay Marina is approx. 200 feet from a rail line used to move containers to and from Terminal Island and the West Basin terminals, and within 500 feet of the east-west rail crossing, both of which cross Henry Ford and the entrance to the marina. Trains using these tracks sound horns continuously until the locomotives clear both the Leeward entrance and one of the two Henry Ford crossings. However, no train passed by during the 'short-term noise measurements.' According to the noise monitoring conducted at ST-2 at 57 feet north of the centerline of Harry Bridges Blvd, which places the monitoring site approx. 100 feet from the rail line, a train passed by generating a steady noise level of 69 to 70 dBA. Train horns at the Leeward and Henry Ford crossings would likely register close to 97 dBA. Because there is nothing to block the sound between the marina and these rail crossings, this is a significant impact.

At Island Yacht 2, site LT-7 the monitoring equipment appears to have been set up near a wild geese and duck habitat, which is unique to this marina and would account for the erratic and elevated noise levels that would not occur throughout the marina. To say that an increased level of activity at the DAS terminal, now WWL, would have resulted in a noisier baseline and therefore minimize the noise impact from the proposed rail yard is misleading. Greater activity prior to 2004 amounted to a few more ship calls and more autos being stored, which is intermittent as opposed to 24-hour rail yard operations. Marinas are shielded from any noise of offloading, which consists of longshore workers driving autos or construction equipment off the ship to the parking lot, by the magnitude of these bulk auto carriers.

WBO-6

It appears that adjusted emission factors for the proposed PHL rail yard assumes only PHL Tier 2 switch engines/locomotives will operate in the yard - 'The main contributors of Project emissions to the maximum mitigated CEQA residential cancer risk location within the Consolidated Slip Marina include ... 17 percent by locomotives within the relocated PHL rail yard.' Since current operations will be the same at the relocated rail yard, older PHL switch engines, BNSF and Union Pacific locomotives will have access to the yard. Thus, the marina and surrounding area would experience immediate and prolonged elevated emissions higher than 17% from the relocated rail

WBO-7

yard until older locomotives are replaced or relocated outside the harbor area and ultra low sulfur-content fuels are used in all locomotive engines.

Section 3.2.2.4 states, 'The Pier A rail yard is adjacent to the existing Berths 136-147 terminal and is a source of locomotive emissions. This facility performs rail storage and switching activities that are unrelated to container operations at Berths 136-147. Since the proposed Project would relocate this facility to the Berth 200C area and expand into its current location, its emissions are considered in the existing and future baseline conditions. The Project also would construct the Harry Bridges Buffer area. As discussed in Sections 2.2.3 and 2.3.4, the proposed buffer area is largely vacant and therefore does not contribute to existing emissions.'

The existing rail facilities at Berth 200C include two or three sidings and a switching track. The approx 100-acre lot that will be converted to a 70-acre rail yard, which is not part of PHL's current location is also largely vacant and therefore does not contribute to existing emissions. While PHL's current activities may be unrelated to container operations, the new yard could potentially be used to relieve congestion on the TraPac terminal, other West Basin terminals and the Alameda Corridor. The relocated PHL rail yard will be a separate operation on a different terminal. The emissions and Health Risk Assessment should be based on a new 70-acre rail yard and all cargo handling and other yard activities that may occur.

It appears that the Cumulative Impact Trans-5 analysis assumes only one train going in one direction on one track would potentially cross Henry Ford during peak traffic hours - 1:24, while the noise analysis states, 'The project would add 4 movements distributed throughout the day and night.' At minimum the traffic delays on one rail line should account for the probability of one inbound and one outbound - 2:24. There are 5 at-grade crossings on Henry Ford, three of which can accommodate through moves at any given time - one east/west and two north/south. Additional delays occur when they do not clear the crossings at the same time.

According to Tables 4-7 and 4-8, Intersection Level of Service Analysis between 2015 and 2030/2038 the Henry Ford/Anaheim intersection will have peak hour levels of service of F, with or without the project and no mitigation is proposed. Since the Schuyler Heim Bridge Replacement and SR-47 Expressway Project DEIR has been released and is a foreseeable project, please include any truck traffic analysis contained in this document relative to potential increases/decreases on Henry Ford, Anaheim and the Henry Ford/Anaheim intersection.

Table 4-7 also indicates peak hour levels of service at the Alameda/Anaheim intersection will be at E & F at some point beyond 2015 even with additional lanes as defined in Trans #3. Truck traffic will increase during all hours of the day due to increasing cargo volume and 24-hour terminal operations. There could also be an increase in the frequency and/or length of trains on the Alameda/Anaheim rail crossing. Due to these factors there could be a significant traffic impact on Anaheim that negatively affects the economic sustainability of commercial and retail businesses on Anaheim and the side streets both east and west of this crossing. Please evaluate any mitigation measures that could be implemented to avoid this including a grade separation.

Because there will be a significant increase in the volume of trucks and a potential increase in rail movements along Alameda, there should be an evaluation of the potential impacts from noise and emissions in the residential area along the west side of Alameda between Anaheim and PCH.

Currently multiple pole lights illuminate the parking lot at berths 200A through H. Will the existing pole lights be used, relocated, removed or replaced by a different type of lighting? Could the lighting increase illumination or glare in the adjacent marinas? Will the rail yard also use halogen floodlights for visibility or security?

Please discuss measures that will be taken to capture operations-generated contaminants that would prevent runoff into harbor waters or flood control channels.

WBO-10

Doubling rail yard capacity could allow for more chemical tank car storage. If tank cars currently being stored in or near any residential areas are to be relocated to the proposed rail yard, priority should be given to those stored in BNSF's Watson Yard to reduce rail movements on the McFarland line and the risks of hauling and storage of chemicals in densely populated areas of Wilmington.

WBO-11

The EIR indicates that by 2025, the Berths 136-147 Terminal would generate approximately 6,377 daily truck trips. If spread evenly over a 24-hour period this equates to 4.5 trucks per minute, 365 days a year. Please discuss foreseeable technology, equipment, operational changes or efficiency measures that will be implemented to accomplish this.

WBO-12

Increasing levels of noise, emissions and re-suspended dirt from rail yard activities, train movements and truck traffic will have long-term economic, health and general quality of life impacts on Wilmington residents and businesses on the north and south side of this rail yard and along the truck and rail corridors. While the increase in goods movement may be unavoidable, we believe that mitigating these localized impacts to a lesser degree is not.

WBO-13

Recommended mitigation:

- Construction of a solid wall bordered by trees with dense foliage along the northern perimeter of the rail yard from Henry Ford to Alameda Street to diminish the noise and emissions from rail yard activities, reduce dust and dirt, help contain any possible leakages, vapors or fumes from tank cars and prevent runoff of residual rail yard contaminants onto the street and into storm drains.
- Construction of a solid wall bordered by trees with dense foliage along the southern perimeter of the rail yard from Henry Ford to the eastern boundary of the WWL terminal to diminish the noise and emissions from rail yard activities and truck traffic, reduce dust and dirt, help contain any possible leakages, vapors or fumes from tank cars and prevent residual runoff of rail yard contaminants into the Consolidated Slip.
- Trees with dense foliage should be planted along the west side of Alameda between the rail line and the residential area from Anaheim Street to PCH.

WBO-14

Comments on disposal of dredged materials:

The WBA does not support any plan to dispose of contaminated dredged sediments at the Anchorage Road Soil Storage Site (ARSSS). The EIR states, 'Dredging and disposal would follow the requirements of the permits issued by the Army Corps of Engineers, the Water Quality Control Board, and the Port of Los Angeles.' Prior use of the ARSSS that has been permitted on a project-by-project basis without public input has had a detrimental affect on occupants and workers in and surrounding the East Basin and resulted in a recent loss of 8-9 acres of wetlands.

WBO-15

If the contaminate levels in sediments disposed of at the ARSSS between March – June 2006 were not high enough to trigger a warning of 'significant risk' to human health yet many people became ill during dredged sediment offloading and dirt hauling operations, then without human testing it cannot be determined who is sensitive to what contaminants and at what level. Thus it

WBO-15	<p>can be assumed that if the levels of contaminants have an adverse affect on the benthic community, there is a probability they will also have an adverse affect on humans.</p>
WBO-16	<p>The Health Risk Assessment for the East Basin must take into account the cumulative affect of all contaminates including the continual exposure to emissions from ships, rail, trucks, refinery(s), SE Resource Recovery Facility (LB incinerator) and scrap metal processing terminal.</p>
WBO-17	<p>Blowing and re-suspended contaminated dirt from the ARSSS disposal site has spread contamination to areas previously unaffected, back into harbor water, into marinas, boat yards and boats and exposed occupants and workers in the surrounding area to these contaminates.</p> <p>Previous discussions with Port staff indicated that the Port has no specific plan to reuse or remove existing contaminated soil at the ARSSS site. Accidental fuel spills, permitted releases of various pollutants, urban runoff and air deposition will continue to cause soil contamination as documented in the October 2004, LA Regional Contaminated Sediments Task Force Long-Term Management Strategy, which indicates that over the next 20 years the Port will need to dredge between 5.5 – 28.5 million cubic yards of contaminated soil.</p> <p>Recommended mitigation:</p> <ul style="list-style-type: none"> • Provide a substantial buffer area between recreational areas and the ARSSS through the use of wetlands to restore the 8-9 acres that have been lost and dense foliage to prevent blowing dirt until the stockpile is reused or removed. Hydroseed the existing berm. <p>General Recommendations:</p> <ul style="list-style-type: none"> • Provide a definitive reuse plan for the existing contaminated soil at the ARSSS and any proposed additional dredged material, an approximate date that it will be removed and what the USACE and Port plan to do with future dredged contaminated soil to avoid creating multiple unusable stockpiles of contaminated soil and nonproductive land uses in other areas. • Prepare a CEQA evaluation or the equivalent for the ARSSS site before moving the existing soil or disposal and storage of any new dredged soil. Hold a public scoping meeting in the harbor area to apprise marina operators and tenants, area workers and dirt-hauling contractors what contaminates, if any are in the soil and the precautions that will be taken to prevent adverse affects to humans and property.
WBO-18	<p>As part of the 404(b)(1) evaluation the USACE should consider the following:</p> <p>40cfr Part 230.5: Identify and evaluate any special or critical characteristics of the candidate disposal site, and surrounding areas which might be affected by use of such site, related to their living communities or human uses.</p> <p>40cfr Part 230.10: Significant adverse effects of the discharge of pollutants on human health or welfare; significant adverse effects of discharge of pollutants on recreational, aesthetic, and economic values.</p> <p>40cfr Part 230.11: The degree to which the material proposed for discharge will introduce, relocate, or increase contaminants. This determination shall consider the material to be discharged, the aquatic environment at the proposed disposal site, and the availability of contaminants.</p> <p>40cfr Part 230.53: Aesthetics associated with the aquatic ecosystem consist of the perception of beauty by one or a combination of the senses of sight, hearing, touch, and smell. Aesthetics of aquatic ecosystems apply to the quality of life enjoyed by the general public and property owners.</p>

Possible loss of values: The discharge of dredged or fill material can mar the beauty of natural aquatic ecosystems by degrading water quality, creating distracting disposal sites, inducing inappropriate development, encouraging unplanned and incompatible human access, and by destroying vital elements that contribute to the compositional harmony or unity, visual distinctiveness, or diversity of an area. The discharge of dredged or fill material can adversely affect the particular features, traits, or characteristics of an aquatic area which make it valuable to property owners. Activities which degrade water quality, disrupt natural substrate and vegetational characteristics, deny access to or visibility of the resource, or result in changes in odor, air quality, or noise levels may reduce the value of an aquatic area to private property owners.

WBO-19

Respectfully,
Wilmington Boat Owners Association

Donna Ethington, V.P.
(310) 549-8111

Wilmington Boat Owners Association, September 17, 2007

WBO-1. The following responds to bullets 3-5 of this comment:

The Draft EIS/EIR estimates emissions for the operation of the existing and re-located Pier A rail yard with the use of the following assumptions:

1. Locomotive activity data obtained from the POLA 2005 Emissions Inventory process.
2. Existing switcher and line haul locomotive activity levels obtained from PHL, as presented in Appendix D2, Table D1.2-CB-47.
3. Future switcher and line haul locomotive activity levels obtained from PHL, as presented in Appendix D2, Table D1.2-CB-48 (a 15 percent increase in activity between 2003 and 2006, and then steady thereafter).
4. Implementation of Clean Air Action Plan (CAAP) measure RL-1, or conversion of existing PHL locomotive engines to Tier 2 standard engines.
5. Use of ultra-low sulfur diesel (ULSD) fuel (15 ppm sulfur) in switch engines beginning in year 2007.
6. Gradual conversion of the line haul locomotive fleet to Tier 2 standards according to the national average schedule assumed in the USEPA 1997 Locomotive Emission Standards Final Rulemaking (USEPA 1997).
7. Line haul locomotives use of 500 ppm sulfur diesel beginning in 2008 and ULSD beginning in 2012, as stated in the USEPA Non-Road Diesel Fuel Rule (USEPA 2004).

These emissions were included in the Draft EIS/EIR dispersion modeling analyses to evaluate their ambient impacts in terms of criteria pollutants and health effects.

WBO-2. PHL provides rail transportation, yard switching, maintenance, and dispatching services to the San Pedro Bay Ports. PHL manages all rail dispatching and switching functions at the on-dock rail yards at the two ports, including, scheduling and overseeing all train movements, organizing railroad cars carrying containers of imported goods and switching them onto various tracks to form unit trains, and breaking down unit trains arriving at the ports, switching railroad cars onto various tracks and distributing them to nine marine terminals where containers are loaded onto ships for export. In addition to switching and scheduling services for the on-dock facilities, PHL also serves as a go-between for trains carrying supplies from various parts of the United States to be delivered directly to Los Angeles- and Long Beach-area businesses.

PHL currently operates with a base at Water Street Yard on Pier A in the Port. This base serves as a classification yard, crew on duty point, and locomotive service facility. As part of the proposed Project, the Port will move this base to Rear Berth 200. This base will occupy the existing tracks at Rear Berth 200 with minimal expansion.

The noise analysis presented assumes such future activity at this location.

WBO-3. Please see response to comment WBO-2. The PHL yard at Rear Berth 200 would be located in the footprint of existing like uses already present on the site. In addition, although noise was not found to be significant, the Port will add the following mitigation measure to the Project to further reduce noise from the rail yard and provide additional landscaping in the Port:

Mitigation Measure NOI-2. A Landscape buffer along the northwest side of the proposed Pier A Yard between the yard and Alameda Street and on the southeast side of the yard between the facility and the marina area, will be incorporated into the project scope. The buffer will include mature trees and shrubs and shall be maintained for the life of the Project. If noise monitoring indicates that there will be exceedences of the City noise ordinance at the marinas in consolidated slip from operation of the relocated Pier A yard, a 6'-8' wall along the southeast side of the yard between the yard and the marinas will be constructed.

WBO-4. At present there are no defined plans for recreational use.

WBO-5. The movement of railroad trains through these intersections does necessitate the sounding of the railroad train horns each time a train passes through the at-grade crossings. This currently happens numerous times per day. The sound level of the train horns from the additional rail trips is not expected to be different than the train horns that are currently sounded. The question then is whether or not the addition of the two rail trips per day would cause a substantial increase in noise on a daily average basis at the sensitive receiver locations. Following the guidance in the L.A. CEQA Thresholds Guide, the analysis concluded that there would not be a measurable or noticeable change in the daily average noise levels. Furthermore, because the noise from the proposed train horns would be no different than existing train horns, there would be no change in intermittent maximum noise levels.

WBO-6. Noise measurement Site LT-7 was selected to characterize noise levels at the yacht harbor. The noise measurements were occasionally affected by maintenance activities at nearby boats and the movement of carts along the wooden walkway below the noise monitor. It is likely that noise levels would vary throughout the marina area, but this measurement location, based on observations at the site, is considered to be a good location to characterize baseline conditions.

WBO-7. The following responds to bullets 3-5 of this comment:

Please see the responses to comments WBO-1 and WBO-2. Although not explicitly stated in the Draft EIS/EIR, the mitigated Project scenarios include implementation of diesel particulate traps (DPTs) on the PHL locomotives beginning in year 2015. These DPTs will reduce diesel particulate matter (DPM) from these sources by 90 percent from uncontrolled levels. This omission is stated in the Final EIS/EIR.

The impact of all mitigated project emissions, including those from the re-located Pier A rail yard, would produce less than significant cancer risks to the public at any location in the Project area, in comparison to the CEQA Baseline.

There are no plans in the future to use the re-located Pier A rail yard for container operations.

WBO-8. The following responds to the last paragraph of this comment:

Please see Appendices D2 and D3 of the Final EIS/EIR. Emissions from Project trucks and trains that would travel along Alameda Street were included in dispersion modeling analyses to evaluate their ambient impacts in terms of criteria pollutants and health effects.

WBO-9. An existing auto terminal intervenes between Berths 200A through 200H and the relocated rail yard, and it is assumed that the existing lighting within that terminal will remain unchanged. Regarding the relocated rail yard, it is anticipated that new security lighting would be installed around the perimeter using 40-foot-tall light poles spaced 120 – 150 feet apart. The lamps would not be halogen floodlights, but would be 400 Watt high-pressure sodium with full cut-off, which would prevent off-site light emissions. POLA engineering will demonstrate that no increase in off-site illumination will occur by measuring offsite light levels at strategic points prior to implementing the Project lighting plan and comparing the illumination to lighting measured at the same points after the Project is completed.

WBO-10. Control of contaminants in runoff from the project backlands during operations is described in Impact WQ-1e in the Draft EIS/EIR. Such runoff would meet all existing and project-specific regulatory requirements before being discharged to the Harbor. Some of these regulations include the Standard Urban Stormwater Mitigation Plan (see Section 3.13.3.5 for a description) and National Pollution Elimination Discharge System (NPDES) permits. Therefore, no revisions to the Final EIS/EIR are required.

WBO-11. As described in Section 2-8 of the Draft EIS/EIR, the proposed PHL Yard is being sized for the existing business level at the Pier A Rail Yard and is not being sized for an increase in PHL's business. PHL has provided an essentially flat box car forecast for the foreseeable future.

WBO-12. Processing 4.5 trucks per minute through the proposed Berth 136-147 Terminal is not expected to require the use of any special technology, equipment, or operational features that has not already been placed in service at the existing terminal or other terminals throughout the world.

WBO-13. Please see response to comment WBO-3.

WBO-14. Please see response to comment WBO-3.

WBO-15. Impacts of prior use of the ARSSS are not within the scope of this EIS/EIR. However, if the ARSSS is used for disposal of contaminated sediments from the proposed Berths 136-147 project, transport of dust and associated pollutants from the site would be controlled in accordance with SCAQMD Rule 403 as described in Impact AQ-5 of the Draft EIS/EIR. In addition, in accordance with past meetings with the community, the Port will be making changes to the handling of dredge material at the site including noticing, modifying routing of trucks hauling the dredge material, and better separation through barriers of the community from the haul route. Therefore, no revisions to the Final EIS/EIR are required.

WBO-16. Section 4.2.2 in the Draft EIS/EIR includes a qualitative analysis of Project cumulative impacts. The Ports of Los Angeles and Long Beach are in the process of performing a Ports-

wide HRA and the results of this analysis can be used to more quantitatively estimate cumulative impacts from Ports operations and individual projects.

- WBO-17.** Please see response to comment USEPA-16. For this project, Anchorage Road is the last choice for disposal. The expected sequence of disposal is as follows: 1) if structurally suitable, re-use as approved fill within the Port, 2) in-water disposal within the Harbor as approved shallow water habitat or as storage at an approved site for use as future fill (if structurally suitable), 3) placement at an acceptable/available site provided by another member of the CSTF, 4) local beach replenishment if the material is an acceptable grain size and compatible with receiver sites, and 5) ocean disposal at LA-2 or LA-3. Since there is likely to be a portion of material at the Berths that is not acceptable for in-harbor aquatic disposal or ocean disposal, this material would be placed in an available CDF or at the Port's upland disposal site at Anchorage Road.

At the request of the community, the Port is presently examining the long-term use of the Anchorage Road site including evaluating alternative locations for upland disposal of dredge materials. However, this site is an approved upland disposal site and therefore, dredge materials may be placed at the site. In addition, the Port commissioned a study in 2006 to evaluate any potential health risks from the dredge material at the Anchorage Road site (*Environmental Monitoring and Health Risk Assessment at the Port of Los Angeles Anchorage Road Soil and Dredge Sediment Disposal Site, Wilmington CA, August 2006*). All pollutants detected were found to be below health risk standards. Therefore, the proposed mitigation measures are not warranted.

The 2004 LA Regional Contaminated Sediments Task Force Long Term Management Study presents future long term estimates of contaminated upland soil. The proposed Project addresses placing marine sediment at Anchorage Road.

- WBO-18.** Thank you for your comment on issues the USACE should consider in completing the Section 404(b)(1) analysis for this project. Although not required, a Draft Section 404(b)(1) Alternatives Analysis was provided in the Draft EIS/EIR Appendix H. The Section 404(b)(1) Guidelines (40 CFR 230) provide the substantive criteria by which proposed discharges of dredged or fill material are evaluated to avoid and minimize impacts to waters of the United States. The USACE also conducts a Public Interest Review that ensures discharges will comply with the applicable requirements of other statutes and be in the public interest. The EIS/EIR presents and analyzes a wide range of factors that will assist the USACE in completing the 404(b)(1) analysis, Public Interest Review, and Record of Decision.

- WBO-19.** Thank you for your comment on issues the USACE should consider in completing the Section 404(b)(1) Alternatives Analysis for this Project. Although not required, a Draft Section 404(b)(1) Alternatives Analysis was provided in the Draft EIS/EIR Appendix H. The Section 404(b)(1) Guidelines (40 CFR 230) provide the substantive criteria by which proposed discharges of dredged or fill material are evaluated to avoid and minimize impacts to waters of the United States. The USACE also conducts a Public Interest Review that ensures discharges will comply with the applicable requirements of other statutes and be in the public interest. The EIS/EIR presents and analyzes a wide range of factors that will assist the USACE in completing the 404(b)(1) analysis, Public Interest Review, and Record of Decision.