

August 13, 2008

U.S. Army Corps of Engineers
Los Angeles District, c/o Dr. Spencer D. MacNeil
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, CA 90053-2325

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

Subject: Comments Submittal for the Draft Supplemental EIR/Subsequent EIS for Pier 400, Berth 408 Project/Pacific L.A. Marine Terminal LLC

Dear Dr. Appy and Dr. MacNeil,

Thank you for this opportunity to respond to the above referenced DEIR/DEIS for the Pacific L.A. Marine Terminal project. I would like to make the following comments:

KW/JM-1

Port Master Plan/Energy Island

1. The Port of Los Angeles Port Master Plan indicates that Energy Island is to be a re-location site for dry and liquid bulk facilities as a way of protecting nearby communities from the potential dangers associated with hazardous bulk storage. Pier 400 was later built by the Port of Los Angeles to be the Energy Island that is referenced in the Port Master Plan. The Port requested and received Federal funding predicated on the need for re-location in order to protect and preserve public safety. However, the Port never re-located any facilities to Pier 400. Instead, it immediately constructed the Mearsk container terminal. Building this new facility will render it impossible to re-locate any existing bulk facilities as there will be no more space. Currently, there is a fraud case regarding this issue against the Port of Los Angeles and the City of Los Angeles filed by Stanley Mosler. Please review this case and indicate how this project meets the requirements under which the Federal funding was obtained, including an assessment of the amount of acreage dedicated to liquid bulk storage.

Incompatible Use

2. The proposed Pacific L.A. Marine Terminal crude oil facility is incompatible with the existing Maersk container terminal. This incompatible land use and all its related safety issues will need to be resolved. Please indicate how this is to be achieved. Please include an analysis of an evacuation plan for Mearsk employees if there is to be an "event" at the proposed project. "Event" meaning leak, breach, explosion, rupture or any other phenomenon to any component of the project, including ships, storage tanks, pipelines, etc. that may cause eminent danger to any human life.

KW/JM-2

Disaster Preparedness

3. The City Controller, Laura N. Chick, recently released a report entitled "Performance Audit of the City of Los Angeles' Emergency Planning Efforts and Citywide Disaster Preparedness." This report is attached. Also attached is a press release from the City Controller's office summarizing some of her findings of pervasive deficiencies as follows:

KW/JM-3

Each City Department has its own emergency plan and many have not been up-dated in years, are not of high-quality, and don't meet national standards.

Emergency preparedness exercises and training are not well-coordinated or planned and corrective actions are not tracked or followed for implementation.



KW/JM-3

Administration of about \$200 million in Homeland Security and other public safety grants has been hampered by weak program management, excessive delays in spending the money, and not having an outcome assessment of the overall grant program performance.

The City's collaboration with other government, private and non-profit entities, including the Red Cross, needs to be strengthened.

The proposed project will add to the need for proper and effective emergency preparedness. Yet, clearly, the City and the Port do not have effective programs in place at this time. Please indicate how the Port will protect the community of San Pedro and the region if an "event" is to occur at either of the two locations within the proposed project. This project should not be constructed until the Port and the City can demonstrate that it can properly protect the community of San Pedro, and any effected outlying region, if there is an "event" at any of the components of the proposed project.

KW/JM-4

Evacuation Plan

4. Also, an effective evacuation plan does not exist for the community of San Pedro and its residents. Please indicate how the Port and City will evacuate the citizens of this region and this community if there is to be an "event" at either the Pier 400 site of this proposed project or the storage tank(s) site of this proposed project. Please explain in detail the evacuation plan for the community of San Pedro. Please also evaluate the impact that the proposed Bisno project on Western Avenue will have on any evacuation plan or evacuation efforts. Please include analysis that evaluates the impact of evacuating three cruise ships each containing up to 7,000 people. Please also evaluate the impact that the additional truck traffic on the 110 freeway and its on/off ramps due to the China Shipping expansion project will have on evacuation efforts. Please do the same with the additional traffic brought by the proposed additional cruise terminal and cruise industry activity. This project should not be constructed until the Port and the City can demonstrate that it can properly evacuate the community of San Pedro, and any effected outlying region, if there is an "event" at any of the components of the proposed project. An evacuation plan for the Community of San Pedro must be created as a mitigation measure.

KW/JM-5

Pipeline

5. The pipeline route is excessive and cumbersome. It should be streamlined and redirected under Pier 400. Please evaluate redirecting the pipeline to run under Pier 400 and directly to Terminal Island.

KW/JM-6

Berth Location

6. The berth should be on the East side (Face E) of Pier 400 in order to reduce noise, aesthetic impacts, recreational impacts and air quality impacts to the community and in order to better contain a potential oil spill. Please conduct a co-equal analysis of an East side (Face E) berth location. The potential gains are large enough to warrant this analysis.

KW/JM-7

Purchasing Credits outside of effected area

7. The credits to off-set air pollution should not be purchased for areas outside of the Port. The Port communities are experiencing all of the impacts of the project and should be the recipients of any mitigation. There are wetland opportunities within the Port of Los Angeles that can be remediated. Yet credits were purchased to remediate wetlands in affluent areas outside the Port communities. Please evaluate this practice in terms of environmental justice. Credits should be spent on remediating wetland areas within the Port and the immediately adjacent communities. The Port needs to follow-through on its promise to identify potential wetland restoration areas in the San Pedro Bay so that this can be done. Please assess this opportunity.

Cabrillo Beach

KW/JM-8

8. Cabrillo Beach has an F rating for water quality. Please assess how this proposed project contributes or potentially contributes to the degraded conditions at Cabrillo Beach, including decreased water circulation and potential for oil spills.

Air Quality

KW/JM-9

9. There is a zero baseline in terms of air quality impacts for this proposed project since there is currently no project on the site. All emissions from this operation are additional and feeding into a Federal non-attainment area. The California Air Resources Board has recently established that 24,000 Californians die prematurely every year due to air pollution. This proposed project will increase air emissions and, therefore, increase air pollution. I therefore request the following:

that the Port require the mitigation efforts for the Project as defined in the CAAP and if projected emissions still create residual significant air quality impacts after full application of all feasible mitigation measures, that mitigation measures be required for existing sources in closest proximity to the Project. The mitigations applicable to sources other than the Project provide the opportunity to reduce the residual emissions to below significant levels on a port-wide basis. The Port and the Corps of Engineers has the capability and the responsibility to require the application of currently available mitigations such that the impacts to air quality can be reduced to a level that will not require application of Overriding Considerations.

The proposed project includes a 30 year lease and 30 months of construction, during which time 720,000 Californians will die prematurely due to air pollution using the most recent CARB statistics. Considering the magnitude of this project and the substantial emissions from tanker ships, some of these deaths will be attributed to this project. This finding must be fully and candidly evaluated.

AMP Schedule

KW/JM-10

10. The Alternative Marine Power (AMP) schedule is too sluggish and needs to be improved. A more appropriate schedule would be:

By end of year 2 of operations – 50%

By end of year 3 of operations – 75%

By end of year 5 of operations – 100%

Aesthetics

KW/JM-11

11. Their DEIR indicates that there is no aesthetic impact. This finding is false and needs to be re-evaluated. The DEIR made this finding based on the false premise that the existing berth has a visiting ship approximately 3 times per year and that this is somehow aesthetically equivalent to having a much larger ship berth at that same location almost every day of the year. A more appropriate evaluation is necessary. Large Tanker ships are viewed by many as ominous and provide an unpleasant background in which enjoy the beach, recreate, enjoy views, etc.. Furthermore, the initial creation of Pier 400 was done without any mitigation for aesthetics and no finding of aesthetic impact. This outrageous “rob” of the community needs to be rectified and it should be done under this project.

KW/JM-12 | Where impacts are downplayed due to the currently degraded nature of views, views have been degraded by other port activities. The Pacific L.A. Marine Terminal project would contribute to cumulative impacts from other past and present projects.

The restrictive standard for determination of impacts will set a precedent for evaluation of impacts for other, future projects which will also contribute to cumulative impacts. We are also concerned that declaring impacts to be insignificant when the community finds the same impacts to be significant and adverse reduces the possibility that any such impacts will ever be mitigated.

KW/JM-13 | Recreational Use

12. The creation of Pier 400 reduced Recreational Use within the Harbor. This area was heavily used by recreational boaters. Yet, the loss of this recreational use due to the creation of Pier 400 was never mitigated. The loss of recreational use and its effect on the community needs to be mitigated and it should be done so through this project, since this project is sited at Pier 400.

KW/JM-14 | 13. Property Values

The EIS/EIR ignores the fact that as a result of decades of Port activity, property values especially in Wilmington and "near Port" areas of San Pedro have long-term been much lower than those in communities by the sea but without the Port nearby. It also ignores the much slower rise in values in recent years vs. other ocean communities. Additionally of course we are at present in a period of dramatically dropping prices (never mind merely "stagnant"). We assert that this project *will* adversely affect property values in this area. Few people want to live near a giant hazardous liquid bulk facility operating all hours of the day and night. Please see attached: Median Home Sales Prices Coastal Los Angeles County.

As the results of studies such as those of the CARB and AQMD, there will be fewer buyers interested in buying a home in "The Diesel Death Zone". This DEIS/EIR admits it will make this situation worse even with all mitigation measures in place. I request that SCAQMD's Draft Report MATES-III Jan 2008 (and subsequent Final Report) be made a part of the administrative record on this matter. Please see attached : Median Home Sales Prices Coastal Los Angel County.

KW/JM-15 | Environmental Justice

14. Blight as a long term result of Port and Port related activities both on and off Port land does exist in the communities of Wilmington and San Pedro. This was described in a document titled "Review of Previous Environmental Documents" August 24, 2004 which was presented to PCAC and BOHC from this committee. The central finding was that "*A substantial backlog exists of unmitigated impacts especially on air quality, traffic, and off port community impacts (Blight).*" [Italics in the original.] The document identified some factors contributing to this. Please include this document in the Administrative Record on this matter

Socioeconomics

KW/JM-16

15. The issue of externalized costs that will be attributable to this project must be evaluated. These costs come in the form of added healthcare costs for those who will unavoidably be made to become sick or die as a result of the additional pollution the project will create. Additionally, externalized costs will occur due to increased potential for hazards and increased need for homeland security. These must be evaluated.

Overriding Considerations:

KW/JM-17

I have great concern over the possible use of Overriding Considerations by the BOHC to grant approval for this project despite the significant unavoidable adverse effects identified in the EIS/EIR. If this is the case, then an analysis of project benefits— such as direct and indirect employment – will need to be balanced by an equally comprehensive analysis of project costs. Costs include:

1. Costs born by the public due to impacts on health, in both dollars and quality of life
2. Costs born by the public for infrastructure
3. Costs born by the public for homeland security
4. Costs born by local business to balance emissions created by port activities
5. Job loss as businesses leave the region due to congestion and/or emissions restrictions

Identification and consideration of these costs are necessary for the public and decision-makers to make an informed decision about the proposed project.

The enormous healthcare costs that we have all learned are being created by diesel exhaust air pollution are not analyzed. As the region's largest single source of air pollution, activities associated with the twin Ports are responsible for 21 to 25% of the total air pollution in the South Coast Air Basin. Recently the CARB has tripled its estimate of the number of annual deaths statewide due to air pollution. A recent L.A. Times article was headlined "Up to 24,000 deaths per year in California are linked to Air Pollution" with the lead-in line of "New research finds rates of heart attacks, strokes and other serious disease increase exponentially after exposure to even slightly higher amounts of particulate matter" (*L.A. Times* article 5/22/08).

We assert that this region is most likely disproportionately represented in that horrifying annual death toll. We do live in the area with the nation's worst air quality. We further assert that this project will increase that death toll through the pollution it will unavoidably create. Further consistent with the principle that the polluter pays for the damages they cause, it is time for this and all Port related pollution sources to pay for the externalized health care costs they have created.

A complete analysis cannot include direct and indirect benefits (including benefits generated "off-port"), without also including direct and indirect (externalized) costs generated by port growth and port pollution.

↑
KW/JM-17 We call for a study to be done by an independent, credible third party institution that fairly compares the positive effects of this (and all other) Port projects versus the less well recognized negative effects such as premature death and health care costs. Absent such a study, any findings regarding economic benefits would be arbitrary and capricious.

KW/JM-18 The EIR Process
17.I am concerned about any environmental review process in which the Lead Agency, the Sponsoring Agency, the Reviewing Agency, and the Approving Agency (via BOHC) are all the same as is the case once again with this project. No matter what the merits of a project may be, this situation builds in conflicts of interest directly into the CEQA process.

KW/JM-19 TraPac MOU Adjustment
18. The EIR/EIS requires revision to incorporate the mitigations required in the recent TraPac EIR/EIS Memorandum of Understanding established through Settlement with the Claimants to the TraPac EIR/EIS.

KW/JM-20 Conclusion
19.The Community of San Pedro bears a disproportionate burden of impacts to health and quality of life for the benefit of the State. More mitigation and give-back to the community needs to occur in order create better parity. Community members are becoming sick and some are dying due to the effects of air pollution generated from the Port of Los Angeles. This project will add to the already overwhelming and deadly air pollution. Additionally, this project contains significant adverse impacts that further degrade the quality of life for area residents. We can not approve of a project that adds to the already deadly air quality impacts and further puts the community at risk of hazardous explosions and spills, especially in the face of deficient disaster preparedness procedures and the lack of a comprehensive and effective evacuation plan for the residents of the community of San Pedro.

KW/JM-21 It has been indicated to us that this project can be retrofitted to an LNG facility. This should never be done.

KW/JM-22 This letter contains, in part, language from the PCAC EIR/Aesthetic Mitigation subcommittee, of which I am a co-author and co-signator. I submit these comments as an individual.

Respectfully,

Kathleen Woodfield
San Pedro Resident
P.O. Box 1106
San Pedro, California 90733

John Miller, M.D. FACEP
San Pedro Resident
P.O. Box 1106
San Pedro, California 90733

Attachments:

Median Home Sales Prices Coastal Los Angeles County

**Performance Audit of the City of Los Angeles' Emergency Planning Efforts
And Citywide Disaster Preparedness – prepared by Laura N. Chick**

Press Release prepared by the office of Laura N. Chick

L.A. Times Article: Up to 24,000 Deaths a year in California area

Linked to air pollution, May 22, 2008, Janet Wilson

**Methodology for Estimating Premature Deaths Associated with Long-term
Exposures to Fine Airborne Particulate Matter in California, CAL EPA/CARB**

Median Home Sales Prices Coastal Los Angeles County

City	Zip Code	2003 median	2007 median
Long Beach, port area	90813	\$199,000	\$420,000
Wilmington	90744	\$248,000	\$459,000
Long Beach, port area	90802	\$275,000	\$420,000
San Pedro	90731	\$362,000	\$567,000
	90732	\$470,000	\$680,000
Redondo Beach	90277	\$535,000	\$1,097,000
El Segundo	90245	\$557,000	\$850,000
Venice	90291	\$615,000	\$1,050,000
Long Beach south coast	90803	\$653,000	\$965,000
Rancho Palos Verdes	90275	\$775,000	\$1,132,000
Hermosa Beach	90254	\$779,000	\$1,199,000
	90405	\$783,000	\$1,275,000
Playa del Rey	90293	\$790,000	\$1,185,000
Marina del Rey	90292	\$908,000	\$1,500,000
	90403	\$1,035,000	\$1,489,000
Palos Verdes Penninsula	90274	\$1,050,000	\$1,450,000
Manhattan Beach	90266	\$1,050,000	\$1,625,000
Malibu	90265	\$1,305,000	\$2,176,000
Pacific Palisades	90272	\$1,328,000	\$1,985,000
cp	90402	\$1,510,000	\$2,725,000
Santa Monica	90401	\$1,845,000	\$2,125,000
LA County		\$330,000	\$560,000

Source: Dataquick Information Systems

NEWS FROM

CITY CONTROLLER

LAURA CHICK

City Hall East, Room 300, 200 N. Main St., Los Angeles, CA 90012

FOR IMMEDIATE RELEASE
Monday, July 14, 2008

CHICK FINDS DEFICIENCIES IN AUDIT OF CITY'S **DISASTER PREPAREDNESS**

Los Angeles-- City Controller Laura Chick has found that the City lacks key components in its emergency and disaster preparedness

"The City of Los Angeles certainly has suffered from its share of natural disasters, such as earthquakes, fires and flash floods. Unfortunately, since 2001, we also know that terrorist attacks are now additional potential man-made disasters. It is only a matter of time before we face the next large-scale emergency and we must be better prepared than we are now," said Chick, who released an audit of the City's emergency planning efforts and disaster preparedness.

"This audit was conducted to ask and answer the question: Is the City of Los Angeles well-prepared for a major emergency? How can we say the City is well-prepared when it doesn't even have an overarching strategy that coordinates all the necessary pieces for a disaster recovery plan? How can we say the City is prepared when there is no follow-through to correct problems that are identified during training exercises?," said Chick.

"With an utterance of a code word, the City's emergency plans should click inside the City as well as coordinate with leaders in the residential and business communities and key non-profits such as the Red Cross. To date, there is no integrated, comprehensive strategy that accomplishes this," said Chick.

The Chick Disaster Preparedness Report found the following deficiencies in the City:

- 1 Each City Department has its own emergency plan and many have not been updated in years, are not of high-quality, and don't meet national standards.
- 2 Emergency preparedness exercises and training are not well-coordinated or planned and corrective actions are not tracked or followed for implementation.

-more-

Chick Report
Add-1-1-1-1-1

KW/JM-3
(Part)

- 3 Administration of about \$200 million in Homeland Security and other public safety grants has been hampered by weak program management, excessive delays in spending the money, and not having an outcome assessment of the overall grant program performance.
- 4 The City's collaboration with other government, private and non-profit entities, including the Red Cross, needs to be strengthened.

"While a 2006 National Peer Review on plan sufficiency found Los Angeles at the top of State and national cities, it also made numerous recommendations for needed improvement. The City still has not implemented many of those recommendations," said Chick.

"An essential role of government is to ensure the safety of its residents. Being prepared for a major emergency is paramount to providing that protection. It is now up to us, the elected leadership of Los Angeles, to take swift and effective action to ensure that we are absolutely ready to meet any emergency or disaster that may come our way," concluded Chick.

The Chick Disaster Preparedness Report can be accessed on her web-site at www.lacity.org/ctr.

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Rock Latham/LA Times

Californians exposed to high levels of fine particulates had their lives cut short on average by 10 years, researchers found

particulate pollution, triple the previous official estimate of 8,200, according to state researchers. The revised figures are based on a review of new research across the nation about the hazards posed by microscopic particles, which sink deep into the lungs

"Our report concludes these particles are 70% more dangerous than previously thought, based on several major studies that have occurred in the last five years," said Bart Croes, chief researcher for the California Air Resources Board. Croes will present his findings at a board meeting in Fresno this morning

The studies, including one by USC tracking 23,000 people in greater Los Angeles, and another by the American Cancer Society monitoring 300,000 people across the United States, have found rates of heart attacks, strokes and other serious disease increase exponentially after exposure to even slightly higher amounts of metal or dust. It is difficult to attribute individual deaths to particulate pollution, Croes conceded, but he said long-term studies that account for smoking, obesity and other risks have increasingly zeroed in on fine particulate pollution as a killer

"There's no death certificate that says specifically someone died of air pollution, but cities with higher rates of air pollution have much greater rates of death from cardiovascular diseases," he said

Californians exposed to high levels of fine particulates had their lives cut short on average by 10 years, the board staff found. Researchers also found that when particulates are cut even temporarily, death rates fall. "When Dublin imposed a coal ban, when Hong Kong imposed reductions in sulfur dioxide, when there was a steel mill strike in Utah they saw immediate reductions in deaths," Croes said

More measures will be needed, air board officials said, including eventually lowering the maximum permissible levels of soot statewide. California already has the lowest thresholds in the world, at 12 micrograms per cubic meter, but researchers say no safe level of exposure has been found. More regulations are being drafted, including one requiring cleaner heavy-duty trucks

"We must work even harder to cut short these life-shortening emissions," Air Resources Board Chairwoman Mary Nichols said in a statement

Up to 24,000 deaths a year in California are linked to air pollution

New research finds rates of heart attacks, strokes and other serious disease increase exponentially after exposure to even slightly higher amounts of particulate matter.

By Janet Wilson, Los Angeles Times Staff Writer
May 22, 2008

As many as 24,000 deaths annually in California are linked to chronic exposure to fine

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A country escape in urban L.A.



A Lincoln Heights couple turn their

16

KW/JM-17
(Part)



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Clean air advocates said they would be watching closely

"These numbers are shocking; they're incredible," said Tim Carmichael, senior policy director for the Coalition for Clean Air, a statewide group. He and others said the board must strengthen a soot clean-up plan submitted to them by the San Joaquin Valley Air Pollution Control District. A hearing and vote on the plan is scheduled for today.

Numerous Central Valley public health groups wrote Nichols this week, urging bans on the use of industrial equipment on bad air days, tougher controls on boilers and crop drying equipment, and other action. The economic cost attributed to premature deaths and illnesses linked to particulate exposure in the Central Valley has been estimated at \$3 billion a year, and \$70 billion statewide, according to separate studies. Those figures are expected to be revised upward based on the new report.

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once-dead yard into an oasis for their family, their 15 animals and 60,000 bees



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Kathleen Woodfield and John Miller, August 13, 2008

- KW/JM-1.** Please see response to PCAC-EIR-2 and PCAC-EIR-19. Pier 400 was planned and developed to accommodate a variety of potential land uses, including liquid bulk, general cargo and dry bulk uses. Relative to liquid bulk uses, Pier 400 addressed the potential relocation of existing facilities as well as to accommodate a new liquid bulk facility to respond to the forecasted increase in crude oil receipts. As indicated in responses to PCAC-EIR-2 and PCAC-EIR-19, there were no longer any identified existing liquid bulk facilities that were inconsistent with the Port's Risk Management Plan and therefore, no longer a need to relocate any existing facility. The oil terminal is therefore consistent
- KW/JM-2.** The Proposed project as well as the existing Maersk container terminal are land uses that are consistent with those approved for Pier 400. The locations of these facilities will not result in any incompatible land uses for Pier 400. Regarding the issue of an evacuation plan, see the response to comment PCAC-EIR-23.
- KW/JM-3.** See response to comment PCAC-EIR-24.
- KW/JM-4.** See response to comment PCAC-EIR-23. Based on the results of the risk analysis that was prepared for the proposed Project, there are not any accident events that would necessitate large-scale evacuations that are not already covered by the Port's Risk Management Plan and Harbor/Port Evacuation Plan. The RMP and Harbor/Port Evacuation Plan would be sufficient to address the cumulative development in the vicinity of the Port, including the proposed Project as well as existing development and reasonably foreseeable future development. Therefore, no additional Project-specific evacuation modifications are necessary for these plans.

Evacuation planning for all hazards, man-caused or naturally occurring (such as earthquakes), is a continuing planning effort. Federal, State and local agencies meet and develop planning contingencies, develop communication and logistic protocols and exercise them. As the events may change and conditions become dynamic, the planning teams stage resources, plan exercises and optimize response strategies. Evacuation planning continues between the Port Police, the Los Angeles Fire and Police Departments (LAPD and LAFD), and the California Highway Patrol. LAPD and LAFD have the primary responsibility for evacuation of community areas that are outside the borders of the port complex. Even in these instances, the Port Police may fulfill a support role to ensure coordination and assist with planning, evacuations, and perimeter control.

Because of the port's proximity to the community, the port police may be called upon to function as first responders to any incident in or near the complex until a unified command is established to control the scenario. In all occurrences a primary goal of the managing entities is the incident command and control under a "Unified Command"² approach. Whereas it is appropriate to communicate general emergency preparedness and evacuation planning information to the community in advance, it is not prudent to share detailed tactical plans that are scenario and/or location-based, or contain sensitive

² A Unified Command structure involves establishing a management and command hierarchy that acts upon incident information to develop actionable plans and carries authority needed to delegate responders.

security information. However, the City of Los Angeles is committed to protecting its citizens first and foremost in the event of an emergency.

- KW/JM-5.** The Port and USACE disagree with the assertion that the pipeline route is “excessive and cumbersome”. The applicant and LAHD designed the pipeline route so as to be as short as possible while minimizing environmental impacts. The route proposed by the commenter would require drilling under Pier 400 and Pier 300 as well as an underwater crossing of the Pier 300 Channel, which would incur significantly greater cost and would not reduce environmental impacts.
- KW/JM-6.** Please see the response to comment PCAC-EIR-7 and the response to comment CSPNC-23.
- KW/JM-7.** Please see response to comment PCAC-EIR-5.
- KW/JM-8.** Chapter 4 of the Draft SEIS/SEIR (specifically, Section 4.2.14) addresses how the proposed project contributes to cumulative water quality impacts in other areas of the Harbor, including those that are currently stressed. No change to the document is required.
- KW/JM-9.** Mitigation Measures AQ-1 through AQ-21 represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources. The Project would comply with all applicable CAAP measures. MM AQ-12 and MM AQ-19 through MM AQ-21 provide a process to consider new emission control technologies to mitigate proposed emissions in the future. Implementation of the CAAP would assist in the control of emissions from existing sources in proximity to the project. Also, please see the response to comment PCAC-EIR-4.
- KW/JM-10.** Please see response to comment SCAQMD-21.
- KW/JM-11.** Regarding the comment that “three visits per year by ships to the existing berth is aesthetically equal to a much larger ship visiting that same berth almost every day of the year,” please see the response to comment PCAC-EIR-11. Regarding the comment that “Pier 400 was created without any mitigation for aesthetics and a finding of no aesthetic impact”, the 1992 Deep Draft FEIS/FEIR concluded that there would be adverse aesthetic impacts due to the Pier 400 landfill project’s causing a permanent loss of views of open water and the filled area’s stark appearance. The impacts were deemed to be unavoidably significant. No feasible mitigation measures were identified that would eliminate these impacts or reduce them to a level that would be less than significant. The loss of open water would remain an impact with the subsequent build-out of terminal facilities, but the stark appearance, on the other hand, would disappear with such build-out. To address the enduring significant impact (loss of open water), an offsetting mitigation was recommended (MM 4M-1), as described in Section 3.1.1.1. That measure calls for visual amenities, such as landscaping, to be provided as part of future development of terminal facilities, and the proposed Project includes a landscape plan.
- KW/JM-12.** Please see the response to comment PCAC-EIR-11.
- KW/JM-13.** The comment maintains that “the loss of recreational use due to the creation of Pier 400 was never mitigated.” Draft SEIS/SEIR Section 3.11.1.1 discusses mitigation measures

from the 1992 Deep Draft Final EIR and indicates that the four measures proposed therein “have already been implemented or are not applicable to this proposed project.” Three of those measures have been implemented to mitigate the impact of the creation of Pier 400. Draft SEIS/SEIR Section 3.11.1.1 also notes that measure MM 4K-2, which would have prohibited commercial vessel anchoring between Pier 400 and the breakwater, was not implemented and “is considered impractical and inadvisable” by the US Coast Guard.

- KW/JM-14.** See response to PCAC-EIR-27 and PCAC-EIR-28. Thank you for the references. They will become part of the public record through inclusion of the comment and response in the Final SEIS/SEIR. No changes to the document are required.
- KW/JM-15.** See the response to PCAC-EIR-9, which also addresses the issue of off-port effects. Thank you for the reference. It will become part of the public record through inclusion of the comment and response in the Final SEIS/SEIR. No changes to the document are required.
- KW/JM-16.** See the response to PCAC-EIR-26. No changes to the document are required.
- KW/JM-17.** CEQA does not require that a cost-benefit analysis be done in order for the BOHC as decision-makers to utilize overriding considerations (nor is a cost-benefit analysis required by NEPA). Also, see the response to PCAC-EIR-26. No changes to the document are required.
- KW/JM-18.** The Port and USACE are preparing the SEIS/SEIR in compliance with NEPA and CEQA requirements and other environmental statutes and regulations applicable to preparation and decision-making for the SEIS/SEIR. LAHD prepared, sponsored, and reviewed the SEIR in compliance with CEQA, and the authority of the BOHC and Los Angeles City Council to review and approve the SEIR is also consistent with the requirements of CEQA. All local, state, and federal agencies, as well as every member of the public, is entitled to comment on the SEIR, and under CEQA a response to each and every comment is required.
- KW/JM-19.** The MOU between the Port and the TraPac Project Appellants does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid significant impacts of the Project. Rather, through the MOU, the Port has agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the existing cumulative off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. Therefore, no revisions to the draft document are required by the MOU. Please also see response to comments USEPA-15 and PCAC-AQ-9.
- KW/JM-20.** Please see response to USEPA-3 and PCAC-EIR-23.
- KW/JM-21.** Please see the response to comment SPPHCO-6.
- KW/JM-22.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners.

From: Danial Nord <danny_bigmouth@yahoo.com>
To: <ceqacomments@portla.org>
Date: Mon, Aug 11, 2008 6:20 PM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

Dear Dr. Ralph G. Appy and Dr. Spencer D. MacNeil,
 Pasted below and also attached are my comments regarding the Pacific L.A. Marine Terminal LLC Crude Oil Terminal. Also included is an attachment entitled Plains_financialinvolvement.doc which is to be included with my comments.

Thank you for your attention,
 Danial Nord

2130 South Pacific Avenue
 San Pedro, CA 90731

To:
 U.S. Army Corps of Engineers
 Los Angeles District, c/o Dr. Spencer D. MacNeil
 ATTN: CESPL-RG-2004-00917-SDM
 P.O. Box 532711
 Los Angeles, CA 90053-2325

AND:
 Dr. Ralph G. Appy, Director Environmental Management Division
 425 S. Palos Verdes Street
 San Pedro, CA 90731

Subject: Comments Submittal for the Draft Supplemental EIR/Subsequent EIS for Pier 400, Berth 408 Project

August 11, 2008

Dear Dr. Appy and Dr. MacNeil,

Following are my comments regarding the Subject Project Environmental Impacts. Overall, the project does not adhere to the key elements of the Port's Clean Air Action Plan (CAAP) as originally drafted, and fails to comply with the new CARB regulations regarding fuel oil requirements for ships. I request that the final SEIR/SEIS comply with these important standards (even if they are successfully challenged by industry interests), in order to keep the commitment that the Port Staff has made to Clean Air Action, and to preserve the health and wellbeing of my community.

DN-1

Local residents have borne an unhealthy and unjust burden due to the continuing industrial expansion of the Port - our community is considered a Federal non-attainment area for Air Quality. Recently, AQMD staff has re-analyzed the third Multiple Air Toxics Exposure Study (MATES III) data and found that, in the past 7 or 8 years, the basin-wide population weighted cancer risk has decreased by 8% when compared to the MATES II findings. However, the population weighted cancer risk near the ports has increased by 17%. This is a stark example of direct environmental injustice, as Port-adjacent residents are generally of lower economic status, have less political clout, and so on.

DN-2

To add insult to injury, although the U.S. Census Bureau's most recent statistics state that in Los Angeles, 46.5% percent of the population is of Hispanic or Latino origin (the majority of those residents report that a language other than English is spoken at home) the full documentation for this project is not available to them. In communities that surround the Port, such as Wilmington and San Pedro, there is a particularly high percentage of Latino residents. It is therefore unjust to purposefully exclude them from this EIR process by not providing the complete documentation (not only the Executive Summary) in Spanish. The Port carefully translates all of its self-promotional and publicity materials (Newsletters, party + celebration invitations, public notices, etc.) into Spanish in order to engage and win the support of all local residents. The absence of translated materials that alert these same residents, in a meaningful and detailed way, to

DN-3



DN-3 ↑ serious health dangers and negative environmental and quality of life impacts (such as the full version of Draft Supplemental EIR/Subsequent EIS for Pier 400, Berth 408 Project) is a deliberate exclusion of a large portion of the community from the environmental review process. The exploitation of the language barrier is a clear example of Environmental Injustice and racism.

What was the basis for the decision to avoid translation of Subject documentation into Spanish? Why does the Port Staff translate all of its promotional materials into Spanish, but not all of the materials that reflect the hazards and negative impacts of port activities?

The development of the EIR should not continue until the information is made available to ALL concerned residents, and a new period of consideration for this phase (SEIR/EIS), should take place after the full translation becomes available to the public.

Below is a list of various concerns regarding the Subject Project:

DN-4 | 1. The procedure of downloading all the various parts of the (SEIR/EIS) documentation is tedious and confusing. It does not allow for adequate searches of all the documentation in a simple and cohesive manner. In order to search thoroughly for a topic or keyword, the community member must first download ALL of the related documents and then search each of them individually. This is extremely time intensive and does not allow for adequate analysis of the material. The information becomes fragmented and piecemealed, difficult to decipher, and confusing. The manner of presentation of these documents to the public obfuscates the material.

What was the model for the information architecture of the Subject materials? Why did the Port/Army Corps choose to fragment these materials? What studies were utilized when preparing the materials for public consumption, to ensure that the information was searchable and accessible in a cohesive way for the general public (using best the practices for current electronic media navigation)?

The Port Staff/Army Corps should provide the material in an easily searchable data format. Again, the process should not move forward until all of the related information is truly accessible in a way that is easily searchable using best the practices for current electronic media navigation.

1A. Many local residents do not actually have computers/internet access at home. One resident of Wilmington told me that she wanted to participate but didn't have a computer at home and couldn't go to the library or other outlets because of her work schedule. She needed printed materials, in Spanish, which are not readily available. Again, the current EIR process excludes a heavily impacted portion of our local population because of their economic status and the language barrier. Since the Port acknowledges the presence and importance of the non-computer-using Hispanic population through its direct mail promotional programs, why does it not make printed information, in Spanish, easily accessible in its EIR process?

DN-5 | 2. The project will create an extremely vulnerable and volatile potential target front and center in our outer harbor. We are at war and in a new age of terrorism. These mammoth oil tankers and the storage tanks planned for the vicinity are symbols of World Trade and the American Industrial Complex and should not be centrally located in our outer harbor. This is exactly the kind of symbolic target (think 9/11 World Trade Center) that terror groups seek out. Additionally, with most of the oil scheduled to be imported from the Middle East, the project is a symbol of the industrial imperialism that is an acknowledged target. An attack would be devastating to local communities and cripple national trade. For this reason alone, the project should not be located at the Port. The far-reaching impacts of a potential terrorist attack have not adequately been addressed in the DEIR/DEIS.

Given that we are a nation at war, and have already been attacked on our own soil at a nexus of World Trade, what is the basis for the decision to locate this volatile facility front and center in our nation's largest Port? What independent studies have been used or conducted to ascertain the effect on national trade and the national economy should this facility be targeted? Does the Port/Army Corps plan on conducting any such studies? What studies have been used to determine the vulnerability of this oil facility in this particular position? Does the Port/Army Corps plan on conducting any such studies? What studies have been used to determine the vulnerability of this oil facility at this particular point in our history? What less vulnerable alternative sites for regional oil importing have been proposed and offered as options?

DN-6 ↓ 3. There MUST be an evacuation plan as part of this documentation. With the vulnerabilities stated in item

3 above, as well as the location of the facility in an earthquake fault zone and the volatility of the materials, an adequate evacuation plan for the community must be incorporated.

Again, given that we are a nation at war, and have already been attacked on our own soil, there is certainly a possibility that this facility (with its imports principally from the Middle East) could be targeted. What evacuation plans have been studied and developed for the community as a part of this private business development? Will Plains All American Pipeline be required to fund such a study and develop such a plan as a counterpart to its profit-making scheme? Does the Port/Army Corps expect the community to fend for itself in case of an attack on this facility? Does the Port/Army Corps expect the community to fend for itself in case of earthquake or tsunami damage to this facility? Has the Port/Army Corps conducted a feasibility study regarding the evacuation of the San Pedro peninsula?

DN-6

4. The project will be an industrial eyesore. Giant ships and related infrastructure will dominate the view (looking down at San Pedro Bay) from Angel's Gate and Point Fermin and become the visual centerpiece of the outer harbor from these important community vistas. Because of the massive size of the supertankers and the frequency of their visits, the project will greatly expand the visual footprint of the industrial Port into the outer harbor. A giant oil terminal - a symbol of backwards oil dependence and old thinking - will certainly not help bolster the economic revitalization of our community. Aesthetically, the expansion of the industrial horizon will overpower the community's need for a healthy, natural, human scale development of the outer harbor. The impact of the visual expansion of industrialization into the outer harbor must be more fully considered and addressed in the DEIR/DEIS.

DN-7

Why doesn't the Subject material show clear and accurate elevations and pre-visualizations of the scale of this project from various vantage points? Why have only 2 dimensional linear outlines (on maps - seen from above) been used to denote the proportions/scale of the Supertankers? What specific outside studies have been utilized to determine the effects of this expansion of industrialization (and the related pollution) on LA's public waterfront, from a health perspective? What specific outside studies have been utilized to determine the effects of the expansion of industrialization on LA's public waterfront, from a quality of life perspective?

4A. Additional light and noise in the outer harbor at night will also have negative impacts on adjacent residents and on recreation at Cabrillo Beach, which is widely used by the community for evening picnics, etc. These impacts must be more fully addressed.

What scientific studies have been used by the Port/Army Corps to determine the impacts of the cumulative light and noise in the harbor on the community? On aquatic wildlife and the environment?

5. Plains All American Pipeline, Pacific Energy Partners, and Mr. David Wright have been buying local support for this project for many years. They have joined and funded more than ninety local organizations, events and sponsorships (see Plains_financialinvolvement.doc attachment). Dozens of industry supporters and their henchmen turned out for the June 26th public hearing to heap praise on the project. There is clear documentation that speakers at the hearing were drafted by Mr. Wright. Almost every person or organization who spoke in favor of the oil terminal has already been paid - directly or indirectly through organization fees or contributions - or stands to gain financially in the short term by constructing this project. Since these speakers have been paid in one way or another, their testimony and letters of support for this project should be dismissed. Letters of support from those affiliated with organizations/events sponsored or funded

DN-8

by Plains All American Pipeline, David Wright, Pacific Energy Partners or affiliated lobbyists (again, see attached list), should also be dismissed. If they are to be part of the record, each should be notated at the top of the document as solicited material with a financial relationship to the project developers.

Does Port Staff/Army Corps plan to use testimony and letters of support from individuals/agencies/groups that have been paid or funded by Plains All American Pipeline, to show that the community would like this project to move forward? Does Port Staff/Army Corps plan to notate admitted financial relationships between Plains A.A.P. and these supporters? Does the Port/Army Corps Staff believe that it is legitimate to count letters of support that have been paid for by Plains A.A.P. (directly or indirectly)? Does the Port/Army Corps Staff believe that this financial remuneration should be condoned? Does the Port/Army Corps Staff believe that coercion, as a means of moving the project forward, should be condoned?

- DN-9 | 6. According to the LA City Ethics Commission, Mr. David Wright and his lobbyists have spent hundreds of thousands of dollars to create luncheons for Port officials, and make contributions and donations at the behest of our city council people and other politicians. The judgment of Port management and local government has been impaired by this financial activity and these perks, and the procedure for the development review and support of these documents has been tainted. This impropriety has clearly skewed the process and the documentation in favor of the project, and has resulted in a biased report to the public. Therefore, the SEIR/SEIS should be prepared and reviewed by a neutral outside agency before the process moves forward.
Does the Port Staff believe that it can be neutral in its judgment and development of the EIR, despite the funding for various events and sponsorship perks that have transpired Between Plains A.A.P. and Port Staff and their business associates, including Chamber of Commerce Members/officers that are Port Staff? Would Port Staff/Army Corps please provide a complete and verifiable list of all such events/sponsorships/contributions, etc., that have been paid for by Plains A.A.P. or its agents or representatives, in order to assure public transparency?
- DN-10 | 7. Trade and industry insiders and their support networks, as well as Economic Development Coalitions, should not be allowed to add appendices to the SEIR which skew the overall documentation in favor of the Project. This is an Environmental Impact Report, not a business promotion. Appendices such as Appendix_D2_Californias_Uncertain_Oil_Future.pdf should not be included in the EIR documentation. They are promotional setups for the Port's historically consistent citing of overriding importance (reference Socioeconomic Impact) in order to push through desired business projects. In addition, these Appendices are currently outdated due to a rapidly changing oil market.
What is the process for selecting independent consultants/experts to write these various appendices? Has the community ever been asked to participate in this selection process? Do any of these independent consultants or experts stand to gain financially (directly or indirectly) from the development of this project? Will the Port Army Corps include updated studies that reflect the changing oil market?
- DN-11 | 8. The Executive Summary and other documentation is fraught with slippery and evasive language and is full of loopholes and discretionary measures. As an example, the documentation states that project developers will build a partial accommodation for AMP and then:
The power substation and dockside cable handling gear would be constructed as soon as tankers become available that could utilize the AMP system.
But Mr. Wright and his business partners have already admitted that the Supertankers destined for this terminal are not equipped for this type of power system, and that it is possible that most Supertankers will never be so equipped.
Later the documents refer to convoluted possible alternative measures to reduce toxic emissions, which would require additional study and EIRs that could be years in the making. Meanwhile, the Oil Terminal is scheduled to be in full operation, polluting at will and degrading our community with its many Significant Environmental Impacts (as stated in the documentation), with comfortably long phase-in times for all of the environmental mitigation measures. The promotion of this terminal as environmentally forward simply untrue. The ramp up periods for AMPing and other mitigation measures are too long and are not mandatory or enforceable. How were these ramp-up times determined?
The open-ended discretionary language does not enable adequate assessment of Environmental Impacts. This is a serious flaw of the SEIR/SEIS and must be fully addressed in the final Draft of the documents.
What studies have been done to determine the feasibility of AMPing for this particular type of project? Why aren't such studies included in the Subject documentation? What studies have been done to thoroughly determine the feasibility for implementation of ALL currently available mitigation technologies (best practices) in order to decrease the negative environmental impacts of this project to a level of insignificance from the outset?
- DN-12 | 9. Environmental credits will be purchased to offset toxic emissions from the project. It appears that this is the only reason why the project will be better than the No Project Alternative. However these emission offset/mitigation credits don't have to, and most likely will not be, used for mitigation in our polluted community. Recent examples are use of these credits/funds at Bolsa Chica and the Batiquitos Lagoon in Carlsbad. I visited the Lagoon in April, and it is surrounded by multi-million dollar homes.



Local children get asthma, local adults get cancer and respiratory illnesses, our properties continue to be devalued and our quality of life is diminished as a trade, so that other parts of the coast can be beautified. This is the worst kind of Environmental Injustice. It is simply shameful.

If mitigation credits are to be used to offset emissions from the project, they should ONLY be used for mitigation in the profoundly polluted and heavily impacted communities that surround the Ports.

The (implied) assertion that developing the Project would be better for our community than doing nothing is misleading, and the language in the documentation should be direct and clear regarding this point.

Again, the credits should be used ONLY for local mitigation measures.

Has Port/Army Corps Staff determined how the mitigation/environmental credit funds could be used locally to offset the negative effects of this project? What specific studies have been conducted to determine how such funds might decrease the health risks/impacts on the local community? Has Port/Army Corps Staff determined if there is the potential to develop the project with NO negative health/environmental impacts in a manner that does not employ the use of purchased environmental credits?

DN-12

10. The off-Port Impacts have not been adequately addressed in the Subject documents. Increased refinery output with related airborne toxins and additional traffic must be fully analyzed. A recent article in the Los Angeles Times By Elizabeth Douglass points out that companies are jockeying to purchase and upgrade refineries in the area, speculating on increased output. To quote the article: companies see GOLD in local refineries. Clearly, with increased oil imports locally, there will be a corresponding increase in local refinery production. Cumulative off-Port impacts of this project, including local/regional refinery output and related activities, noise impacts from operations, etc., must be fully analyzed and acknowledged as part of the EIR documentation.

What studies have been conducted regarding future refinery output locally? What outside studies have been used to determine cumulative impacts? How has the socioeconomic impact of off-Port impacts been determined? Has Port/Army Corps Staff used both a Port Master Plan and a Community Development Master Plan to anticipate/determine the cumulative impacts - both on and off-Port?

DN-13

11. There is not an adequate assessment of the various impacts that would take place during the 2 1/2 year construction period. Without adequate assessment there cannot be adequate mitigation.

Analysis of construction impacts must include full and specific quantifiable evaluation of noise, odor, dust, fumes, vibration, etc. For example: what effects will tunneling under Wilmington have on local residents? What kinds of odors and airborne toxins will result from the large scale welding within the project? What are the prevailing wind patterns at different times of day and where will the smoke and odors blow? How will construction noise, odors, traffic, and operations impact recreation? How will construction noise, odors, traffic, and operations impact nearby property values and the salability of nearby homes during the construction period? How will construction emissions including dust and traffic affect local health particularly those with respiratory ailments? What will be the duration of airborne odors, noise, etc. in different parts of the surrounding communities? What studies have been utilized to determine cumulative construction impacts?

The specific and detailed analysis of the effects of project construction, and related mitigation measures, must be a part of the DEIR/DEIS.

DN-14

12. The recent earthquake underscored the likelihood of another, larger earthquake in the future. The proposed project would be constructed in a vulnerable area. The potential results of an earthquake (or tsunami) have not been adequately addressed in the documentation. What would the resulting effects be on the regional and national economy if there were an oil spill, pipeline rupture, or explosion within the project? What would be the effect on the local community? How would the positioning of the project under these conditions affect other Port operations?

It makes no sense to build this vulnerable infrastructure in a fault zone at the front of Port operations. An in-depth analysis of the effects of an earthquake must be included in the documentation.

What thorough and specific studies has Port/Army Corps Staff used or conducted to answer the above questions and determine that that placement of this facility is safe, appropriate, and would not jeopardize the economy in the case of an earthquake or related events?

DN-15

13. How will operations from the proposed Oil Terminal affect and restrict recreational boating in the outer

DN-16

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- DN-16 harbor and San Pedro Bay? Will there be security zones and restrictions on recreational vessels? What types of restrictions and when (how often) will they be applied? Specific information must be a part of the Subject documentation.
- DN-17 14. Originally Port Staff and project proponents circulated the idea that the large ship calls (to the proposed project) would take the place of all of the smaller ship calls servicing the inner harbor. However, at the recent Northwest San Pedro Neighborhood Council meeting, David Wright (spokesperson for Plains All American Pipeline) admitted that the proposed operations at Pier 400 would not replace or lessen the smaller ship calls/oil deliveries in the inner harbor. The project would clearly increase ship emissions and add all the associated effects of operations on top of the existing oil delivery activities. The DEIR should state this clearly. Again, the notion that the project is environmentally better for local residents than the No Project Alternative is intentionally deceptive.
What studies have been conducted to determine the amount of inner harbor ship calls related to petroleum imports/industry servicing? Will there be an immediate decrease in these types of calls as a direct result of the proposed project? If so, what will be the corresponding reduction in pollution? Is there a firm schedule for the reduction of inner harbor activity, related to petroleum imports/industry servicing, that corresponds with the development of the Pier 400 project?
- DN-18 15. The negative perception of local communities as dirty, polluted, unhealthy, vulnerable and frightening places will be increased by this project. Dirty, stinking, polluting, backward oil infrastructure will create a deeper picture of an undesirable and unlivable area, and will further devalue our sagging property values. The project will undermine local efforts toward economic revitalization. There is not adequate assessment in the Subject documents of the project's contribution to the community's reputation as the toilet of Los Angeles and the related devaluation of local property.

Additionally, the cumulative impacts with other projects planned for the near future, including the tunneling under Wilmington + San Pedro to dump sewage treatment offshore, have not been addressed. Again, what studies have been used to determine how this project, combined with all of the others, will affect perception of local communities a perception that drives property values and deeply affects business viability and quality of life? What verifiable studies have been utilized to determine the impact of this proposed project on community development? What studies have been utilized to determine the conflicting effects of building oil infrastructure on the Port's plans for a Clean and Green Los Angeles waterfront? What studies have been utilized to determine how this proposed project will affect the community's image?
- DN-19 16. The number of full time permanent jobs reported in the Subject documentations seems to have been interpolated/exaggerated. According to earlier assessments, after the construction phase, there will be twenty-one permanent jobs created. The DEIR/DEIS should reflect an accurate number of actual on-site jobs. Who has provided the number of jobs in Subject documentation? Would Staff please provide an accurate list of those positions? How many actual on-site jobs will be created? How many of the general number cited in Subject documentation have been interpolated? If off-port jobs will be created as a direct result, will Staff please list and specify them accordingly? Perhaps the figures in the documentation reflect the local health care jobs that will be created as a result of increased pollution? If so, this should be clearly stated as well. In any case, the number of estimated permanent jobs in the Subject documentation is misleading and should be corrected and clarified.
- DN-20 17. The actual distance from the project site to the nearest residents should be clearly stated in the subject documents. The DERI/DEIS should include a table indicating proximity (specific distance in feet/miles) to nearby prisoners, proximity to nearest local residents/homes, proximity to the Fort MacArthur, proximity to the nearest recreational areas (marina), and proximity to the nearest schools. Will Staff please provide this information so that the local population will have a better understanding of their specific exposure? Without these actual distances available, it is not possible to study the effects of the project at various locations.
What specific studies have been conducted or utilized, taking into account shifting wind patterns, varied locations, etc., to determine differing health risks at these various locations/proximities (for example
- ↓

local elementary schools)? Will you please provide the public with this information as part of the EIR process?

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DN-20

18. Recent studies have indicated a decreasing demand for oil, based on increased price and other shifts in global conditions. How recent are the studies that are cited in Subject documents that relate to the demand for oil in our region? Do they apply to the current market conditions? Within the past year, much has changed in the energy market. What studies are Port/Army Corps Staff conducting, and what studies will be incorporated to reflect the current shifts in demand for oil and petroleum products? How will these studies affect the determination regarding the need for and the viability of this project? Should the energy market continue to shift profoundly, will the project be transformed into another type of terminal (such as an LNG terminal)? Is the project being developed with such flexibility in mind?

DN-21

19. What is to prevent this proposed oil terminal from becoming converted to a Liquid Natural Gas terminal at a further point in time? What specific measures has Port/Army Corps Staff taken to prevent the future use of or modification of this facility for Liquid Natural Gas?

DN-22

20. The proposed project does not adhere to a viable Port Master Plan. In fact, the Port Master Plan is currently out of compliance. There are conflicts between this project and others in development that have not been thought through or resolved. One example is the conflict between the related tank farm/storage facilities on Terminal Island and the proposed site for MagLev facilities in the same area. Without a cohesive Master Plan, which defines the long-term goals to develop the Port in a thoughtful and sustainable manner, this project should simply not move forward. In fact, the development of this project without a fully developed Master Plan may be illegal. Why has Port/Army Corps Staff chosen to ignore Master Planning as part of this EIR process? Does the Port/Army Corps Staff believe that it is not necessary to adhere to a compliant, updated Port Master Plan?

DN-23

Once again, the project area remains a Federal non-attainment zone for Air Quality. The proposed Project as currently defined could only be implemented through consideration of overriding importance (see Socioeconomic Impact document) or through Overriding Considerations (if necessary) (see Executive Summary and Introduction document). The Port and the Corps of Engineers has the capability and the responsibility to require the application of currently available mitigations so that the impacts to air quality, from the start of the project (including during construction), can be reduced to a level that will not require application of Overriding Considerations. The aforementioned impacts must include more accurate assessments based, in part, on many of the points and questions in items 1-20 in this letter, and should include concerns and issues raised by other community members and organizations (who are not associated with, funded or sponsored by, Plains all American Pipeline) as well.

DN-24

This terminal, if built, promises to be the jewel in the crown of backwards thinking that unfairly burdens and poisons our local community. It is a deliberately planned environmental injustice. Local residents, of lower economic status, with less political clout, will suffer the most, bearing the externalized costs of yet another poorly mitigated, open-ended, short sighted business expansion project.

DN-25

To quote a recent speech of former Vice President Al Gore in Washington, It is absolutely ludicrous at this point in our history to be borrowing money from China to buy oil from the Persian Gulf to burn it in ways that destroy the planet. All that has got to change. The Port and the Army Corps should show leadership rather than becoming complicit contributors to the serious problems that our community and our country face.

DN-26

I look forward to your rectifying the above cited deficiencies of content and process. I request that the release of the Final EIR/EIS answer the questions and address and incorporate the concerns included in this letter.

Thank you for your attention.

Sincerely,

Danial Nord
San Pedro resident, homeowner, small business owner.

2130 South Pacific Avenue
San Pedro, CA 90731



June 28 2008
Pacific L. A. Marine Terminal LLC's Community (Financial) Involvement

DN-8
(Part)

At Pacific L. A. Marine Terminal LLC, we value our neighbor's quality of life and have invested in the following local memberships and events...

Chambers of Commerce Memberships:

California Chamber of Commerce

Greater Los Angeles African American Chamber of Commerce

Harbor City/Harbor Gateway Chamber of Commerce

Lomita Chamber of Commerce

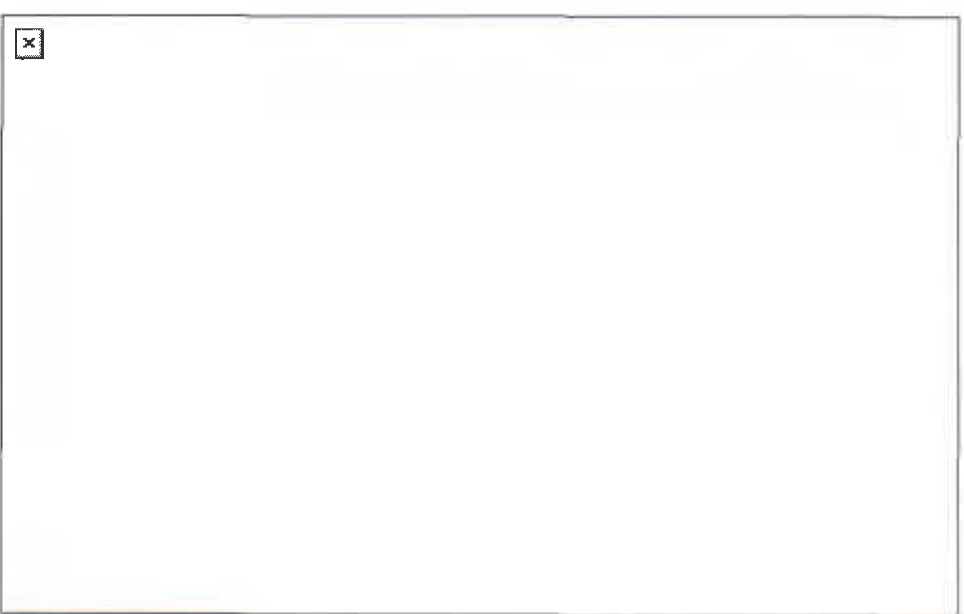
Los Angeles Area Chamber of Commerce

Palos Verdes Peninsula Chamber of Commerce

San Pedro Peninsula Chamber of Commerce

South Bay Latino Chamber of Commerce

Wilmington Chamber of Commerce



DN-8
(Part)

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Organization Memberships:

Central City Association of Los Angeles - CCA

Friends of Bannings Landing

Friends of Bannings Museum

Friends of Cabrillo Marine Aquarium

Future Ports

Grand Vision Foundation

Harbor Association of Industry and Commerce - HAIC

Los Angeles Business Council - LABC

Los Angeles Economic Development Corporation - LAEDC

Los Angeles Harbor College Foundation

The Propeller Club of Los Angeles - Long Beach

Valley Industry & Commerce Association - VICA

Western States Petroleum Association Associates - WSPA Associates

Wilmington Coordinating Council

Sponsorships 2007:

Cabrillo Beach Boosters - 4th of July Spectacular

Central City Association of Los Angeles - Annual Treasures of Los Angeles

City of Lomita Centennial Celebration

Friends of Banning's Landing - Annual Art of the Harbor Food and Wine Tasting

Friends of Banning Museum - Wisteria Regale; Banning High School Scholarship Presentations

FuturePorts - Port Continuity Planning-Maintaining the Region's
√ Economic Lifeblood

Grand Vision Foundation - Warner Grand Theatre Seat Adoption

Greater Los Angeles African American Chamber of Commerce - Annual Economic Awards Dinner

Harbor Association of Industry & Commerce:

- * Installation Dinner
- * California Maritime Transportation Month Celebration

Harbor City/Harbor Gateway Chamber of Commerce

- * Gateway to Progress
- * Chamber Installation Dinner
- * Breakfast Connection Sponsor: Regional Collaboration of Chambers of Commerce Can Achieve a Powerful Voice for the Business Community
- * Luncheon Connection Sponsor: Councilwoman Janice Hahn's - State of the South Bay

Congresswoman Jane Harman - National Security Update

Los Angeles ACORN - Annual Gala

Los Angeles Galaxy - Kicks for Kids Title Sponsor: Wilmington Community Day

Los Angeles Harbor City College Foundation

- * President's Circle
- * Annual Golf Tournament

Propeller Club of Los Angeles-Long Beach - Annual Dinner Dance

San Pedro Peninsula Chamber of Commerce

- * Breakfast with Dr. Geraldine Knatz
- * Installation Luncheon and Annual Chamber Meeting

The Propeller Club of Los Angeles of Long Beach - Annual Dinner Dance

The South Bay Latino Chamber of Commerce - Annual Gala

San Pedro Peninsula Chamber of Commerce

- * Breakfast with Dr. Geraldine Knatz
- * Holiday Spirit of San Pedro Parade

DN-8
(Part)

- * Membership Installation Event
- * San Pedro Teen Conference
- * Taste in San Pedro
- * Women's History Month Luncheon

Shakespeare by the Sea

USO Celebrity Golf Tournament

Wilmington Chamber of Commerce

- * Spring Gala
- * Cinco de Mayo Street Fair
- * Installation Dinner
- * Dia de las Patrais
- * Heart of the Harbor Parade

Wilmington Family Picnic

Wilmington Jaycee Foundation - Fiesta Corazon de Puerto Soccer Tournament Sponsor

Charitable Contributions - 2007:

Boys & Girls Clubs of the Los Angeles Harbor - Annual Bids for Kids

Boys & Girls Clubs of the South Bay

Summer Camp Program

Annual Keystone Dinner Auction Gala

Carl McCain Annual Golf Tournament

Friends of Cabrillo Marine Aquarium - Grand Grunion Gala

Gang Alternative Program - Annual Fundraiser: Bridging the GAP

Grand Vision Foundation - Warner Grand Theatre 4 Single Seats Naming Rights

Harbor Association of Industry & Commerce - Annual Harbor Cup Challenge

International Trade Education Program - Scholarship Fundraiser Dinner

Lomita Chamber of Commerce - Golden Apple Awards

Los Angeles Kings Care Foundation - Annual Golf Tournament

Roy Maas' Youth Alternatives - Annual Fundraising Gala

San Pedro Chamber of Commerce - Honorary Mayor Contributions

- * Beacon House Association of San Pedro
- * Boys & Girls Clubs of the Harbor Area
- * The House of Hope Foundation
- * The San Pedro Youth Coalition

San Pedro & Peninsula YMCA Golf Classic - Kids to Camp

The South Bay Latino Chamber of Commerce - Scholarship Fundraiser Dinner

Wilmington Lions Club

- * Glasses for the Needy
- * Charity Downhill Race

Wilmington YMCA - Annual Support Campaign: Kids Need Heroes

Wilmington Youth Sailing Center - Youth Sail-training Boat

Valero Texas Open - Benefit for Children Golf Classic

YWCA of the Harbor Area - Golden Circle Awards Dinner

U.S. Army Corps of Engineers
Los Angeles District, c/o Dr. Spencer D. MacNeil
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, CA 90053-2325

This whole letter is bracketed as DN-27. The comments in this letter are entirely contained within the previous 13 pages. Please see responses to DN-1 through DN-26.

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

Subject: Comments Submittal for the Draft Supplemental EIR/Subsequent EIS for Pier 400, Berth 408 Project

August 11, 2008

Dear Dr. Appy and Dr. MacNeil,

DN-27

Following are my comments regarding the Subject Project Environmental Impacts. Overall, the project does not adhere to the key elements of the Port's Clean Air Action Plan (CAAP) as originally drafted, and fails to comply with the new CARB regulations regarding fuel oil requirements for ships. I request that the final SEIR/SEIS comply with these important standards (even if they are successfully challenged by industry interests), in order to keep the commitment that the Port Staff has made to 'Clean Air Action', and to preserve the health and wellbeing of my community.

Local residents have borne an unhealthy and unjust burden due to the continuing industrial expansion of the Port – our community is considered a Federal non-attainment area for Air Quality. Recently, AQMD staff has re-analyzed the third Multiple Air Toxics Exposure Study (MATES III) data and found that, in the past 7 or 8 years, the basin-wide population weighted cancer risk has decreased by 8% when compared to the MATES II findings. However, the population weighted **cancer risk near the ports has increased by 17%**. This is a stark example of direct environmental injustice, as Port-adjacent residents are generally of lower economic status, have less political clout, and so on.

To add insult to injury, although the U.S. Census Bureau's most recent statistics state that in Los Angeles, 46.5% percent of the population is of Hispanic or Latino origin (the majority of those residents report that a language other than English is spoken at home) the full documentation for this project is not available to them. In communities that surround the Port, such as Wilmington and San Pedro, there is a particularly high percentage of Latino residents. It is therefore unjust to purposefully exclude them from this EIR process by not providing the complete documentation (not only the Executive Summary) in Spanish. The Port carefully translates all of its self-promotional and publicity materials (Newsletters, party + celebration invitations, public notices, etc.) into Spanish in order to engage and win the support of all local residents. The absence of



translated materials that alert these same residents, in a meaningful and detailed way, to serious health dangers and negative environmental and quality of life impacts (such as the full version of Draft Supplemental EIR/Subsequent EIS for Pier 400, Berth 408 Project) is a deliberate exclusion of a large portion of the community from the environmental review process. The exploitation of the language barrier is a clear example of Environmental Injustice and racism.

What was the basis for the decision to avoid translation of Subject documentation into Spanish? Why does the Port Staff translate all of its promotional materials into Spanish, but not all of the materials that reflect the hazards and negative impacts of port activities?

The development of the EIR should not continue until the information is made available to ALL concerned residents, and a new period of consideration for this phase (SEIR/EIS), should take place after the full translation becomes available to the public.

Below is a list of various concerns regarding the Subject Project:

1. The procedure of downloading all the various parts of the (SEIR/EIS) documentation is tedious and confusing. It does not allow for adequate searches of all the documentation in a simple and cohesive manner. In order to search thoroughly for a topic or keyword, the community member must first download ALL of the related documents and then search each of them individually. This is extremely time intensive and does not allow for adequate analysis of the material. The information becomes fragmented and piecemealed, difficult to decipher, and confusing. The manner of presentation of these documents to the public obfuscates the material.

What was the model for the information architecture of the Subject materials? Why did the Port/Army Corps choose to fragment these materials? What studies were utilized when preparing the materials for public consumption, to ensure that the information was searchable and accessible in a cohesive way for the general public (using best the practices for current electronic media navigation)?

The Port Staff/Army Corps should provide the material in an easily searchable data format. Again, the process should not move forward until all of the related information is truly accessible in a way that is easily searchable using best the practices for current electronic media navigation.

1A. Many local residents do not actually have computers/internet access at home. One resident of Wilmington told me that she wanted to participate but didn't have a computer at home and couldn't go to the library or other outlets because of her work schedule. She needed printed materials, in Spanish, which are not readily available. Again, the current EIR process excludes a heavily impacted portion of our local population because of their economic status and the language barrier. Since the Port acknowledges the presence and importance of the non-computer-using Hispanic population through its direct mail promotional programs, why does it not make printed information, in Spanish, easily accessible in its EIR process?



2. The project will create an extremely vulnerable and volatile potential target – front and center in our outer harbor. We are at war and in a new age of terrorism. These mammoth oil tankers and the storage tanks planned for the vicinity are symbols of World Trade and the American Industrial Complex and should not be centrally located in our outer harbor. This is exactly the kind of symbolic target (think 9/11 – World Trade Center) that terror groups seek out. Additionally, with most of the oil scheduled to be imported from the Middle East, the project is a symbol of the industrial imperialism that is an acknowledged target. An attack would be devastating to local communities and cripple national trade. For this reason alone, the project should not be located at the Port. The far-reaching impacts of a potential terrorist attack have not adequately been addressed in the DEIR/DEIS.

Given that we are a nation at war, and have already been attacked on our own soil at a nexus of World Trade, what is the basis for the decision to locate this volatile facility front and center in our nation's largest Port? What independent studies have been used or conducted to ascertain the effect on national trade and the national economy should this facility be targeted? Does the Port/Army Corps plan on conducting any such studies? What studies have been used to determine the vulnerability of this oil facility in this particular position? Does the Port/Army Corps plan on conducting any such studies? What studies have been used to determine the vulnerability of this oil facility at this particular point in our history? What less vulnerable alternative sites for regional oil importing have been proposed and offered as options?

3. There MUST be an evacuation plan as part of this documentation. With the vulnerabilities stated in item 3 above, as well as the location of the facility in an earthquake fault zone and the volatility of the materials, an adequate evacuation plan for the community must be incorporated.

Again, given that we are a nation at war, and have already been attacked on our own soil, there is certainly a possibility that this facility (with its imports principally from the Middle East) could be targeted. What evacuation plans have been studied and developed for the community as a part of this private business development? Will Plains All American Pipeline be required to fund such a study and develop such a plan as a counterpart to its profit-making scheme? Does the Port/Army Corps expect the community to "fend for itself" in case of an attack on this facility? Does the Port/Army Corps expect the community to "fend for itself" in case of earthquake or tsunami damage to this facility? Has the Port/Army Corps conducted a feasibility study regarding the evacuation of the San Pedro peninsula?

4. The project will be an industrial eyesore. Giant ships and related infrastructure will dominate the view (looking down at San Pedro Bay) from Angel's Gate and Point Fermin and become the visual centerpiece of the outer harbor from these important community vistas. Because of the massive size of the supertankers and the frequency of their visits, the project will greatly expand the visual footprint of the industrial Port into the outer harbor. A giant oil terminal - a symbol of backwards oil dependence and 'old thinking' - will certainly not help bolster the economic revitalization of our community. Aesthetically, the expansion of the industrial horizon will overpower the community's need for a healthy, natural, human scale development of the outer harbor. The impact of

the visual expansion of industrialization into the outer harbor must be more fully considered and addressed in the DEIR/DEIS.

Why doesn't the Subject material show clear and accurate elevations and pre-visualizations of the scale of this project from various vantage points? Why have only 2 dimensional linear outlines (on maps - seen from above) been used to denote the proportions/scale of the Supertankers? What specific outside studies have been utilized to determine the effects of this expansion of industrialization (and the related pollution) on LA's public waterfront, from a health perspective? What specific outside studies have been utilized to determine the effects of the expansion of industrialization on LA's public waterfront, from a quality of life perspective?

4A. Additional light and noise in the outer harbor at night will also have negative impacts on adjacent residents and on recreation at Cabrillo Beach, which is widely used by the community for evening picnics, etc. These impacts must be more fully addressed. What scientific studies have been used by the Port/Army Corps to determine the impacts of the cumulative light and noise in the harbor on the community? On aquatic wildlife and the environment?

5. Plains All American Pipeline, Pacific Energy Partners, and Mr. David Wright have been buying local support for this project for many years. They have joined and funded more than ninety local organizations, events and sponsorships (see `Plains_financialinvolvement.doc` – attachment). Dozens of industry supporters and their henchmen turned out for the June 26th public hearing to heap praise on the project. There is clear documentation that speakers at the hearing were drafted by Mr. Wright. Almost every person or organization who spoke in favor of the oil terminal has already been paid – directly or indirectly through organization fees or contributions – or stands to gain financially in the short term by constructing this project. Since these speakers have been paid in one way or another, their testimony and letters of support for this project should be dismissed. Letters of support from those affiliated with organizations/events sponsored or funded by Plains All American Pipeline, David Wright, Pacific Energy Partners or affiliated lobbyists (again, see attached list), should also be dismissed. If they are to be part of the record, each should be notated at the top of the document as solicited material with a financial relationship to the project developers.

Does Port Staff/Army Corps plan to use testimony and letters of support from individuals/agencies/groups that have been paid or funded by Plains All American Pipeline, to show that the community would like this project to move forward? Does Port Staff/Army Corps plan to notate admitted financial relationships between Plains A.A.P. and these "supporters"? Does the Port/Army Corps Staff believe that it is legitimate to count letters of support that have been paid for by Plains A.A.P. (directly or indirectly)? Does the Port/Army Corps Staff believe that this financial remuneration should be condoned? Does the Port/Army Corps Staff believe that coercion, as a means of moving the project forward, should be condoned?

6. According to the LA City Ethics Commission, Mr. David Wright and his lobbyists have spent hundreds of thousands of dollars to create luncheons for Port officials, and make contributions and donations at the behest of our city council people and other politicians. The judgment of Port management and local government has been impaired by this financial activity and these 'perks', and the procedure for the development review and support of these documents has been tainted. This impropriety has clearly skewed the process and the documentation in favor of the project, and has resulted in a biased report to the public. Therefore, the SEIR/SEIS should be prepared and reviewed by a neutral outside agency before the process moves forward.

Does the Port Staff believe that it can be neutral in its judgment and development of the EIR, despite the funding for various events and sponsorship perks that have transpired Between Plains A.A.P. and Port Staff and their business associates, including Chamber of Commerce Members/officers that are Port Staff? Would Port Staff/Army Corps please provide a complete and verifiable list of all such events/sponsorships/contributions, etc., that have been paid for by Plains A.A.P. or its agents or representatives, in order to assure public transparency?

7. Trade and industry insiders and their support networks, as well as Economic Development Coalitions, should not be allowed to add appendices to the SEIR which skew the overall documentation in favor of the Project. This is an Environmental Impact Report, not a business promotion. Appendices such as Appendix_D2_Californias_Uncertain_Oil_Future.pdf should not be included in the EIR documentation. They are promotional setups for the Port's historically consistent citing of "overriding importance" (reference Socioeconomic Impact) in order to push through desired business projects. In addition, these Appendices are currently outdated due to a rapidly changing oil market.

What is the process for selecting 'independent consultants/experts' to write these various appendices? Has the community ever been asked to participate in this selection process? Do any of these 'independent consultants or experts' stand to gain financially (directly or indirectly) from the development of this project? Will the Port Army Corps include updated studies that reflect the changing oil market?

8. The Executive Summary and other documentation is fraught with slippery and evasive language and is full of loopholes and discretionary measures. As an example, the documentation states that project developers will build a partial accommodation for AMP and then:

"The power substation and dockside cable handling gear would be constructed as soon as tankers become available that could utilize the AMP system."

But Mr. Wright and his business partners have already admitted that the Supertankers destined for this terminal are not equipped for this type of power system, and that it is possible that most Supertankers will never be so equipped.

Later the documents refer to convoluted *possible* alternative measures to reduce toxic emissions, which would require additional study and EIRs that could be years in the making. Meanwhile, the Oil Terminal is scheduled to be in full operation, polluting at will and degrading our community with it's many "Significant Environmental Impacts" (as stated in the documentation), with comfortably long phase-in times for all of the

environmental mitigation measures. The promotion of this terminal as environmentally forward simply untrue. The ramp up periods for AMPing and other mitigation measures are too long and are not mandatory or enforceable. How were these ramp-up times determined?

The open-ended discretionary language does not enable adequate assessment of Environmental Impacts. This is a serious flaw of the SEIR/SEIS and must be fully addressed in the final Draft of the documents.

What studies have been done to determine the feasibility of AMPing for this particular type of project? Why aren't such studies included in the Subject documentation? What studies have been done to thoroughly determine the feasibility for implementation of ALL currently available mitigation technologies (best practices) in order to decrease the negative environmental impacts of this project to a level of insignificance from the outset?

9. Environmental credits will be purchased to offset toxic emissions from the project. It appears that this is the only reason why the project will be better than the 'No Project Alternative'. However these emission offset/mitigation credits don't have to, and most likely will not be, used for mitigation in our polluted community. Recent examples are use of these credits/funds at Bolsa Chica and the Batiquitos Lagoon in Carlsbad. I visited the Lagoon in April, and it is surrounded by multi-million dollar homes. Local children get asthma, local adults get cancer and respiratory illnesses, our properties continue to be devalued and our quality of life is diminished – as a trade, so that other parts of the coast can be beautified. This is the worst kind of Environmental Injustice. It is simply shameful.

If mitigation credits are to be used to offset emissions from the project, they should ONLY be used for mitigation in the profoundly polluted and heavily impacted communities that surround the Ports.

The (implied) assertion that developing the Project would be better for our community than doing nothing is misleading, and the language in the documentation should be direct and clear regarding this point. Again, the credits should be used ONLY for local mitigation measures.

Has Port/Army Corps Staff determined how the mitigation/environmental credit funds could be used locally to offset the negative effects of this project? What specific studies have been conducted to determine how such funds might decrease the health risks/impacts on the local community? Has Port/Army Corps Staff determined if there is the potential to develop the project with NO negative health/environmental impacts in a manner that does not employ the use of purchased environmental credits?

10. The off-Port Impacts have not been adequately addressed in the Subject documents. Increased refinery output with related airborne toxins and additional traffic must be fully analyzed. A recent article in the Los Angeles Times By Elizabeth Douglass points out that companies are jockeying to purchase and upgrade refineries in the area, speculating on increased output. To quote the article: "companies see GOLD in local refineries..." Clearly, with increased oil imports locally, there will be a corresponding increase in local refinery production. Cumulative off-Port impacts of this project, including local/regional refinery output and related activities, noise impacts from

DN-27

operations, etc., must be fully analyzed and acknowledged as part of the EIR documentation.

What studies have been conducted regarding future refinery output locally? What outside studies have been used to determine cumulative impacts? How has the socioeconomic impact of off-Port impacts been determined? Has Port/Army Corps Staff used both a Port Master Plan and a Community Development Master Plan to anticipate/determine the cumulative impacts - both on and off-Port?

11. There is not an adequate assessment of the various impacts that would take place during the 2 1/2 year construction period. Without adequate assessment there cannot be adequate mitigation.

Analysis of construction impacts must include full and specific quantifiable evaluation of noise, odor, dust, fumes, vibration, etc. For example: what effects will tunneling under Wilmington have on local residents? What kinds of odors and airborne toxins will result from the large scale welding within the project? What are the prevailing wind patterns at different times of day and where will the smoke and odors blow? How will construction noise, odors, traffic, and operations impact recreation? How will construction noise, odors, traffic, and operations impact nearby property values and the salability of nearby homes during the construction period? How will construction emissions including dust and traffic affect local health – particularly those with respiratory ailments? What will be the duration of airborne odors, noise, etc. in different parts of the surrounding communities? What studies have been utilized to determine cumulative construction impacts?

The specific and detailed analysis of the effects of project construction, and related mitigation measures, must be a part of the DEIR/DEIS.

12. The recent earthquake underscored the likelihood of another, larger earthquake in the future. The proposed project would be constructed in a vulnerable area. The potential results of an earthquake (or tsunami) have not been adequately addressed in the documentation. What would the resulting effects be on the regional and national economy if there were an oil spill, pipeline rupture, or explosion within the project? What would be the effect on the local community? How would the positioning of the project under these conditions affect other Port operations?

It makes no sense to build this vulnerable infrastructure in a fault zone at the front of Port operations. An in-depth analysis of the effects of an earthquake must be included in the documentation.

What thorough and specific studies has Port/Army Corps Staff used or conducted to answer the above questions and determine that that placement of this facility is safe, appropriate, and would not jeopardize the economy in the case of an earthquake or related events?

13. How will operations from the proposed Oil Terminal affect and restrict recreational boating in the outer harbor and San Pedro Bay? Will there be security zones and restrictions on recreational vessels? What types of restrictions and when (how often) will they be applied? Specific information must be a part of the Subject documentation.

14. Originally Port Staff and project proponents circulated the idea that the large ship calls (to the proposed project) would take the place of all of the smaller ship calls servicing the inner harbor. However, at the recent Northwest San Pedro Neighborhood Council meeting, David Wright (spokesperson for Plains All American Pipeline) admitted that the proposed operations at Pier 400 would not replace or lessen the smaller ship calls/oil deliveries in the inner harbor. The project would clearly increase ship emissions and add all the associated effects of operations on top of the existing oil delivery activities. The DEIR should state this clearly. Again, the notion that the project is environmentally 'better' for local residents than the 'No Project Alternative' is intentionally deceptive.

What studies have been conducted to determine the amount of inner harbor ship calls related to petroleum imports/industry servicing? Will there be an immediate decrease in these types of calls as a direct result of the proposed project? If so, what will be the corresponding reduction in pollution? Is there a firm schedule for the reduction of inner harbor activity, related to petroleum imports/industry servicing, that corresponds with the development of the Pier 400 project?

15. The negative perception of local communities as dirty, polluted, unhealthy, vulnerable and frightening places will be increased by this project. Dirty, stinking, polluting, backward oil infrastructure will create a deeper picture of an undesirable and unlivable area, and will further devalue our sagging property values. The project will undermine local efforts toward economic revitalization. There is not adequate assessment in the Subject documents of the project's contribution to the community's reputation as 'the toilet of Los Angeles' and the related devaluation of local property.

Additionally, the cumulative impacts with other projects planned for the near future, including the tunneling under Wilmington + San Pedro to dump sewage treatment offshore, have not been addressed. Again, what studies have been used to determine how this project, combined with all of the others, will affect perception of local communities – a perception that drives property values and deeply affects business viability and quality of life? What verifiable studies have been utilized to determine the impact of this proposed project on community development? What studies have been utilized to determine the conflicting effects of building oil infrastructure on the Port's plans for a Clean and Green Los Angeles waterfront? What studies have been utilized to determine how this proposed project will affect the community's image?

16. The number of full time permanent jobs reported in the Subject documentations seems to have been interpolated/exaggerated. According to earlier assessments, after the construction phase, there will be twenty-one permanent jobs created. The DEIR/DEIS should reflect an accurate number of actual on-site jobs. Who has provided the number of jobs in Subject documentation? Would Staff please provide an accurate list of those positions? How many actual on-site jobs will be created? How many of the general number cited in Subject documentation have been 'interpolated'? If off-port jobs will be created as a direct result, will Staff please list and specify them accordingly? Perhaps the figures in the documentation reflect the local health care jobs that will be created as a result of increased pollution? If so, this should be clearly stated as well. In

DN-27

any case, the number of estimated permanent jobs in the Subject documentation is misleading and should be corrected and clarified.

17. The actual distance from the project site to the nearest residents should be clearly stated in the subject documents. The DERI/DEIS should include a table indicating proximity (specific distance in feet/miles) to nearby prisoners, proximity to nearest local residents/homes, proximity to the Fort MacArthur, proximity to the nearest recreational areas (marina), and proximity to the nearest schools. Will Staff please provide this information so that the local population will have a better understanding of their specific exposure? Without these actual distances available, it is not possible to study the effects of the project at various locations.

What specific studies have been conducted or utilized, taking into account shifting wind patterns, varied locations, etc., to determine differing health risks at these various locations/proximities (for example – local elementary schools)? Will you please provide the public with this information as part of the EIR process?

18. Recent studies have indicated a decreasing demand for oil, based on increased price and other shifts in global conditions. How recent are the studies that are cited in Subject documents that relate to the demand for oil in our region? Do they apply to the current market conditions? Within the past year, much has changed in the energy market. What studies are Port/Army Corps Staff conducting, and what studies will be incorporated to reflect the current shifts in demand for oil and petroleum products? How will these studies affect the determination regarding the need for and the viability of this project? Should the energy market continue to shift profoundly, will the project be transformed into another type of terminal (such as an LNG terminal)? Is the project being developed with such flexibility in mind?

19. What is to prevent this proposed oil terminal from becoming converted to a Liquid Natural Gas terminal at a further point in time? What specific measures has Port/Army Corps Staff taken to prevent the future use of or modification of this facility for Liquid Natural Gas?

20. The proposed project does not adhere to a viable Port Master Plan. In fact, the Port Master Plan is currently out of compliance. There are conflicts between this project and others in development that have not been thought through or resolved. One example is the conflict between the related tank farm/storage facilities on Terminal Island and the proposed site for MagLev facilities in the same area.

Without a cohesive Master Plan, which defines the long-term goals to develop the Port in a thoughtful and sustainable manner, this project should simply not move forward. In fact, the development of this project without a fully developed Master Plan may be illegal.

Why has Port/Army Corps Staff chosen to ignore Master Planning as part of this EIR process? Does the Port/Army Corps Staff believe that it is not necessary to adhere to a compliant, updated Port Master Plan?

Once again, the project area remains a Federal non-attainment zone for Air Quality. The proposed Project as currently defined could only be implemented through consideration of "overriding importance" (see "Socioeconomic Impact" document) or through "Overriding Considerations (if necessary)" (see "Executive Summary and Introduction" document). The Port and the Corps of Engineers has the capability and the responsibility to require the application of currently available mitigations so that the impacts to air quality, from the start of the project (including during construction), can be reduced to a level that will not require application of Overriding Considerations. The aforementioned impacts must include more accurate assessments based, in part, on many of the points and questions in items 1-20 in this letter, and should include concerns and issues raised by other community members and organizations (who are not associated with, funded or sponsored by, Plains all American Pipeline) as well.

This terminal, if built, promises to be the jewel in the crown of backwards thinking that unfairly burdens and poisons our local community. It is a deliberately planned environmental injustice. Local residents, of lower economic status, with less political clout, will suffer the most, bearing the externalized costs of yet another poorly mitigated, open-ended, short sighted business expansion project.

To quote a recent speech of former Vice President Al Gore in Washington, ..."It is absolutely ludicrous at this point in our history to be borrowing money from China to buy oil from the Persian Gulf to burn it in ways that destroy the planet. All that has got to change..."

The Port and the Army Corps should show leadership rather than becoming complicit contributors to the serious problems that our community and our country face.

I look forward to your rectifying the above cited deficiencies of content and process. I request that the release of the Final EIR/EIS answer the questions and address and incorporate the concerns included in this letter.

Thank you for your attention.

Sincerely,

Danial Nord
San Pedro resident, homeowner, small business owner.

2130 South Pacific Avenue
San Pedro, CA 90731

Daniel Nord, August 11, 2008

- DN-1.** The proposed Project conforms to all of the requirements of the CAAP. The proposed CARB Regulation referenced in the comment, which would require ocean-going vessels (OGVs) including tankers to use lower-sulfur fuel to power their engines and boilers starting July 1, 2009, had not been approved prior to the release of this Draft SEIS/SEIR, and has not become effective as of the date of this Final SEIS/SEIR. The proposed CARB Regulation would require OGVs operating in Regulated California Waters and within 24 nautical miles (nm) of the California Baseline (i.e., the mean lower low water line along the California coast) to utilize either marine gas oil (MGO) with a maximum of 1.5 percent sulfur by weight or marine diesel oil (MDO) with a maximum of 0.5 percent sulfur by weight beginning July 1, 2009 in main engines, auxiliary engines, and boilers. Beginning July 1, 2012, OGVs would be required to utilize MGO with a maximum of 0.1% sulfur by weight or MDO with a maximum of 0.1% by weight. MM AQ-14 requires low sulfur fuel use in main engines, auxiliary engines and boilers. This document identifies MM AQ-14 as the most rapid feasible implementation of low-sulfur fuel requirements. See response to comment PCAC-AQ-5. If and when the CARB rule is implemented, it would serve to accelerate the implementation of MM AQ-14 since all vessels calling at the terminal would have to comply with the requirements of the CARB rule.
- DN-2.** Your comment is noted. The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and health risk impacts. Note that the impacts of the proposed Project on health risk, as well as some other environmental impacts, are substantially lower than the impacts of the No Project Alternative. Also, please note that the analysis of EJ effects and feasible mitigation measures can be found in Chapter 5 of the Draft SEIS/SEIR.
- DN-3.** The Port and USACE comply with all legal requirements under CEQA and NEPA to provide accommodations for persons who speak and/or read a language other than English. The Port provided Spanish-language translation to all who requested it at the June 26 public hearing, and has a policy of accommodating all reasonable requests for translation and interpretation services at public meetings and hearings. The Port provided a printed Spanish-language Executive Summary free of charge to anyone who requested it, and this document was also available on the Port's website. The Port is committed to making all reasonable accommodations, but notes that the Draft SEIS/SEIR is thousands of pages long and translating all of it into another language, Spanish or otherwise, would require a substantial amount of time and money.
- DN-4.** The Draft SEIS/SEIR is organized according to the template developed by LAHD and PCAC and in a fashion characteristic of documents prepared under CEQA and NEPA. The organization of the document, and topics covered, are consistent with requirements of CEQA and NEPA. The Port provided individual PDF files on its website, and on the CD-ROM that was provided free of charge to anyone who asked, because the smaller files are easier to download and easier to handle. Given the descriptive names of chapters and sections of the Draft SEIS/SEIR, it should be relatively easy to identify which specific file is of interest to a particular topic of concern (e.g., noise, air quality, environmental justice, growth inducement) and then search for terms of interest within that file. The Port and USACE also provided a list in Chapter 1 (Section 1.4, "Scope and Content of the Draft SEIS/SEIR") of key concerns expressed by people attending the scoping meeting and where those concerns are addressed in the document.

DN-5. Sections 3.12-5 and 3.12-6 of the Draft SEIS/SEIR provide an overview of terrorism and Port security that form the baseline for a terrorism assessment for the proposed Project. Impact RISK-5 provides a detailed assessment of terrorism-related risk for the proposed Project. As noted on Pages 3.12-70 and 3.12-71, potential terrorism-related risks are considered significant and cannot be fully mitigated.

However, in the event of a successful terrorist attack on the Pacific Marine Terminal, the overall economic impact to the port and regional economy would be negligible. First, San Pedro Bay already contains several other bulk liquid marine terminals and these could likely sustain crude oil deliveries to the region on an interim basis. Second, while environmentally catastrophic, the economic impact of an attack on the Berth 408 Marine Terminal to Port operations would be very short in duration, most likely on the order of a few days.

DN-6. Based on the results of the risk analysis that was prepared for the proposed Project, there are not any accident events that would necessitate large-scale evacuations that are not already covered by the Port's Risk Management Plan and Harbor/Port Evacuation Plan. Therefore, no additional Project-specific evacuation plans are necessary.

As noted in Section 3.12.4.1 of the Draft SEIS/SEIR, equipment failure rates that could lead to a major fire or explosion explicitly included earthquakes as an initiating event. All failure rates considered a wide range of failure mechanisms, including "...earthquakes, corrosion, and third-party damage (Draft SEIS/SEIR Page 3.12-34). Similarly, the likelihood and consequences of a potential tsunami were evaluated in the SEIS/SEIR. For example, Pages 3.12-50 through 3.12-54 specifically evaluate potential impacts associated with a tsunami impacting Berth 408. Additional analyses can also be found in Chapter 3.5 (Geology) of the Draft SEIS/SEIR.

Regarding the issue of terrorism, site security and potential accidents, the Port will not be expecting the community to "fend for itself." Site security will be a shared responsibility of the Port Police, Port Department of Homeland Security and the US Coast Guard. Additionally, in the event of a need to respond to an incident, the Los Angeles Fire Department, as well as other departments that would be available through mutual aid agreements, would be expected to provide emergency response. Finally, Plains will be required to participate in an oil spill cooperative within the Port to provide for rapid oil spill response capability and regular training.

DN-7. Regarding the issue of views from Angel's Gate Park, these views are discussed in Draft SEIS/SEIR Section 3.1.2.1.2.2. The primary park views are directed toward the southeast, south and southwest, from 180 degrees to 90 degrees away from the Project site. Views to the northeast toward the Marine Terminal site are extremely peripheral and limited by landscaping and buildings (see Figures 3.1-9 and 3.1-10). Although all views from Angel's Gate Park are highly sensitive, the proposed Project's exposure in these views would be incidental and not representative of the visual experience there. The tankers and related Project infrastructure, therefore, would not dominate the breadth of available views from this park.

Regarding Point Fermin Park, the Project site cannot be seen from there. Although the easternmost part of the park stretches to the northeast toward the Project site (see Figure 3.1-2), public access to that part is prohibited. Major portions of the park in this area have collapsed where the cliffs have been eroded by wave action at their base, and safe access

is not possible. Due to the closure, the east end of the park now extends only to a point due south of South Carolina Street, and from there no part of the Project site may be seen.

Regarding the comment that “the SEIS/SEIR does not show clear and accurate elevations and pre-visualizations of the scale of this project from various vantage points”, Figures 3.1-16, 3.1-17, 3.1-18, and 3.1-19 present photo-simulations of Project features. These are accurately scaled and realistically rendered by computer to simulate the visual effect of the features, including their scale, color, and texture.

Regarding the issue of specific “outside” studies to determine the effects of the Project from a health and quality of life perspective, CEQA and NEPA do not require a lead agency to rely on a study prepared outside the agency to determine project effects, nor do they require the resolution of disagreements among experts (see Draft SEIS/SEIR Section 1.5.4). For additional information regarding the effects of the project on quality of life, see the responses to comments CSNPC-16 and CSNPC-17 (noise and recreation issues). For additional information regarding the impacts on nighttime lighting, see the response to comment CSPNC-21, and also see Section 3.1.4.3.1.6 (the discussion of Impact AES-4). Although this section is general and not specific to Cabrillo Beach, the LAHD has guaranteed that they will prove that no additional night lighting will occur anywhere off-site.

- DN-8.** Comment noted. The Port and USACE are not aware of financial relationships between commenting entities and the Project applicant, but even if there were such relationships the comments would not be excluded under CEQA or NEPA since any member of the public is invited to comment. However, note that the decision of the BOHC to certify the EIR, and the decision of the USACE to approve the ROD, are independent of the number of comments recommending approval or disapproval. The decisions of the BOHC and USACE are instead based on the CEQA Project Objectives and NEPA Purpose and Need, respectively; the environmental impacts of the proposed Project and alternatives in consideration of mitigation as documented in the SEIS/SEIR; the USACE’s Section 404(b)(1) alternatives analysis and public interest determination; and the sufficiency of the environmental documentation.
- DN-9.** Please see the response to comment DN-8.
- DN-10.** Please see the response to comment DN-8. Also, note that the Port and USACE prepared an independent analysis of crude oil supply and demand forecasts in southern California to evaluate the need for the proposed Project as well as the basis of the environmental analysis. The independent analysis prepared by the Port and USACE is based on a thorough review of reports and projections from the California Energy Commission (CEC) as well as other available projections and data. This analysis is summarized in Section 1.1.3 and Section 2.3 of the Draft SEIS/SEIR (and Section 1.2.1.3 of the Final SEIS/SEIR). Details of the analysis are provided in the Draft SEIS/SEIR as Appendix D1, with additional supplemental information (also produced by the Port and USACE independently) in Appendix D3. Appendix D2, “California’s Uncertain Oil Future,” was a report prepared by the Los Angeles Economic Development Council (LAEDC). LAEDC is an independent group and was not hired by the Port of Los Angeles to prepare the report. The report is a reference document to the Draft SEIS/SEIR.
- DN-11.** The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts. Note that the impacts of the proposed

Project on health risk, as well as some other environmental impacts, are substantially lower than the impacts of the No Project Alternative. Please also see the responses to comment SCAQMD-21 regarding the implementation schedule for AMP.

DN-12. Please see response to comment PCAC-EIR-5. In regards to emissions credits, the proposed analysis does not include any emission reduction benefits from emissions credits, therefore, emission credits are not the defining difference between the proposed Project and the No Federal Action/No Project Alternative. The No Project Alternative includes emission increases to existing facilities in the San Pedro Bay Ports complex which would not be mitigated to the extent of the proposed Project. This difference accounts for the emissions savings.

DN-13. Please see the response to comment SPPHCO-7. In addition, as discussed in Chapter 8 of the Draft SEIS/SEIR, the projected increase in crude oil demand is based on increased consumer demand for transportation fuels and increased refinery distillation capacity (“refinery capacity creep”). Both of these factors are projected to increase independent of the proposed Project. Consumer demand is projected to increase due to population and income growth (CEC 2007a; CEC 2007b; CEC 2007c; also see Section 1.1.3). Refinery capacity is expected to increase because refineries in southern California, facing increased consumer demand and a consumer demand that exceeds their current distillation capacity (CEC 2007b; also see Section 1.1.3), are continually seeking process improvements that would allow them to increase production. (It is worth noting that refineries plan their capacity and production in order to have the capacity to meet peaks of consumer demand, rather than average demand, over a long-term forecast.) Therefore, the proposed Project would not result directly or indirectly in increased employment, economic output, or earnings associated with the refining of crude oil or distribution or retailing of refined products.

DN-14. Section 3.2 of the Draft SEIS/SEIR provides a comprehensive air quality analysis, including for the construction phase of the proposed Project. This analysis includes impacts on ambient air quality as well as odors and health risk impacts (and other impacts, such as greenhouse gas generation). Wherever the analysis identified a significant impact, all feasible mitigation measures were incorporated to avoid, reduce, and minimize environmental and public health risk impacts.

In response to the concerns about construction noise and its potential impact on recreation, please see the response to comment CSPNC-17. In response to the comment about construction traffic, please see response to comment CBE-6 for proposed mitigation measures and response to comment SCAQMD-6 for Best Available Control Measures (BACMs). In response to the comment regarding home values, please see response to comment PCAC-EIR-27.

DN-15. Section 3.5.2.1 of the Draft SEIS/SEIR summarizes the environmental setting associated with earthquakes and tsunamis at the proposed Project site. As discussed in Section 3.5.4.3, the Port will design and construct wharf improvements in accordance with MOTEMS and the LAHD standards, to minimize impacts associated with seismically induced geohazards. Impacts GEO-1 and GEO-2 of the Draft SEIS/SEIR describe at length the Project-specific seismic and tsunami impacts at the Project site and conclude that even with incorporation of modern seismic engineering and construction, impacts would be significant and unavoidable. Also, please see Section 3.12, Risk of

Upset/Hazardous Materials, and Chapter 5, Environmental Justice, of the Draft SEIS/SEIR with respect to impacts associated with a spill or explosion.

- DN-16.** The comment asks about the terminal's effect on recreational boating in the Outer Harbor and whether there will be security zones and restrictions. Draft SEIS/SEIR Section 3.11.4.3.1.1 discusses the effects of construction on recreational boating and concludes that "construction of the project would result in a substantial loss or diminished quality of recreational ... resources", primarily through the diminishment of the recreational experience during construction activities. Draft SEIS/SEIR Section 3.11.4.3.1.2 discusses operational impacts and again concludes that project operations "could result in a temporary substantial loss or diminished quality of recreational ... resources in the event of an oil spill." No security zones are currently proposed for the vicinity of Pier 400 within the outer harbor.
- DN-17.** During the initial stages of operations at Pier 400 - Berth 408, the proposed Project may displace some crude oil deliveries to other terminals in the Port. Crude oil demand is not a function of terminal capacity, but is based on consumer demand for gasoline and other petroleum products and refinery demand for feedstock to produce consumer products. In the future, assuming California production continues to decline and consumer demand continues to increase, there could be an increased volume of crude oil deliveries to the Port. The SEIS/SEIR clearly outlines the maximum potential for increased crude deliveries and all analyses contained in the SEIS/SEIR are based on a reasonable worst-case increase in potential crude oil deliveries to the Port. Statements made by individuals not directly involved in the preparation of the SEIS/SEIR should not be confused with the basis for the SEIS/SEIR analysis of future crude oil deliveries to the region. The proposed Project will have no effect on the amount of crude oil that is delivered to southern California, which is based on regional demand for petroleum products and the forecasted decline in California domestic production. Since the proposed Project will be able to accommodate larger vessels, this will result in fewer vessel trips for the same volume of crude oil.
- DN-18.** Property values are addressed in responses PCAC-EIR-27 and PCAC-EIR-28. Cumulative impacts are addressed in Chapter 4 as well as in the individual resource sections. Studies utilized in the SEIS/SEIR are identified in Chapter 10, References. No changes to the document are required. Regarding the statement that the cumulative discussion did not include tunneling under Wilmington and San Pedro to dump sewage treatment offshore, the proposed Project does not include any sewage dumping or offshore disposal and therefore, would not contribute to such an impact.
- DN-19.** As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include "upstream" employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or "downstream" impacts (i.e., workers in jobs supported by retail and other spending from wages). These "upstream" and "downstream" jobs may be located anywhere within the metropolitan Los Angeles region. LAHD's own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7). In the operation phase, LAHD and USACE estimated there would be 54 full-time permanent jobs associated with the direct operation and maintenance of the terminal (in years 2025-2040), and an

additional 158 full-time-equivalent permanent jobs related to indirect (i.e., upstream and downstream) economic activity. All of these estimates are documented in Chapter 7 of the Draft SEIS/SEIR.

- DN-20.** The Draft SEIS/SEIR HRA considers the potential cancer and non-cancer health risk impacts from the proposed Project. The Project would include a number of mobile and stationary emission sources spread across a large geographic area. Section 3.2 includes a number of to-scale drawings depicting the location of the proposed Project sites as well as the predicted location of potential cancer and non-cancer health risk impacts which present the information requested. The HRA also was based on meteorological data from the Port's monitoring network stations so that the modeling assessment would be based on actual San Pedro Bay wind patterns.
- DN-21.** Regarding the demand for oil, note that the analytical basis for the proposed Project operations used a "reasonably foreseeable worst case" scenario; if demand to import oil through the proposed Project ultimately is lower than identified in the document, then the environmental impacts identified in the document would be anticipated to be proportionally less. Also, see the response to comment SPPHCO-5. Regarding the question about conversion to an LNG terminal, see the response to comment SPPHCO-6.
- DN-22.** Please see the response to comment SPPHCO-6.
- DN-23.** Please see response to comment PCAC-EIR-2 and PCAC-EIR-19.
- DN-24.** The comment is noted. The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental public health risk impacts. Note that the impacts of the proposed Project on air quality in the operation phase, as well as health risk and certain other environmental impacts, are substantially lower than the impacts of the No Project Alternative. Also, please see the responses to comments DN-1 through DN-23.
- DN-25.** Environmental justice is addressed in Chapter 5 of the SEIS/SEIR. Also see the response to USEPA-3 and PCAC-EIR-18. No changes to the document are required.
- DN-26.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. Please see the response to comment SPPHCO-5.
- DN-27.** All comments contained within this comment letter were pasted into Mr. Nord's August 11, 2008 email which is noted above as comments DN-1 through DN-26. Please see the response to comments DN-1 through DN-26 above.

August 18, 2008

U.S. Army Corps of Engineers
Los Angeles District, c/o Dr. Spencer D. MacNeil
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, CA 90053-2325

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

Subject: UPDATED UPDATED
Comments Submittal for the Draft Supplemental EIR/Subsequent
EIS for Pier 400, Berth 408 Project, Referred to herein as the
Supertanker

Dear Dr. Appy and Dr. MacNeil,

At a meeting on August 14, 2008, I made some observations about the
Supertanker terminal and was invited by Lena Maun-Desantis and Michael
Christenson to submit these additional comments and an update to my
comments event though they would be received after the deadline.

MJ/PW(A)-1

I thank the Port for the opportunity to expand on the issues raised at the meeting.
I am doing so below. First, the additional comments.

ADDITIONAL COMMENTS:


1.
The Port met with the appellants to the TraPac agreement with regard to the
Supertanker project on May 15, 2008. We raised a variety of issues that are
discussed in the DEIR. The DEIR executive summary states that "the Port
will continue to meet with the Appellant Group to discuss the Draft SEIS/SEIR and
proposed Project impacts and mitigation measures."

This did not happen nor was it scheduled to happen prior to the deadline for filing
comments under DEIR. It should be made clear in the final and any supplemental
DEIR or documents that, despite this explicit promise, no such meeting to
discuss the Supertanker project occurred. There was a meeting set to discuss
another DEIR, but the agenda was full AND limited to that DEIR.

2. The project will bring between \$52 billion and \$70 billion worth of crude oil
through the Plains All American terminal each year. If Plains receives 1% of that
as a fee, it will gross between \$500 million and \$700 million a year. The size of
the operation in dollar-value creates a number of significant issues with regard to

MJ/PW(A)-2



- MJ/PW(A)-2  overriding considerations and defining what is “feasible mitigation.” In particular, it calls into question the standard parameters for these assessments and raises a question that should be answered in the EIR and the courts: Are there any realistic economic barriers to fully mitigating the so-called unavoidable impacts?
- First, the amount of revenue precludes virtually any and all of the limitations on mitigation under any reasonable definition of feasible that is limited for economic reasons. Even the suggestion that sufficient tankers are not available on the market to provide full AMPing by 2020 must be thrown aside by the dollar value of the cargo and the revenues to Plains. Tankers take 10 years to build and cost about \$100 million. Given the revenues here, surely the AMPing schedule can be markedly improved.
- MJ/PW(A)-3 Second, the amount of revenue precludes any assessment that overriding consideration would preclude mitigating impacts to insignificance. Below are project specific and cumulative impacts that are declared “unavoidable and significant.” We believe that with the proper perspective and incentives with regard to the lease, Plains and the Port of LA could mitigate all of these to insignificance.
- Air Quality;
 - Biological Resources;
 - Geology;
 - Noise;
 - Recreation;
 - Risk of Upset/Hazardous Materials; and
 - Water Quality, Sediments, and Oceanography.
- Therefore, this statement is unacceptable: “ No feasible mitigation measures are available that would avoid all of the potential impacts or reduce all impacts to less than significant.”
- MJ/PW(A)-4 A similar standard should be applied to the following unavoidable Cumulative Impacts:
- The proposed Project or alternatives would result in cumulatively considerable impacts for the following resources:
- Air Quality;
 - Biological Resources;
 - Geology;
 - Groundwater and Soils;
 - Land Use;
 - Noise;
 - Recreation;
 - Risk of Upset/Hazardous Materials; and
 - Water Quality, Sediments, and Oceanography.

Finally, should the Port accede to the idea that these impacts are “significant and unavoidable” and choose to issue a finding of overriding consideration to allow the project to go forward, then the Board of Harbor Commissioners, as part of lease conditions, should provide substantial and significant offsite mitigation measures to residents.

MJ/PW(A)-5

As outlined below, most of the benefits of this project are state and regional, with just two dozen full-time jobs after construction. However and most significantly, virtually all of the analyzed negative impacts are concentrated in San Pedro and the harbor area, with the vast majority of them centered on the Point Fermin neighborhood; these locally centric impacts include increased noise, degraded aesthetics and health, additional air pollutants, and recreational and water quality degradation.

As part of the lease, the Port should consider direct annual awards to local homeowners for the impact of the project. In addition to the project’s significant revenues, by one standard calculation, each tanker trip docking at Pier 400 will save the owners of the crude oil at least \$2 million per shipment; that is in the reduction in the cost of transferring the crude from Supertankers to smaller vessels for unloading.

UPDATED COMMENTS: there are revisions below in the original comment letter.

We want to first note that the Point Fermin area of San Pedro, where we live, will be inordinately impacted by this project, should it go forward in its current form. It would add significant noise, light and air pollution that will be evident from within and around our home. It will impact our neighborhood and our neighbors will be those people most directly affected by the project. The project benefits will be distributed throughout the city, region and state. But the vast majority of negative impacts will be felt and have their greatest effects here. We more than others, will breathe dirtier air, swim in less clean water, suffer more noise pollution, and see more negative impacts on our recreational space, health, night skies and to our well-being than any other people in the City of Los Angeles or the State of California.

MJ/PW(A)-6

We ask directly, what do we and our neighbors get in return for this marked change in our lives and to our welfare? What is our recompense?

Where is the evacuation plan, which should be funded by the developer?

MJ/PW(A)-7

Where is the permanent public air quality monitoring station in our neighborhood?

MJ/PW(A)-8

Where is a community mitigation fund to offset pollution impacts?

MJ/PW(A)-9

Where is a community health care fund to offset externalized health costs?



- MJ/PW(A)-9 All of these things have been asked for when this project was first suggested years ago and yet none of these things have been done nor are they part of the proposal.
- MJ/PW(A)-10 Let us state clearly, the DEIR has failed to adequately explore the best project alternative, which would be relocation of the supertanker berth to the east side of Pier 400. That issue requires re-examination and the section requires rewriting.
- MJ/PW(A)-11 First and foremost, we are opposed to proceeding with the Project under any action that states the air quality, water, recreation, biological, view, light and other impacts are “considered significant, adverse, and unavoidable” after the proposed mitigation measures have been applied. That is unacceptable and a warrant to impose significant health, safety, financial burdens on Point Fermin residents and visitors.
- MJ/PW(A)-12 We remind the Port and the Corps of Engineers that the affected area remains a Federal non-attainment area for Air Quality and that the proposed Project as currently defined could only be implemented through consideration of “overriding importance” (reference Socioeconomic Impact) or through “Overriding Considerations (if necessary)” (reference Executive Summary and Introduction).
- MJ/PW(A)-13 We recommend that the Port require the mitigation efforts for the Project as defined in the CAAP and if projected emissions still create residual significant air quality impacts after full application of all feasible mitigation measures, that mitigation measures be required for existing sources in closest proximity to the Project. The mitigations applicable to sources other than the Project provide the opportunity to reduce the residual emissions to below significant levels on a port-wide basis. We believe that the Port and the Corps of Engineers has the capability and the responsibility to require the application of currently available mitigations such that the impacts to air quality can be reduced to a level that will not require application of Overriding Considerations.

DETAILED COMMENTS

- MJ/PW(A)-14 1. Measure MM AQ-14, Low Sulfur Fuel Use in Main Engines, Auxiliary Engines and Boilers, requires revision to schedule full implementation based on current availability of LSF and as was originally committed in the CAAP for Main and Auxiliary engines. The SEIR/SEIS currently stated phase-in of LSF (maximum sulfur content of 0.2 percent) for in-bound Ocean Going Vessels of 20% in Year 4, 50% in Year 5, and 90% in Year 7 violates the CAAP commitment to implement 100% LSF compliance in terminal leases as they are renewed or modified. The SEIR/SEIS requires revision to impose 100% LSF implementation on start of operations for both in-bound and out-bound ships.

MJ/PW(A)-14

We noted that the CAAP included implementation of Measures OGV3, applicable to Auxiliary Engines, and OGV4, applicable to Main Engines, which required that, on lease renewal or revision, all ocean going vessels utilizing the leased facilities must burn $\leq 0.2\%$ S MGO within the current Vessel Speed Reduction program boundary of 20 nm, subsequently expanded to the 40 nm boundary. The schedule in the Draft SEIR/SEIS as proposed will never require all OGV to comply with the critically important CAAP OGV Measure.

We also noted that the recently published Fuel Availability Study, conducted by Tetrattech for the Port of LA (POLA), established that regional LSF supply is sufficient such that the fuel would be available for Pier 400 ships in bunkering locations on inbound routes or that the inbound ships' routes can simply be planned in advance to ensure access to LSF prior to arriving at the San Pedro Bay ports.

We recognize and appreciate that the Draft EIR/EIS includes 100% LSF compliance for Hoteling and Outbound ships and extended the boundary zone to 40NM.

With regard to LSF compliance and speed reductions and other issues raised in ITEMS 1-4, we ask that the DEIR be revised to incorporate the latest CAAP standards and the latest CARB standards, and where CARB and CAAP standards conflict, the MORE stringent be the rule applied in the revised document.

As part of the revised document, the PORT should make it a condition of the lease that vessels that do not comply would be subject to fees in lieu of compliance beginning at \$45,500 for each visit, with a maximum of \$227,500 on the fifth visit.

As Air Resources Board Chairwoman Mary Nichols said, "We've known for years that a large percentage of onshore pollution comes from activities in the water. Our ports need to expand and modernize, but the adjacent communities are not willing to tolerate the health risks."

These changes would save more than 3,600 lives in coastal communities over the first six years through reduced respiratory illnesses and heart disease, including a potential 80% drop in cancer risk associated with ship pollutants, according to state regulators.

2. Measure MM-A Q15, Alternative Marine Power (AMP), requires revision to schedule full implementation based on currently available technology. The Draft SEIR/SEIS currently stated phase-in of AMP of 4% in Year 2, 10% in Year 3, 15% in Year 5, 40% in Year 10, and 70% in Year 16 violates the

MJ/PW(A)-15

- MJ/PW(A)-15 ↑
 Port's commitments to Air Quality and to Public Health and requires revision to implement AMP at 100% on project start.
- As technology advances may include potential for methods other than AMP to reduce emissions at dock, such as bonnet applications, we suggest that AMP implementation may be reduced as other methods such as bonneting result in proven reduced emissions that would achieve the reductions possible through 100% AMP.
- MJ/PW(A)-16 3. Project Description requirements applicable to boiler operations should specifically require use of .2% LSF within the 40 nautical mile boundary zone.
- We recognize and appreciate that the current Project description includes use of distillate Marine Diesel Oil/Marine Gas Oil (MDO/MGO) at .5% LSF for boiler operations while close to Port. Please note that use of .5% LSF MDO/MGO achieves minimal emission reduction compared to .2% LSF and that the .2% LSF should be considered the minimum threshold of all fuel use) nm boundary zone, as consistent with the CAAP.
- MJ/PW(A)-17 In addition, the document MUST, yet fails to, assess the impact of running boilers beginning three hours offshore, rather than restricting ALL boiler operations to dockside, when the ship's boiler emissions could be reduced through bonneting, the immediate availability of the cleanest possible fuel or the employing of AMP technology. Consultants for the Plains All American have speculated that the dispersal of pollution from running the boilers while inbound would reduce the air pollutants actually reaching Southern California, however, no calculation has been done to determine the actual tonnage of air pollutants from the different operation rules, including requiring the .1% LSF for all boiler operations with operations restricted to dockside in conjunction with bonneting or, if possible, replaced entirely by AMPing.
- MJ/PW(A)-18 4. Measure MM AQ-16, Slide Valves requires revision to state the specific rate of implementation and to ensure compliance with the CAAP. The AQ-16 as currently worded, "Ships calling at Berth 408 shall be equipped with slide valves or a slide valve equivalent . . . to the maximum extent possible," provides the Port opportunity to demonstrate commitment to Slide Valves and the CAAP.
- The CAAP Measure OGV5 stated that Slide Valve Technology shall be implemented through lease requirements as new leases are established or existing leases are revised. Specifically, OGV5 requires that immediately upon lease renewal, all ocean going vessels utilizing the leased facilities must employ slide valve technology.
- MJ/PW(A)-19 ↓ 5. Measure MM-AQ-21, Throughput Tracking, indicates the Port's recognition of the potential for exceeding throughput as planned in the Draft SEIR/SEIS yet

- requires revision to impose review of actual throughput through a defined process and on a more frequent basis than as currently stated. The current MM-AQ-21 defines no specific requirement for how the reviews will be performed and further definition for the Measure is required to ensure compliance. The Throughput reviews are required on no less than a five-year basis rather than in the currently stated cycle of “through the years 2015, 2025, or 2040.” MJ/PW(A)-19
6. The lease term stated in the DEIR/DEIS requires adjustment to reduce the term or to include re-opener clauses to allow for evaluation at 10-year intervals to ensure application of best available technologies and mitigation measures. MJ/PW(A)-20
7. The DEIR/DEIS requires revision to incorporate the mitigations required in the recent TraPac EIR/EIS Memorandum of Understanding established through Settlement with the Appellants to the TraPac EIR/EIS. MJ/PW(A)-21
8. The DEIR/DEIS requires revision to fully assess biologic impacts from both oil spills and from invasive species arriving on vessel hulls and in bilge water, which it admits would occur and result in substantial impact on native species. These are not adequately mitigated. There is no attempt to assess the volume, range and full impact of these impacts. There are both project specific and cumulative impacts that should be more fully assessed. MJ/PW(A)-22
9. The DEIR/DEIS requires revision as it fully omits an assessment of noise impacts during operations. This revision must assess what are likely to be very significant impacts and offer mitigation, particularly in the residential areas that already are significantly impacted by noise from POLA operations. As these operational noise impacts are not identified at all, these impacts are not adequately mitigated. The current document fails to document, test or discuss the noise levels expected from the pumping stations on ship and on shore. These pumping stations are likely to add significantly to the noise level from Pier 400, which is substantial. We note that the Pier 400 EIR/EIS failed to adequately assess noise impacts from the project and the operations contribute marked and significant noise 24 hours a day, which carries clearly over the water to the Point Fermin neighborhood. In effect there is a constant HUM from the pier, as well as significant loader noises. At a minimum, all pumps should be tested and the noise levels monitored as part of the EIR/EIS process and adequate noise reduction measures should be taken up to and including having all pumping done from dockside pumps that are housed in soundproof structures. There are both project specific and cumulative impacts that should be more fully assessed. MJ/PW(A)-23
10. The DEIR/DEIS requires revision to fully assess significant noise impacts to residents and recreational areas that would occur during construction. These currently are not adequately mitigated. A day at the beach should be one MJ/PW(A)-24

- MJ/PW(A)-24 ↑ where the noise of the surf is not impacted by the thrum of pumps. There are both project specific and cumulative impacts that should be more fully assessed.
- MJ/PW(A)-25 11. The DEIR/DEIS requires revision to fully assess significant unmitigated impacts to recreation that will occur during the two-and-one-half-year construction. In particular, Pier 400 had a marked impact on open water areas for recreational boating, sailing and fishing. The addition of up to 201 Supertanker trips a year will add to these degradation. As noted below, an east-side berth would mitigate these impacts. These currently are not adequately mitigated. There are both project specific and cumulative impacts that should be more fully assessed.
- MJ/PW(A)-26 12. The DEIR/DEIS requires revision to fully assess water quality impacts from both oil spills and from invasive species arriving on vessel hulls and in bilge water. These are not adequately mitigated and the federal ballast water regulations with regard to invasive species are not complied with or discussed. There are both project specific and cumulative impacts that should be more fully assessed.
- MJ/PW(A)-27 13. With regard to invasive species carried on the hulls of ships, hull cleansing should be required at a level that would meet the same species induction levels required by ballast treatment.
- MJ/PW(A)-28 14. The DEIR/DEIS requires revision to fully assess visual impacts. The document relies on a baseline created by the existence of PIER 400. But the Pier 400 EIR said “loss of views of open water” would be mitigated by tree and vegetation planting on Pier 400, which has not been done. The Pier 400 EIR did not adequately assess visual impacts. There are both project specific and cumulative impacts that should be more fully assessed.
- MJ/PW(A)-29 15. The DEIR/DEIS requires revision to adequately assess light spillage and loss of nighttime sky views in the residential and public recreation areas west of the project. There has been a dramatic change in night sky since the construction of Pier 400, which was not adequately discussed in the Pier 400 EIR. Further light intrusion on the night sky of Point Fermin would compound this serious error and is unacceptable. The current document also fails to adequately assess light pollution and its impacts because it accepts as a baseline the existing impacts from intrusive and poorly designed lighting at Pier 400. Using this as a baseline is unacceptable. The baseline results from a previous and continuing injury, the failure by POLA to adequately identify and mitigate light spillage from Pier 400 in the 1992 EIR/EIS. There are both project specific and cumulative impacts that should be more fully assessed.
- MJ/PW(A)-30 ↓ 16. The DEIR/DEIS requires revision because it fails to adequately analyze alternatives to the current project. Items 8 through 14 (above) discuss a

variety of unmitigated impacts. These impacts would be mitigated, eliminated or reduced if the so-called Face E Project alternative, which calls for building the supertanker berthing on the East face of Pier 400, were adequately assessed. Currently, that alternative is dismissed, largely for reasons of navigation. This is asserted without supporting information.

MJ/PW(A)-30

17. The DEIR/DEIS requires revision because it fails to adequately analyze the Face E Project alternative. Items 8 through 14 (above) discuss a variety of unmitigated impacts. These impacts would be mitigated, eliminated or reduced by the Face E alternative. In evaluating Face E, the document does not consider either: having tankers enter through the Long Beach gate with a dredged channel to Pier 400 or altering the width of the breakwater at the mouth of Angels Gate to reduce or eliminate the navigational issues.

18. The DEIR/DEIS requires revision to include the installation of AMP as part of and a requirement of the Project. The current DEIR/DEIS specifically excludes AMP from the Project, stating AMP will be built “as soon as tankers become available that could utilize AMP.”

MJ/PW(A)-31

19. The DEIR/DEIS requires revision to adequately analyze impacts on recreation. Specifically impacts on sailing and fishing, including impacts from navigation limits and pollution impacts on species. There are both project specific and cumulative impacts that should be more fully assessed.

MJ/PW(A)-32

In conclusion, we note that the DEIR/DEIS process has been flawed and may not comply with federal and state law. There has been a demonstrable inadequacy of process by both the POLA and the Army Corps of Engineers, and a lack of commitment by both agencies to openness and public dialogue.

MJ/PW(A)-33

We site below a few examples and point out that both agencies have failed in their public obligation by not agreeing to repeated requests to extend the comment period on the DEIR/DEIS by 90 days and use the added time to remedy errors in the public outreach and public notice and public access to materials, as outlined below.

-A flawed public hearing process, in which the single public hearing was held on the same evening as a hearing into another controversial land-use project in San Pedro. The competing hearing, convened by another agency of the City of Los Angeles, drew approximately 500-700 people, including many CSPNC stakeholders who otherwise would have testified on the Pier 400/Supertanker proposal;

-The refusal by the POLA to continue funding of Port Community Advisory Committee consultants to assist unpaid community representatives, including CSPNC members, in understanding the 4200-page DEIR/DEIS. The complex

MJ/PW(A)-33 ↑ document, by contrast, was prepared using tens of thousands of work hours from trained Port staff and expert consultants;

-The refusal by POLA and Corps to extend to 90 days the comment period for this document, which took two years to draft;

-The timing of the release of the document so that the bulk of comment period takes place during the summer months;

-The initial refusal by POLA of direct requests from community and PCAC members to print and distribute additional printed copies of the DEIR/DEIS.

MJ/PW(A)-34 | We look forward to your rectifying the above cited deficiencies of content and process. We ask that the release of the Final EIR/EIS incorporate our recommendations.

Sincerely,

Melanie Ellen Jones,
Peter M. Warren
619 West 38 Street
San Pedro, CA 90731

Melanie Ellen Jones and Peter Warren, August 18, 2008

MJ/PW(A)-1. Please see response to PCAC-AQ-9.

MJ/PW(A)-2. The Port is not privy to knowledge about the revenues or profits of Plains All American with respect to this terminal or the company's wider scope of operations. However, the document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts. Financial cost of mitigation measures is just one element considered in the determination of feasible mitigation measures. In determining what MMs are feasible, cost, logistics, and the current state of technology are all important considerations.

Note that the impacts of the proposed Project on health risk, as well as some other environmental impacts, are substantially lower than the impacts of the No Project Alternative. Regarding the suggestion to accelerate the implementation of AMP, please see the response to comment SCAQMD-21.

MJ/PW(A)-3. Please see the response to comment MJ/PW(A)-2.

MJ/PW(A)-4. Please see the response to comment MJ/PW(A)-2.

MJ/PW(A)-5. In response to the concerns about off-site mitigation measures, please see the response to comment USEPA-15 and USEPA-17. Regarding the issue of the distribution of impacts and benefits, please see the responses to comments PCAC-EIR-16 through PCAC-EIR-18.

The Port is not privy to knowledge about the revenues or profits of Plains All American with respect to this terminal or the company's wider scope of operations. However, the document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts. Financial cost of mitigation measures is just one element considered in the determination of feasible mitigation measures. In determining what MMs are feasible, cost, logistics, and the current state of technology are all important considerations.

MJ/PW(A)-6. Please see the response to comment MJ/PW(A)-5.

MJ/PW(A)-7. See the response to comment PCAC-EIR-23. Based on the results of the risk analysis that was prepared for the proposed Project, there are no foreseeable accident events that would necessitate large-scale evacuations that are not already covered by the Port's Risk Management Plan and the Harbor/Port Evacuation Plan. Therefore, no additional Project-specific evacuation plans are necessary.

MJ/PW(A)-8. The Port has been conducting its own air quality monitoring program since February 2005. There are four station locations in the Port vicinity. The station locations are the Saints Peter and Paul School, Berth 47 in the Port Outer Harbor, the Liberty Plaza Building, and Terminal Island Treatment Plant. Regarding the proposal to establish a public air quality monitoring station in the commenter's neighborhood (i.e., San Pedro), see response to comment CSPNC-4.

Regarding a community mitigation fund, please see response to comments USEPA-15 and PCAC-AQ-9.

- MJ/PW(A)-9.** Please see response to comments USEPA-15 and PCAC-AQ-9. Through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.
- MJ/PW(A)-10.** Please see the response to comment PCAC-EIR-7 and the response to comment CSPNC-23.
- MJ/PW(A)-11.** Please see the response to comment MJ/PW(A)-2.
- MJ/PW(A)-12.** The comment is noted. The purpose of the Draft SEIS/SEIR is to evaluate and report on the potential impacts of the proposed Project and its alternatives. The document will be used to make an informed decision on whether or not to pursue the project. As stated in CEQA Guidelines Section 15093, “*CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.*” (Also see Public Resources Code Section 21081). If the decision makers elect to approve the proposed Project or Project alternatives (other than the No Project) it would require a statement of overriding considerations associated with significant unavoidable impacts identified in the Final SEIS/SEIR.
- MJ/PW(A)-13.** Please see response to comment PCAC-AQ-2.
- MJ/PW(A)-14.** Regarding the CAAP standards for low-sulfur fuel, please see the response to comment SCAQMD-20. Regarding the latest CARB standards, please see the response to comment DN-1. Regarding the additional condition suggested by the commenter to impose fees beginning at \$45,500 for each visit, note that the document already provides provisions for enforcement of the lease, including the mitigation measures that would be included in the lease; where noncompliance cannot be remedied, the LAHD has the right to revoke the applicant’s lease (Section 2.1.1).
- MJ/PW(A)-15.** Regarding the suggestion for 100 percent compliance with AMP, please see the response to comment SCAQMD-21. Regarding the suggestion to revise MM AQ-15 to allow use of alternative dockside emissions control technologies that may become feasible in the future, please see the response to comment USEPA-11.

- MJ/PW(A)-16.** See the response to comments USEPA-8, SCAQMD-20, and PCAC-AQ-5.
- MJ/PW(A)-17.** The air quality analysis contained in the draft SEIS/SEIR considered the quantity and location of emissions from OGV sources under the different operating modes. This was done for the unmitigated and mitigated scenarios and included in the spatially-specific modeling analyses for ambient criteria pollutant impacts as well as for the HRA.
- MJ/PW(A)-18.** Please see response to comment SCAQMD-22.
- MJ/PW(A)-19.** See the response to comment PCAC-AQ-7.
- MJ/PW(A)-20.** See the response to comment PCAC-AQ-8.
- MJ/PW(A)-21.** Please see response to comment PCAC-AQ-9.
- MJ/PW(A)-22.** See responses to comments CSLC-34, -46, -49, and -51 for invasive species and CSLC-41, -43, -45, -48, and -52 for oil spills. The document has been revised to include additional information on Project-specific and cumulative impacts from oil spills and invasive species.
- MJ/PW(A)-23.** The comment maintains that the document “omits an assessment of noise impacts during operations.” This is incorrect. See response to comment CSNPC-16. Draft SEIS/SEIR Section 3.10.4.3.1.2 analyzes operational noise impacts and assesses the effects of noise associated with key noise-generating equipment from peak hour operations as shown in Table 3.10-9. Both a daytime and nighttime scenario were analyzed. In both scenarios, predicted noise at the nearest sensitive receptors, including the evening and nighttime penalties, would be at or below 1 dB, which is barely audible to an attentive listener, and below the 3 dB threshold. The impacts were therefore considered less than significant.
- MJ/PW(A)-24.** The comment maintains that the document “requires revision to fully assess significant noise impacts to residents and recreational areas that would occur during construction.” This is incorrect. See response to comment CSNPC-17. Draft SEIS/SEIR Section 3.11.4.3.1.1 addresses the noise impacts of the project construction on sensitive receptors (residential areas) and recreation and concludes that the impacts of pile driving would be significant and unavoidable. See also response to comment USEPA-25. No change is required to the document.
- MJ/PW(A)-25.** The comment maintains that the document “requires revision to fully assess significant unmitigated impacts to recreation that would occur during ... construction.” This is incorrect. Please see responses to comments CSNPC-17 and DN-16. While noise associated with construction would be audible at recreational locations, residential criteria generally do not apply to recreational sites where higher noise levels, such as enthusiastic crowds, motorized recreational equipment, and the like are considered acceptable ambient noise.
- Section 3.11.4.3.1.1 of the Draft SEIS/SEIR discusses the effects of construction on recreational boating and concludes that “construction of the project would result in a substantial loss or diminished quality of recreational ... resources”, primarily through the diminishment of the recreational experience during construction activities. Draft SEIS/SEIR Section 3.11.4.3.1.2 discusses operational impacts and again concludes that

project operations “could result in a temporary substantial loss or diminished quality of recreational ... resources in the event of an oil spill.” Impacts to species are addressed in Draft SEIS/SEIR Section 3.3. (Biological Resources). Impacts to on fish availability, temporary reduction of recreational fishing opportunities, and reduction of harbor area for recreational boating were analyzed in the 1992 Deep Draft FEIR as noted in Draft SEIS/SEIR Section 3.11.1.1. Impacts on harbor fisheries are discussed in Draft SEIS/SEIR Section 3.11.4.3.1.2 in relation to oil spills.

The east-side berth was eliminated from coequal evaluation because of the additional cost, restricted recreational access, and environmental impacts to air quality and least terns associated with this alternative. No change is required to the document.

MJ/PW(A)-26. Please see responses to comments CLSC-63 and CBE-5. A cumulative analysis of the impacts to water quality from oil spills is provided in Chapter 4 of the Draft SEIS/SEIR. The document has been revised to include a discussion of the Vessel General Permit and implications for vessel discharges to cumulative water quality impacts.

MJ/PW(A)-27. Please see response to comment CSLC-51.

MJ/PW(A)-28. Please see the response to comment CSPNC-20.

MJ/PW(A)-29. Please see the response to comment CSPNC-21.

MJ/PW(A)-30. Please see the responses to comments PCAC-EIR-7 and CSPNC-23.

MJ/PW(A)-31. Please see response to comment CSPNC-24.

MJ/PW(A)-32. The comment maintains that the document “requires revision to adequately analyze impacts on recreation.” This is incorrect. Please see the response to comments DN-16 and MJ/PW(A)-25.

MJ/PW(A)-33. Please see the responses to comments CSPNC-25 and PCAC-EIR-13.

MJ/PW(A)-34. Thank you for your comments on the Draft SEIS/SEIR.

This whole letter is bracketed as MJ-PW(B)-1.
The comments in this letter are entirely contained
within the MJ-PW(A) comments. Please see
responses to comments MJ-PW(A)-6 through MJ-
PW(A)-34.

From: Peter Warren <pmwarren@cox.net>
To: <ceqacomments@portla.org>
Date: Wed, Aug 13, 2008 1:28 PM
Subject: Pacific L.A. Marine SEIS/SEIR Comments (POLA Website Referral)--Pacific L.A. Marine Terminal LLC Crude Oil Terminal Draft Supplemental Environmental Impact Statement/Draft Subsequent Environmental Impact Report (Draft SEIS/SEIR)

Dr. Appy and Dr. MacNeil,
attached please find comments on the Pacific L.A. Marine Terminal LLC
Crude Oil Terminal Draft Supplemental Environmental Impact Statement/
Draft Subsequent Environmental Impact Report (Draft SEIS/SEIR).
sincerely,
peter m. warren
melanie ellen jones
619 west 38 street
san pedro, ca 90731

CC: <ceqacomments@portla.org>

August 13, 2008

U.S. Army Corps of Engineers
Los Angeles District, c/o Dr. Spencer D. MacNeil
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, CA 90053-2325

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

Subject: Comments Submittal for the Draft Supplemental EIR/Subsequent
EIS for Pier 400, Berth 408 Project, Referred to herein as the
Supertanker

Dear Dr. Appy and Dr. MacNeil,

We want to first note that the Point Fermin area of San Pedro, where we live, will be inordinately impacted by this project, should it go forward in its current form. It would add significant noise, light and air pollution that will be evident from within and around our home. It will impact our neighborhood and our neighbors will be those people most directly affected by the project. The project benefits will be distributed throughout the city, region and state. But the vast majority of negative impacts will be felt and have their greatest effects here. We more than others, will breathe dirtier air, swim in less clean water, suffer more noise pollution, and see more negative impacts on our recreational space, health, night skies and to our well-being than any other people in the City of Los Angeles or the State of California.

MJ/PW(B)-1

We ask directly, what do we and our neighbors get in return for this marked change in our lives and to our welfare? What is our recompense?
Where is the evacuation plan, which should be funded by the developer?
Where is the permanent public air quality monitoring station in our neighborhood?
Where is a community mitigation fund to offset pollution impacts?
Where is a community health care fund to offset externalized health costs?
All of these things have been asked for when this project was first suggested years ago and yet none of these things have been done nor are they part of the proposal.

Let us state clearly, the DEIR has failed to adequately explore the best project alternative, which would be relocation of the supertanker berth to the east side of Pier 400. That issue requires re-examination and the section requires rewriting.



MJ/PW(B)-1

First and foremost, we are opposed to proceeding with the Project under any action that states the air quality, water, recreation, biological, view, light and other impacts are "considered significant, adverse, and unavoidable" after the proposed mitigation measures have been applied. That is unacceptable and a warrant to impose significant health, safety, financial burdens on Point Fermin residents and visitors.

We remind the Port and the Corps of Engineers that the affected area remains a Federal non-attainment area for Air Quality and that the proposed Project as currently defined could only be implemented through consideration of "overriding importance" (reference Socioeconomic Impact) or through "Overriding Considerations (if necessary)" (reference Executive Summary and Introduction).

We recommend that the Port require the mitigation efforts for the Project as defined in the CAAP and if projected emissions still create residual significant air quality impacts after full application of all feasible mitigation measures, that mitigation measures be required for existing sources in closest proximity to the Project. The mitigations applicable to sources other than the Project provide the opportunity to reduce the residual emissions to below significant levels on a port-wide basis. We believe that the Port and the Corps of Engineers has the capability and the responsibility to require the application of currently available mitigations such that the impacts to air quality can be reduced to a level that will not require application of Overriding Considerations.

DETAILED COMMENTS

1. Measure MM AQ-14, Low Sulfur Fuel Use in Main Engines, Auxiliary Engines and Boilers, requires revision to schedule full implementation based on current availability of LSF and as was originally committed in the CAAP for Main and Auxiliary engines. The SEIR/SEIS currently stated phase-in of LSF (maximum sulfur content of 0.2 percent) for in-bound Ocean Going Vessels of 20% in Year 4, 50% in Year 5, and 90% in Year 7 violates the CAAP commitment to implement 100% LSF compliance in terminal leases as they are renewed or modified. The SEIR/SEIS requires revision to impose 100% LSF implementation on start of operations for both in-bound and out-bound ships.

We noted that the CAAP included implementation of Measures OGV3, applicable to Auxiliary Engines, and OGV4, applicable to Main Engines, which required that, on lease renewal or revision, all ocean going vessels utilizing the leased facilities must burn $\leq 0.2\%$ S MGO within the current Vessel Speed Reduction program boundary of 20 nm, subsequently expanded to the 40 nm boundary. The schedule in the Draft SEIR/SEIS as proposed will never require all OGV to comply with the critically important CAAP OGV Measure.

MJ/PW(B)-1

We also noted that the recently published Fuel Availability Study, conducted by Tetrattech for the Port of LA (POLA), established that regional LSF supply is sufficient such that the fuel would be available for Pier 400 ships in bunkering locations on inbound routes or that the inbound ships' routes can simply be planned in advance to ensure access to LSF prior to arriving at the San Pedro Bay ports.

We recognize and appreciate that the Draft EIR/EIS includes 100% LSF compliance for Hoteling and Outbound ships and extended the boundary zone to 40NM.

With regard to LSF compliance and speed reductions and other issues raised in ITEMS 1-4, we ask that the DEIR be revised to incorporate the latest CAAP standards and the latest CARB standards, and where CARB and CAAP standards conflict, the MORE stringent be the rule applied in the revised document.

As part of the revised document, the PORT should make it a condition of the lease that vessels that do not comply would be subject to fees in lieu of compliance beginning at \$45,500 for each visit, with a maximum of \$227,500 on the fifth visit.

As Air Resources Board Chairwoman Mary Nichols said, "We've known for years that a large percentage of onshore pollution comes from activities in the water. Our ports need to expand and modernize, but the adjacent communities are not willing to tolerate the health risks."

These changes would save more than 3,600 lives in coastal communities over the first six years through reduced respiratory illnesses and heart disease, including a potential 80% drop in cancer risk associated with ship pollutants, according to state regulators.

2. Measure MM-A Q15, Alternative Marine Power (AMP), requires revision to schedule full implementation based on currently available technology. The Draft SEIR/SEIS currently stated phase-in of AMP of 4% in Year 2, 10% in Year 3, 15% in Year 5, 40% in Year 10, and 70% in Year 16 violates the Port's commitments to Air Quality and to Public Health and requires revision to implement AMP at 100% on project start.

As technology advances may include potential for methods other than AMP to reduce emissions at dock, such as bonnet applications, we suggest that AMP implementation may be reduced as other methods such as bonneting result in proven reduced emissions that would achieve the reductions possible through 100% AMP.

MJ/PW(B)-1

3. Project Description requirements applicable to boiler operations should specifically require use of .2% LSF within the 40 nautical mile boundary zone.

We recognize and appreciate that the current Project description includes use of distillate Marine Diesel Oil/Marine Gas Oil (MDO/MGO) at .5% LSF for boiler operations while close to Port. Please note that use of .5% LSF MDO/MGO achieves minimal emission reduction compared to .2% LSF and that the .2% LSF should be considered the minimum threshold of all fuel use within the 40 nm boundary zone, as consistent with the CAAP.

In addition, the document MUST, yet fails to, assess the impact of running boilers beginning three hours offshore, rather than restricting ALL boiler operations to dockside, when the ship's boiler emissions could be reduced through bonneting, the immediate availability of the cleanest possible fuel or the employing of AMP technology. Consultants for the Plains All American have speculated that the dispersal of pollution from running the boilers while inbound would reduce the air pollutants actually reaching Southern California, however, no calculation has been done to determine the actual tonnage of air pollutants from the different operation rules, including requiring the .1% LSF for all boiler operations with operations restricted to dockside in conjunction with bonneting or, if possible, replaced entirely by AMPing.

4. Measure MM AQ-16, Slide Valves requires revision to state the specific rate of implementation and to ensure compliance with the CAAP. The AQ-16 as currently worded, "Ships calling at Berth 408 shall be equipped with slide valves or a slide valve equivalent . . . to the maximum extent possible," provides the Port opportunity to demonstrate commitment to Slide Valves and the CAAP.

The CAAP Measure OGV5 stated that Slide Valve Technology shall be implemented through lease requirements as new leases are established or existing leases are revised. Specifically, OGV5 requires that immediately upon lease renewal, all ocean going vessels utilizing the leased facilities must employ slide valve technology.

5. Measure MM-AQ-21, Throughput Tracking, indicates the Port's recognition of the potential for exceeding throughput as planned in the Draft SEIR/SEIS yet requires revision to impose review of actual throughput through a defined process and on a more frequent basis than as currently stated. The current MM-AQ-21 defines no specific requirement for how the reviews will be performed and further definition for the Measure is required to ensure compliance. The Throughput reviews are required on no less than a five-year basis rather than in the currently stated cycle of "through the years 2015, 2025, or 2040."

6. The lease term stated in the DEIR/DEIS requires adjustment to reduce the term or to include re-opener clauses to allow for evaluation at 10-year intervals to ensure application of best available technologies and mitigation measures.
7. The DEIR/DEIS requires revision to incorporate the mitigations required in the recent TraPac EIR/EIS Memorandum of Understanding established through Settlement with the Appellants to the TraPac EIR/EIS.
8. The DEIR/DEIS requires revision to fully assess biologic impacts from both oil spills and from invasive species arriving on vessel hulls and in bilge water, which it admits would occur and result in substantial impact on native species. These are not adequately mitigated.
9. The DEIR/DEIS requires revision as it fully omits an assessment of noise impacts during operations. This revision must assess what are likely to be very significant impacts and offer mitigation, particularly in the residential areas that already are significantly impacted by noise from POLA operations. As these operational noise impacts are not identified at all, these impacts are not adequately mitigated. The current document fails to document or discuss the noise levels expected from the pumping stations on ship and on shore. These pumping stations are likely to add significantly to the noise level from Pier 400, which is substantial. We note that the Pier 400 EIR/EIS failed to adequately assess noise impacts from the project and the operations contribute marked and significant noise 24 hours a day, which carries clearly over the water to the Point Fermin neighborhood. In effect there is a constant HUM from the pier. At a minimum, all pumps should be tested and the noise levels monitored as part of the EIR/EIS process and adequate noise reduction measures should be taken up to and including having all pumping done from dockside pumps that are housed in soundproof structures.
10. The DEIR/DEIS requires revision to fully assess significant noise impacts to residents and recreational areas that would occur during construction. These currently are not adequately mitigated.
11. The DEIR/DEIS requires revision to fully assess significant unmitigated impacts to recreation that will occur during the two-and-one-half-year construction. These currently are not adequately mitigated.
12. The DEIR/DEIS requires revision to fully assess water quality impacts from both oil spills and from invasive species arriving on vessel hulls and in bilge water. These are not adequately mitigated and the federal ballast water regulations with regard to invasive species are not complied with or discussed.

MJ/PW(B)-1

MJ/PW(B)-1

13. With regard to invasive species carried on the hulls of ships, hull cleansing should be required at a level that would meet the same species induction levels required by ballast treatment.
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In conclusion, we note that the DEIR/DEIS process has been flawed and may not comply with federal and state law. There has been a demonstrable inadequacy of process by both the POLA and the Army Corps of Engineers, and a lack of commitment by both agencies to openness and public dialogue.

MJ/PW(B)-1

We site below a few examples and point out that both agencies have failed in their public obligation by not agreeing to repeated requests to extend the comment period on the DEIR/DEIS by 90 days and use the added time to remedy errors in the public outreach and public notice and public access to materials, as outlined below.

-A flawed public hearing process, in which the single public hearing was held on the same evening as a hearing into another controversial land-use project in San Pedro. The competing hearing, convened by another agency of the City of Los Angeles, drew approximately 500-700 people, including many CSPNC stakeholders who otherwise would have testified on the Pier 400/Supertanker proposal;

-The refusal by the POLA to continue funding of Port Community Advisory Committee consultants to assist unpaid community representatives, including CSPNC members, in understanding the 4200-page DEIR/DEIS. The complex document, by contrast, was prepared using tens of thousands of work hours from trained Port staff and expert consultants;

-The refusal by POLA and Corps to extend to 90 days the comment period for this document, which took two years to draft;

-The timing of the release of the document so that the bulk of comment period takes place during the summer months;

-The initial refusal by POLA of direct requests from community and PCAC members to print and distribute additional printed copies of the DEIR/DEIS.

We look forward to your rectifying the above cited deficiencies of content and process. We ask that the release of the Final EIR/EIS incorporate our recommendations.

Sincerely,

Melanie Ellen Jones,
Peter M. Warren
619 West 38 Street
San Pedro, CA 90731

Melanie Ellen Jones and Peter Warren, August 13, 2008

MJ/PW(B)-1. All comments contained within this comment letter were copied into Ms. Jones and Mr. Warren's August 18, 2008 letter, and the commenter noted in the August 18, 2008, letter that the comments in the subsequent letter were revised. Thus, please see the response to comments MJ/PW(A)-6 through MJ/PW(A)-34 above.

From: Jody James <jody.james@sbcglobal.net>
To: <ceqacomments@portla.org>
Date: Mon, Aug 11, 2008 6:49 PM
Subject: pacific L.A. marine terminal llc crude oil terminal

R.G. Appy,
 Dr. Spencer D. MacNeil U.S. Army Corps of Engineers, Los Angeles District,

I am submitting my comments and questions concerning the supertanker crude oil terminal proposed for the west side of Pier 400. JJ-1

My greatest objection and question to your offices is that since there are so many impacts to this project that rate an "unavoidable and significant" status, isn't it unreasonable to approve this project? With SCAQMD data from the Mates II and III establishing that air quality in the Harbor area is greater than 1,400 times the Federal threshold of cancer risk, shouldn't the correct response be to never allow any new project that increases the health hazards to residents of L.A.? A Harbor area Health Risk Assessment has never been done. The Port of L.A. and the City of L.A. the State of California and the Federal Government appear to have been derelict in their duty to protect the health and safety of the public. Publicly presented reports from the UC Particulate Matter Study Group have alerted the LAHD of their findings that "we are in a state of emergency right now" concerning our Port related pollution.

Researchers have found that there are three cardiovascular "incidents" per each cancer case due to ultra fine particulate matter. Harbor area children suffer from a high rate of asthma and the UC study revealed that the ultrafine particles are being found in the mitochondria of human cells. No project should be approved until a Health Risk Assessment is done for the Harbor area.

After explosions and fires from the oil tanker, Mackey in 1947 and also the Sansinea in the 1970's, Pier 400 was planned for the stated purpose of relocating hazardous cargo away from populated and sensitive use areas in accordance with the Port Risk Management Plan (1983). Since not a single hazardous liquid bulk facility has been relocated to this site, isn't it a betrayal of public trust to allow an additional and substantial risk to our Harbor area citizens? Isn't the stated purpose of NEPA and CEQA --with the USACE serving as the federal lead agency-- charged with "avoiding or minimizing significant impacts or to enhance the quality of the human environment"? JJ-2

Shouldn't the relocation of "hazardous" materials within populated areas around the Port be accomplished before any other additional use of Pier 400? More "hazards" should not be added. Relocation to a safe and sane area (and building to current safety standards) of the 26 million gallon Butane and 180,000 gallon propane facility, AmeriGas Propane Inc., should be the first to occur. JJ-3

Are there any plans to convert this proposed crude oil facility into an LNG terminal? With rising numbers of Harbor vehicles using this fuel there is a concern that a conversion of this facility might be anticipated. Long Beach City Council rejected the proposed LNG terminal because of serious concerns over public safety. JJ-4

California Assembly Bill 1007 directed development of an "Alternative Fuels Plan" to increase the use of alternative fuels without adversely affecting air pollution, water pollution, and public health. Shouldn't safe alternate fuels be considered far ahead of this proposed facility? Why is a lease term of 30 years being considered for this facility? JJ-5

The EPA office of Environmental Justice must be involved in this matter because of the additional and significant impacts of this project. The residents of Fort MacArthur are not living in this area by choice and are the first in line to be negatively impacted regarding their health. I am submitting my comments to their office. JJ-6

Thank you, Jody James e-mail jody.james@sbcglobal.net

Jody James, August 11, 2008

- JJ-1.** Your comment is noted. In response to unavoidable significant impacts please see the response to comment MJ-PW(A)-12. The Port, along with the Port of Long Beach, is developing the Bay-wide HRA and expects to release the report in the near future.
- JJ-2.** As noted in the comment, Pier 400 was originally planned and constructed to address hazardous liquid bulk facilities. Consistent with that plan, the Pacific Marine Terminal was proposed for Pier 400, Berth 408. Since the early stages of planning for Pier 400, other measures have been taken to minimize the potential for accidents associated with bulk liquid terminals. Specifically, the practice of using vapor recovery systems and inert gasses on bulk liquid tankers has resulted in no large accidents since the Sansinena fire and explosion in 1976. Similarly, new regulations that cover marine terminals have been implemented state-wide. Specifically, the California State Lands Commission (CSLC) has implemented their Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) to address bulk liquid marine terminal safety. In addition, some of the hazardous facilities initially planned to be relocated to Pier 400 have gone out of business, as documented in Draft SEIS/SEIR Section 2.5.3.10 (also see response to comment PCAC-EIR-2). While the comment states that allowing another “substantial risk” in the Port is “a betrayal of public trust,” regulatory agencies have been working for decades to improve public safety associated with potentially hazardous activities within the Port. The proposed Project would result in a substantial relocation of Port-wide risk to Pier 400, thus fulfilling the original intent of Pier 400 construction.
- JJ-3.** Please see response to comments PCAC-EIR 2 and PCAC-EIR-19.
- JJ-4.** There are no plans to convert this facility into an LNG terminal. Please see the response to comment SPPHCO-6.
- JJ-5.** As described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that “conventional petroleum fuels will be the main source of transportation energy for the foreseeable future”, even with full implementation of the State Alternative Fuels Plan (CEC 2007a). The lease term of 30 years was negotiated between the applicant and the LAHD and is subject to the applicant’s compliance with all provisions of the lease, including mitigation measures to minimize the environmental and public health risk impacts of the construction and operation of the facility.

Also, regarding the question of the 30 year lease term, note that the SEIS/SEIR also included MM AQ-20, Periodic Review of New Technology:

The Port shall require the tenant to review, in terms of feasibility, any Port-identified or other new emissions-reduction technology, and report to the Port. Such technology feasibility reviews shall take place at the time of the Port’s consideration of any lease amendment or facility modification. If the technology is determined by the Port to be feasible in terms of cost, technical and operational feasibility, the tenant shall work with the Port to implement such technology at sole cost to the tenant. Potential technologies that may further reduce emission and/or result in cost-

savings benefits for the tenant may be identified through future work on the CAAP. Over the course of the lease, the tenant and the Port shall work together to identify potential new technology. Such technology shall be studied for feasibility, in terms of cost, technical and operational feasibility. The effectiveness of this measure depends on the advancement of new technologies and the outcome of future feasibility or pilot studies. If the tenant requests future Project changes that would require environmental clearance and a lease amendment, future CAAP mitigation measures would be incorporated into the new lease at that time.

As partial consideration for the Port's agreement to issue the permit to the tenant, tenant shall implement not less frequently than once every 7 years following the effective date of the permit, new air quality technological advancements, subject to the parties' mutual agreement on operational feasibility and cost sharing which shall not be unreasonably withheld

The above measure would set up a process for adding additional feasible environmental measures, identified through future revisions of the CAAP or other methods, over the life of the lease.

JJ-6. Your comment is noted. Please also see the response to comment USEPA-3.

July 9, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM

Via Email: ceqacomment@portla.org

Dear Gentlemen:

As a community activist who has devoted much of my time to the protection and cleanup of our urban waterways, I am always concerned about how new port projects will affect the water quality of San Pedro Bay. After reviewing the Supplemental Environmental Impact Report/ Environmental Impact Study, I am pleased that the project proposed by Plains All American Pipeline LP takes steps to protect the environment through mitigation measures that will help to prevent accidents from occurring.

CB-1

As the SEIR/SEIS clearly points out, a catastrophic spill could have a devastating effect on the water quality of San Pedro Bay. Although the risk of such spills is rare, it is unpredictable. Therefore, I believe that the following mitigations are most appropriate to reduce the likelihood of a spill:

Double-Hulled Tanker requirement MM RISK 2.1a. Since the tragedy of the Exxon Valdez, the danger of single hull tankers has been apparent. Requiring double hull tankers at the facility is a commonsense measure.

Quick Release Couplings- MM RISK 2.1b. The ability to stop the flow of oil almost immediately in the event of a malfunction will help to contain the risk of discharge into the water.

Containment Booms- MM WQ-1.2. The required inspection and cleanup of contaminants prior to releasing of the containment boom will help keep the berthing area free of minor discharges and trash that could accumulate near the tanker.

While not part of the Mitigation Measures, these two project features significantly reduce the risk of discharge into the water:

CB-2

Containment Dikes- The use of containment dikes that could hold the full quantity of oil stored in the event of a tank rupture or leak is adequate to mitigate the risk.

Project Location- The siting of the facility at the southwest corner of Pier 400 ensures ease of transit to the Berth. The minimal maneuvering required to enter and leave the facility reduces the potential risk.

In closing, let me state that as an individual I am completely in support of the certification of the environmental documents and the approval of the project by the Port of Los Angeles.

CB-3

Sincerely,

Cathy Beauregard
Co Chair Water Quality Committee
Port Community Advisory Committee
673 W. 20th St #3
San Pedro, CA 90731
424-772-6293

Cathy Beauregard, July 9, 2008

CB-1. The comment is acknowledged and appreciated.

CB-2. The comment is acknowledged and appreciated.

CB-3. Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

From: Fran Siegel <fs10002@yahoo.com>
To: <ceqacomments@portla.org>
Date: Wed, Aug 6, 2008 6:16 PM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

8/7/08

Dear Dr. Ralph G. Appy and
 Dr. Spencer D. MacNeil U.S. Army Corps of Engineers, Los Angeles District

I am writing as a San Pedro Community member and homeowner who is in strong opposition to the Pacific L.A. Marine Terminal LLC Crude Oil Terminal. My opposition to this project stems from the following: FS-1

The short term jobs are not enough to destroy the local environment. (there will be relatively few long term jobs created after construction) FS-2

Any potential rebound of the fragile local economy will be wrecked by short sighted financial gain to only a few individuals (and LA City tax revenues which will not go to our community). FS-3

Giant industrial ships would dominate views of the outer harbor and destroy any hope for a beautiful waterfront. FS-4

The health and welfare of the community should not be further sacrificed by another large, polluting project, which includes increased local refinery production + related air pollution. FS-5

This business is backwards thinking. We should be investing in sustainable energy and alternative fuels FS-6

This is in direct conflict to the mission of the Bridge to Breakwater or any development to our community. All local resident s property value will go down FS-7

The environmental impact statement did not adequately address the following:

The increased risks to terrorism. FS-8

The increased activities of the refineries which would further pollute. FS-9

The increased risk to a major explosion after an earthquake. FS-10

There is not a proper evacuation plan. FS-11

Environmental credits for this polluting project would be purchased to offset toxic emissions. These credits can be used elsewhere in the state rather than to clean up and mitigate effects in our area. That s just not right. FS-12

If there were to be a massive oil spill as witnessed in the New Orleans area just this past week the entire port would have to be shut down. FS-13

Adding to the community s mistrust of the Port s motives, the community response hearing was craftily held the very same night as a hearing about the potential Bisno development (Ponte Vista) up on Western that I hundreds of community members attended. In contrast he Port s meeting was stacked with workers and company owners from the construction trade including the pipe fitters union, who would stand to gain only in the short term from construction of this project. FS-14

Best regards,
 Fran Siegel

2130 South Pacific Avenue,
San Pedro, CA 90731

Fran Siegel, August 6, 2008

- FS-1.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners.
- FS-2.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. As discussed in Chapter 2 of the Draft SEIS/SEIR, there will be 1,767 full-time job equivalents for construction of the proposed Project (including direct, upstream and downstream jobs). In the operation phase, LAHD and USACE estimate there would be 54 full-time permanent jobs associated with the direct operation and maintenance of the terminal (in years 2025-2040), and an additional 158 full-time-equivalent permanent jobs related to indirect (i.e., upstream and downstream) economic activity.
- FS-3.** Comment noted. Although the Port and USACE did not conduct a comprehensive analysis of the spatial distribution of benefits that would result from the proposed Project, some of the benefits, including employment, wages, and tax revenues, will accrue to the local neighborhoods. Also see response to comment PCAC-EIR-18.
- FS-4.** The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the proposed Project's potential aesthetic impact on those conditions. The document explains that operations within the San Pedro Bay Ports have completely transformed the original natural setting to create a landscape that is highly engineered and is visually dominated by large-scale man-made features. The tankers calling at the Marine Terminal will be viewed in this Port context and will not appear incongruous with that setting. Figures 3.1-16 and 3.1-18 are photo-simulations showing a tanker at berth, as seen from the Cabrillo Beach Fishing Pier and from Lookout Point Park. The specific views shown are segments of broad panoramas available from these points, and in their context a tanker at Berth 408 could not dominate those panoramic views.
- FS-5.** The comment is noted. However, regarding the claim that the proposed Project would contribute to increased local refinery production, please see Chapter 8 of the Draft SEIS/SEIR and the response to comment SPPHCO-7.
- FS-6.** As described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that "conventional petroleum fuels will be the main source of transportation energy for the foreseeable future", even with full implementation of the State Alternative Fuels Plan (CEC 2007a).
- In addition, note that the proposed Project – in addition to incorporating numerous measures to minimize the environmental impacts of its operation – also contains several features to promote energy conservation and alternative energy, such as the commitment to LEED certification of three buildings that would be built for the proposed Project. Also, please see the response to comment SPPHCO-11.

- FS-7.** With regard to impacts to property values, please see the responses to comments PCAC-EIR-27 and PCAC-EIR-28. The proposed Project will not affect the proposed San Pedro Waterfront Project.
- FS-8.** Sections 3.12.2.5 and 3.12.2.6 of the Draft SEIS/SEIR provide an overview of terrorism and Port security that form the baseline for a terrorism assessment for the proposed Project. Impact RISK-5 provides a detailed assessment of terrorism-related risk for the proposed Project. As noted on Pages 3.12-70 and 3.12-71 of the Draft SEIS/SEIR, potential terrorism-related risks are considered significant and cannot be fully mitigated.
- FS-9.** Please see the response to comment SPPHCO-7.
- FS-10.** As noted in Section 3.12.4.1 of the Draft SEIS/SEIR, equipment failure rates that could lead to a major fire or explosion explicitly included earthquakes as an initiating event. All failure rates considered a wide range of failure mechanisms, including "...earthquakes, corrosion, and third-party damage (Draft SEIS/SEIR Page 3.12-34).
- FS-11.** Based on the results of the risk analysis that was prepared for the proposed Project, there are not any accident events that would necessitate large-scale evacuations that are not already covered by the Port's Risk Management Plan and the Harbor/Port Evacuation Plan. Therefore, no additional Project-specific evacuation plans are necessary. (See also response to comment PCAC-EIR-23.)
- FS-12.** Please see response to comment PCAC-EIR-5.
- FS-13.** The potential for a large oil spill of the magnitude that was experienced in New Orleans on July 23, 2008 is considered highly unlikely for the proposed Project. Among the factors contributing to the spill in New Orleans were that the tugboat involved in the collision had no properly licensed crew on board. This is not a likely scenario within the Port of Los Angeles given that Project-related vessel traffic will be closely controlled, and Port pilots would assume control of crude oil carriers outside of the Port, and across the short distance between Angels Gate and Berth 408 on Pier 400. In addition, vessels would be traveling at very slow speeds within the Port, with a very low probability that a vessel collision would result in substantial damage and a large oil spill. Mitigation Measure RISK-2.1a, requiring that the proposed Project shall limit crude oil deliveries to double-hulled vessels, would also reduce the risk of spills of any size resulting from a vessel collision. Once at Berth 408, the vessels would be surrounded with an oil spill boom to contain any accidental spills, and Mitigation Measure RISK-2.1b (Quick-Release Couplings) would further reduce the risk of spills during offloading. Nonetheless, as noted in the Draft SEIS/SEIR, potential crude oil spill impacts are considered significant.
- FS-14.** Please see the responses to comments CSPNC-25 and DN-8.

From: "gary sohngen" <sohngen@msn.com>
To: <ceqacomments@portla.org>
Date: Tue, Aug 12, 2008 10:51 PM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

Dear Dr. Ralph G. Appy and Dr. Spencer D. MacNeil,

As a resident of San Pedro I strongly oppose the proposal by Plains All American Pipeline Co. to develop a massive Supertanker terminal at Pier 400 in our outer harbor. Our community has worked for years to try to develop a beautiful waterfront, and this proposed project is another step towards the further industrialization and down-right uglification of our harbor.

BS-1

My major concern however, much more critical than our ongoing attempts at beautification, is the additional pollution and negative health impact this project will have on our air quality, which is already horrible. I have three children, one of whom has asthma, and the toxic emissions of the oil tankers that come in and out of our Port have had a terrible impact on the health of our children in the areas surrounding the Port. Our community and our CHILDREN have suffered enough because of the toxic effects of our ever-expanding Port. The Port should be working on ways to DECREASE the toxic emissions spewing from the ships that come to call, rather than approving projects that will increase the toxic air pollution in our communtiy. It was outrageous when the Port failed it's promise to our community to relocate the toxic and inflammable materials near Gaffey Street when Pier 400 was created, and instead turned it into the massive Maersk Terminal. The fact that environmental "credits" for this polluting project will be purchased to offset the toxic emissions it causes means nothing to San Pedrans when they can be used anywhere in the state to clean up other areas. That is an affront to us who live here in this community!

BS-2

The health and welfare of the people of our community should not be sacrificed for another polluting project that will benefit an oil company and the goals for expansion of the Port of Los Angeles. Our community has already suffered greatly with the effects of toxic emissions coming from the Port. The Port of LA and our government should be investing in sustainable energy and alternative fuels rather than building new oil infrastructure and continuing our dependence on oil from the Middle East. Who does this project truly benefit? Obviously not the people of San Pedro or the surrounding communities! I believe the vast majority of San Pedrans would oppose this project if they knew about it.

BS-3

Sincerely,

Beth Sohngen
 3722 Weymouth Avenue
 San Pedro, CA 90731
 (310) 832-2074

Beth Sohngen, August 12, 2008

- BS-1.** Comment noted. Regarding the aesthetic impacts of the proposed Project, please see the response to comment PCAC-EIR-11.
- BS-2.** The comment is noted. The Port is working on ways to decrease air pollution; please see response to comment USEPA-15. Note that the impacts of the proposed Project on operational air quality and health risk, as well as certain other environmental impacts, are substantially lower than the impacts of the No Project Alternative. In response to the issue of environmental credits, please see response to comment PCAC-EIR-5
- Regarding the issue of the relocation of other hazardous facilities to Pier 400, please see the response to comment PCAC-EIR-2.
- BS-3.** Regarding investments in sustainable energy and alternative fuels, please see the responses to comments SPPHCO-5 and SPPHCO-11. Regarding the benefits of the project in comparison to its environmental impacts, please see the responses to comments USEPA-3 and PCAC-EIR-18.

From: <CShawsutt@aol.com>
To: <ceqacomments@portla.org>
Date: Sat, Aug 9, 2008 9:44 AM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

Dear Doctors Ralph G. Appy and Spencer D. MacNeil,

I am writing this e-mail to adamantly oppose the proposed Pacific L,A. Marine Terminal LLC Crude Oil Terminal. This is an extremely misguided and backward thinking plan that will further degrade the quality of life for the San Pedro residents and all of the surrounding communities. These residents have already had to endure degraded air quality and transportation bottle necks because of recent port expansions over the past ten years. The short term jobs offered by the construction of this pipeline can in no way make up for the long term disintegration of the local environment in terms of both, health and aesthetic real concerns.

CSS-1

Equally, if not more importantly, this pipeline is an old idea which will continue to keep us literally plugged into the Middle Eastern oil empires which threaten our economic security. We feel that our energy future should be moving towards more locally sustainable energy sources.

CSS-2

I lived in San Pedro for a number of years and had to leave the because of asthma worsened by the Los Angeles Port's pollution. I now live in Seal Beach, but feel very connected to the San Pedro community.

CSS-3

Respectfully,
 Carol Shaw-Sutton
 Professor
 California State University Long Beach

Looking for a car that's sporty, fun and fits in your budget? Read reviews on AOL Autos.

(<http://autos.aol.com/cars-BMW-128-2008/expert-review?ncid=aolaut00050000000017>)

Carrol Shaw-Sutton, August 9, 2008

CSS-1. Your comment is noted and will be forwarded to the Board of Harbor Commissioners. Please see the responses to comments USEPA-3 and PCAC-EIR-18, which address the benefits of the project in comparison to its environmental impacts.

CSS-2. As described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that “conventional petroleum fuels will be the main source of transportation energy for the foreseeable future”, even with full implementation of the State Alternative Fuels Plan (CEC 2007a).

In addition, note that the proposed Project – in addition to incorporating numerous measures to minimize the environmental impacts of its operation – also contains several features to promote energy conservation and alternative energy, such as the commitment to LEED certification of three buildings that would be built for the proposed Project. Also, please see the response to comment SPPHCO-11.

CSS-3. Your comment is acknowledged and will be forwarded to the Board of Harbor Commissioners.

LM



August 10, 2008

Dr. Ralph G. Appy
Environmental Management Division
425 South Palos Verdes St.
San Pedro, CA 90731

Dr. Spencer D. MacNeil
P.O. Box 532711
Los Angeles, CA 90053-2325

RE: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

Dear Dr. Appy and Dr. MacNeil:

I am writing to **OPPOSE** the new proposed crude oil terminals, and I believe that it was very poor planning to hold the hearing the same night as the Bob Bisno development meeting. I believe that this project is NOT in the best interest of the many harbor residents that would have to live with the consequences of increased pollution and terrorism risk. I don't think that it is fair to burden the harbor residents with the effects of this new operation while we are currently trying to clean up and beautify the waterfront.

AL-1

I am truly angry that city officials are once again trying to take advantage of the limited voice Los Angeles harbor residents have with their large and impersonal city government. If this proposed operation was indeed a *valuable community asset*, I am most certain that the residents of Palos Verdes Peninsula, Redondo Beach, Hermosa Beach and Manhattan Beach would all be fighting for it. The truth is that this type of operation would never be proposed in those communities because the residents wouldn't stand for it. It's time that Los Angeles harbor residents are treated with the same regard.

Sincerely,

Concerned San Pedro Resident:
Amy Lambert
3612 Almeria St.
San Pedro, CA 90731

timnamy00@cox.net

Amy Lambert, August 10, 2008

AL-1. Your comments are acknowledged and will be forwarded to the Board of Harbor Commissioners. Regarding the date of the public hearing, please see the response to comment CSPNC-25. Regarding the distribution of benefits and burdens of the proposed Project, please see the response to comment PCAC-EIR-18. Regarding programs to improve air quality and assess health, please see the response to comment USEPA-15. Regarding terrorism, please see the response to comment SPPHCO-12.

Eugene Daub <eugenedaub@cox.net

Dear Dr. Appy and Dr. Mac Niel

I oppose this project because:

My property value will go down

The short term jobs are not enough to destroy the local environment.
(there will be relatively few long term jobs created after construction)

The potential rebound of the fragile local economy will be wrecked by short sighted financial gain to only a few individuals (and LA City tax revenues which will not go to our community).

Giant industrial ships will dominate views of the outer harbor and destroy our hopes for a beautiful waterfront.

The health and welfare of the community should not be further sacrificed by another large, polluting project, which includes increased local refinery production + related air pollution.

Environmental "credits" for this polluting project will be purchased to offset toxic emissions. These credits can be used elsewhere in the state rather than to clean up and mitigate effects in our area. That's not right.

This business is backwards thinking. We should be investing in sustainable energy and alternative fuels.

Thank you for participating in the future of our community!
Best regards,

ED-1

Eugene Daub, July 9, 2008

- ED-1.** Comment noted. Regarding the concern about declining property values, please see the response to comments PCAC-EIR-27 and PCAC-EIR-28. Regarding the aesthetic impacts of the proposed Project, please see the response to comment SPPHCO-9. Regarding the comment about increased local refinery production, please see the response to comment SPPHCO-7. Regarding the use of environmental credits, please see the response to comment PCAC-EIR-5. Regarding the need to invest in alternative fuels and sustainable energy, please see the responses to comments SPPHCO-5 and SPPHCO-11. Regarding the distribution of benefits and burdens of the proposed Project, please see the response to comment PCAC-EIR-18.

Anne Daub <anneolsendaub@cox.net>

I OPPOSE THIS PROJECT
THINK OUT SIDE THE BOX AND CLEAN UP THE PORT AND PLEASE DON'T ADD TO IT.
SHORT TERM JOBS ARE NOT ENOUGH TO DESTROY OUR LOCAL ENVIRONMENT
ALONG WITH THE HEALTH AND WELFARE OF OUR COMMUNITY. NOT TO MENTION THE
DECLINE IN PROPERTY VALUE.
WE ARE HOMEOWNERS AND DEFINITELY OPPOSE THE CRUDE OIL TERMINAL.

AD-1

ANNE OLSEN DAUB
295 WEST 15TH STREET
SAN PEDRO, CA 90731
310.548.0817

Anne Daub, July 9, 2008

AD-1. The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. Regarding the distribution of benefits and burdens of the proposed Project, please see the response to comment PCAC-EIR-18. Regarding the concern about declining property values, please see the response to comments PCAC-EIR-27 and PCAC-EIR-28.

Beth Elliott <beth-elliott@sbcglobal.net

July 9, 2008

Dear Dr. Ralph G. Appy and Dr. Spencer D. MacNeil

We oppose the Pacific L.A. Marine Terminal LLC Crude Oil Terminal project because:

BE-1

The health and welfare of the community should not be further sacrificed by another large, polluting project, which includes increased local refinery production + related air pollution.

Environmental “credits” for this polluting project will be purchased to offset toxic emissions. These credits can be used elsewhere in the state rather than to clean up and mitigate effects in our area.

This business is backwards thinking. We should be investing in sustainable energy and alternative fuels.

The short term jobs are not enough to destroy the local environment.

The potential rebound of the fragile local economy will be wrecked by short sighted financial gain to only a few individuals (and LA City tax revenues which will not go to our community).

Our property value will go down

Giant industrial ships will dominate views of the outer harbor and destroy our hopes for a beautiful waterfront.

Thank you for your attention.

Beth Elliott, Danielle Elliott,
231 West 10th St San Pedro, Ca 90731

Beth Elliot, July 9, 2008

BE-1. Comment noted. Regarding the comment about increased local refinery production, please see the response to comment SPPHCO-7. Regarding the use of environmental credits, please see the response to comment PCAC-EIR-5. Regarding the need to invest in alternative fuels and sustainable energy, please see the responses to comments SPPHCO-5 and SPPHCO-11. Regarding the concern about declining property values, please see the response to comments PCAC-EIR-27 and PCAC-EIR-28. Regarding the aesthetic impacts of the proposed Project, please see the response to comment SPPHCO-9. Regarding the distribution of benefits and burdens of the proposed Project, please see the response to comment PCAC-EIR-18.

From: Linda Day <lday2@csulb.edu>
To: <ceqacomments@portla.org>
Date: Fri, Jul 11, 2008 9:50 AM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

July 11, 2008

Dr. Ralph G. Appy
Environmental Management Division

425 South Palos Verdes Street

San Pedro, CA 90731

U.S. Army Corps of Engineers, Los Angeles District

Dr. Spencer D. MacNeil

P.O. Box 532711

Los Angeles, CA 90053-2325

I was shocked to hear about the eminent construction of the Pier 400 project and the obvious detrimental effects this will have on our San Pedro environment. In a time when we, as citizens of the world, are increasingly aware of protecting our environment - even healing it - when our energies are increasingly directed towards investigating sustainable energy sources and alternative fuels the decision to build Pier 400 is a clear move in the wrong direction.

LD-1

My husband and I moved to San Pedro and bought a home in the Point Fermin neighborhood because of its beauty and richly diverse working community. That being said, we had every belief that our government was working to improve the poor air quality of our town while maintaining its significance as a functioning industrial port.

Finally, as a member of the San Pedro Art Selection Panel who is invested in an aesthetic revitalizing our harbor, I am MOST distressed to hear about Pier 400's effect on our outer harbor, both visually and environmentally.

PLEASE RECONSIDER THE CONSTRUCTION OF PIER 400!!!!

Sincerely,

Linda Day, July 11, 2008

- LD-1.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. Regarding the need to invest in alternative fuels and sustainable energy, please see the responses to comments SPPHCO-5 and SPPHCO-11. Regarding the aesthetic impacts of the proposed Project, please see the response to comment SPPHCO-9.

>>> <thelimbergs@cox.net> 7/10/2008 7:19:45 PM >>>

Dr. Ralph G. Appy and Dr. Spencer D. MacNeil,

As a nearby resident, I am against turning pier 400 into a giant super oil tanker receiving terminal. Environmental factors and possible terrorist attacks are the main reasons I do not support the terminal. | KL-1

Kelly Limberg
1802 Velez Drive
Rancho Palos Verdes, CA 90275

Kelly Limberg, July 10, 2008

KL-1. The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. Regarding terrorist attacks, please see response to comment SPPHCO-12.

From: Marie Thibeault <mthibeau@csulb.edu>
To: <ceqacomments@portla.org>
Date: Wed, Aug 13, 2008 1:24 PM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

Dear Dr. Appy,

I am writing to let you know that I strongly oppose the Pacific L.A. Marine Terminal Project.

MT-1

I have lived here for 20 years and have seen the unfortunate overdevelopment of this port. I drive over the Vincent Thomas Bridge everyday. Our harbor and town are already too impacted with industry and toxic emissions. The health and welfare of the community should not be further sacrificed by another large, polluting project, which includes increased local refinery production + related air pollution.

Please inform me of any opportunity to be more vocal about this important issue.

Sincerely

Marie Thibeault/ Professor CSULB

Marie Thibeault, August 13, 2008

MT-1. The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. Regarding the comment about increased local refinery production, please see the response to comment SPPHCO-7.

From: Marty Barrera <martyab5@yahoo.com>
To: <ceqacomments@portla.org>
Date: Tue, Aug 12, 2008 1:53 PM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

Dear Port of LA,

I am TOTALLY against having more pollutant business development in the LA Harbor area! I live in Pt Fermin San Pedro and love living near the cliffs and beaches. However, I'm worried about the increased port traffic especially involving oil transportation.

A concerned resident,
Marty Barrera
martyab5@yahoo.com

MB-1

Marty Barrera, August 12, 2008

- MB-1.** Your comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. Regarding your concern about increased port traffic related to oil transportation, note that all of the oil that would be received at the proposed terminal would be transported via pipeline; none would be transported via truck or rail. Although the construction of the proposed Project would result in significant impacts on the local transportation network in the absence of mitigation measures, implementation of mitigations would reduce the impacts to less than significant (Section 3.6 of the Draft SEIS/SEIR).

From: "Martine Garcia" <jamggarcia@cox.net>
To: <ceqacomments@portla.org>
Date: Sat, Aug 9, 2008 6:47 PM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

I oppose this project because:

This business is backwards thinking. We should be investing in sustainable energy and alternative fuels rather than building Middle East dependent oil infrastructure. | MG-1

A san Pedro resident

Martine Garcia, August 9, 2008

MG-1. Please see the response to comment SPPHCO-5 and SPPHCO-11.

From: Ted Twine <tedtwine@pacbell.net>
To: <ceqacomments@portla.org>
Date: Sun, Aug 10, 2008 7:57 PM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

As residents of the community of San Pedro, we feel we have already been
burdened with high levels of pollution caused by port activities, and the
planned terminal at Pier 400 would make a bad situation worse for the people
who live here. | TT-1

The environmental credits for this polluting project will not offset the
actual damage being done locally by it. | TT-2

We should be committed as a port and a community to encouraging sustainable
energy industries rather than accept those which serve to strengthen our
dependence on Middle East oil. | TT-3

Our family opposes this project, and the thinking behind it. | TT-4

Ted Twine
125 N. Pacific Ave.
San Pedro, CA 90731

Ted Twine, August 10, 2008

- TT-1.** Your comments are noted. Regarding the comment about the distribution of benefits and burdens of the proposed Project, please see the response to comment PCAC-EIR-18.
- TT-2.** Please see response to comment PCAC-EIR-5.
- TT-3.** Please see the response to comment SPPHCO-5 and SPPHCO-11.
- TT-4.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners.

From: toni m <deartoni@yahoo.com>
To: <ceqacomments@portla.org>
Date: Sat, Aug 9, 2008 4:43 PM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

Dear Dr. Ralph G. Appy and Dr. Spencer D. MacNeil:

My family and I are opposed to the proposed crude oil terminal. We are life long residents of San Pedro and just when it looks like things are looking up (new condos, improved port emissions controls) something like this comes along! San Pedro and Wilmington will once again be sacrificed on the altar of the Port of Los Angeles if this comes to pass. Our health, welfare and safety need to be taken into account. Please do not let this project go forward.

Thank you.

TM-1

Toni Martinovich (and Clara Martinovich and Rex Beum)
1623 Sunnyside Terrace
San Pedro 90732

Toni Martinovich, August 9, 2008

TM-1. Your comments are noted and appreciated. The Draft SEIS/SEIR includes a comprehensive analysis of impacts on health, welfare, public safety and other issues of concern. Regarding the distribution of benefits and burdens of the proposed Project, please see the response to comment PCAC-EIR-18.

From: "Robin Stirling" <rgstirling@cox.net>
To: <ceqacomments@portla.org>
Date: Wed, Aug 13, 2008 6:18 PM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

To Dr. Ralph G. Appy and Dr. Spencer D. MacNeil,

I am totally opposed to the Plains All American Pipeline Company's plan to turn the west side of pier 400 into a giant supertanker oil terminal! I have been an elementary school teacher in Wilmington for over 20 years. During that time I have been aware of the dangers to children from a carelessly monitored port. Supertankers pose a serious danger and health risk from air pollution. The proposal to add pipelines in and around schools and neighborhoods would be tantamount to imposing a death sentence for residents of San Pedro and Wilmington in the event of an earthquake or, heaven forbid, a terrorist attack. And wouldn't the port become that much more vulnerable to security breaches and possible attack?! Please, please listen to the concerns of residents and workers in and around the port. Please do not increase the danger in our cities by letting the almighty dollar get in the way of safety and security.

Thank you,

Mrs. R. Stirling

RS-1

Robin Sterling, August 13, 2008

- RS-1.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners. The document identifies all feasible mitigation measures to avoid, reduce, and minimize public health risk impacts, including those associated with air pollution. In some cases, the impacts of the proposed Project are substantially lower than the impacts of the No Project Alternative (i.e., the impacts of not implementing the proposed Project). Regarding your concern about earthquakes and terrorist attacks, the Draft SEIS/SEIR includes a thorough and comprehensive analysis of the potential for these occurrences; see Sections 3.5 and 3.12 of the Draft SEIS/SEIR.

u

Donna Ethington
Berth 203 #9
Wilmington, CA 90744

August 4, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Dr. Appy & Mr. MacNeil:

I am vice president of the Wilmington Boat Owners Association, but today I would like to speak as an individual community member. I have reviewed the environmental document and support Plains All American and the Pacific L.A. Marine Terminal it proposes to build on Pier 400. California and Alaska do not have enough oil to keep up with our high demand for many more years. We need to consider our future and build a facility that will help supply our needs. I believe that the Berth 408 project can do that.

Wilmington is in a critical stage. Most of its residents are low income. High gasoline prices are forcing our families to cut back on other necessities. Apart from these sacrifices everyday more and more people are losing their jobs as our economy weakens. I support this project because it will bring decent paying jobs to our communities. This project will help replace some of the infrastructure that has been slowly leaving the Port as well as boost our economy.

This project will not only bring a strong infrastructure and jobs, but it will do so without impacting our community. The plan will not increase road congestion, which is a growing problem in our community because the oil will be transported in pipelines 60 feet underground. In addition to offsetting emissions by 120%, the project proposes to use existing and emerging technologies to eliminate smokestack emissions. This project not only has many benefits but is critical to our future energy needs. I urge you to approve this project.

TM-1

Sincerely,



Donna Ethington

Donna Ethington, August 4, 2008

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

From: Lord, Dennis [mailto:DLord@semprautilities.com]
Sent: Thursday, June 26, 2008 7:29 AM
To: ceqacomments@portla.org
Subject: Pacific LA Marine Terminal LLC Crude Oil Terminal

RE: Public Comment Hearing, June 26, 2008

To whom it may concern:

Our Company has long been an advocate for providing energy to our customers safely, reliably, and at the lowest possible cost. To do so requires a commitment to the natural increase in population of those customers to serve their energy needs. While some attempt to limit market growth, the reality in Southern California is that our Company adds approximately 60K to 70K meters to our system every year and we now have 20 million customers served through nearly 6 million meters.

DL-1

As you near a decision on this project, it is helpful to remember that until our economy finds and accepts cost-effective energy alternatives, there is one basic premise. Energy fuels economic growth. Societies that fail to recognize that risk economic decline beyond the natural ebbs and flows of the economy. There is always someone out there willing to compete, make a better offer, and in many cases move business elsewhere.

The Clean Air Action Plan and the Clean Truck Program have components within them to clean this region's air. Regarding this proposed facility, I am not aware of anything that this project's team is not willing to do to meet the environmental standards required of them. We support implementing projects that are backed by known science and result in measurable improvements to our air quality.

To that end, we will continue to support the effort to improve air quality in the greater Port area through the thoughtful implementation of our own Compressed Natural Gas Truck Demonstration Project and support of other projects that produce similar results. Simple economics in this global competition for energy includes bringing additional supplies, and alternatives, to a market that is demanding downward pressure on pricing.

Dennis C. Lord

Public Affairs Manager
The Gas Company

Dennis Lord, June 26, 2008

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

John B. Beal
12 San Clemente Drive
Rancho Palos Verdes, Ca. 90275

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

Dear Sir:

I am writing you in support of the proposed Pacific L.A. Marine Terminal project on Pier 400. JB-1

During these very difficult economic times this project would be a step in the proper direction. I have reviewed the environmental impact statement that I believe supports the project. The project will assist in meeting the extensive needs for crude oil in the Los Angeles basin, provide jobs and other economic benefits in an environmentally safe way. Thank you for your consideration.

Sincerely,



John B. Beal

John Beal, not dated

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

From: Shield Anderson [<mailto:Shield@budlong.com>]
Sent: Monday, July 07, 2008 1:39 PM
To: 'cegacomments@portla.org'
Subject: Support for Approval of Pacific LA Marine Terminal LLC Crude Oil Terminal Draft EIS/EIR

Mr. Spencer D. MacNeil and Dr. Ralph G. Appy:

I am sending this to express encouragement for you to do everything you can to see the Draft EIS/EIR approved. I have done some research on the project, located on the web at: Pier 400-Berth 408 Crude Oil Terminal
<<http://www.b2i.us/profiles/investor/ResLibraryView.asp?BzID=789&ResLibraryID=24762&Category=117>> .

SA-1

Major factor in my support of the project are the environmental leadership items shown halfway down the web page (linked above). As a LEED AP, I would like less reliance on fossil fuels in the coming years. However, realistically there must be a transition to more environmentally-friendly energy technologies, and the western United States need the additional capacity while we transition to solar, wind, hydro, fuel cell and other power sources. The Plains All American Pipeline Crude Oil Terminal will give our west coast the capacity for near-term future power needs, while taking several important measures to improve air quality at the same time.

Shield Anderson, LEED AP

Glendale Office Director

Budlong & Associates, Inc.

315 Arden, No. 23; Glendale, CA 91203

818.638.8780.ext.101 626.712.4740.cell

Shield Anderson, July 7, 2008

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

From: deborah berg [mailto:deborah@bergcm.com]
Sent: Thursday, June 26, 2008 5:48 PM
To: ceqacomment@portla.org
Cc: lga@butterfieldcommunications.com
Subject: Pacific LA Marine Terminal LLC Crude Oil Terminal

As a local resident who also works in San Pedro,
I offer my support of the Pier 400- Berth 408 Crude Oil Terminal proposed
at the Port of Los Angeles. | DB-1

Deborah Berg
310 548-9292
302 West 5th Street, Suite 210, San Pedro, CA 90731

Deborah Berg, June 26, 2008

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

From: Mehmet Pehlivan [mailto:mpehlivan@leightongroup.com]
Sent: Thursday, June 26, 2008 6:22 PM
To: ceqacomments@portla.org
Cc: olga@butterfieldcommunications.com
Subject: Pacific LA Marine Terminal LLC Crude Oil Terminal

This e-mail is in support of construction of the Pacific LA Marine Terminal LLC Crude Oil Terminal. | MP-1

I strongly support the construction of this terminal because the facts and information of the project shows that the project will have positive impact on the local and regional economy and environment. I am very impressed with the innovative way to reduce air emission as proposed by the project. Southern California economy needs this and projects like these to get out of current depression and to reduce the impact of increasing unemployment rate.

Sincerely,

Mehmet Pehlivan, PG, CHG
Director of Remediation Services
Leighton Consulting, Inc.
17781 Cowan
Irvine, CA 92614-6009
Phone: 949-250-1421 Ext: 4264
Fax: 949-250-1114
Cell: 949-302-7234
e-mail: mpehlivan@leightongroup.com

Leighton

Solutions you can build on

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Mehmet Pehlivan, June 26, 2008

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

>>> Genesa Wagoner <genesawagoner@hotmail.com> 7/10/2008 1:21:50 PM >>>

Dear Drs. Appy and MacNeil,

I was quite alarmed to hear of the plan to put a new oil terminal in the port of San Pedro. I am a pediatrician who has lived and practiced in San Pedro for the last 13 years. I live on 19th street very close to Crescent and where the proposed terminal will be. As a pediatrician I am already alarmed at the amount of pollution in San Pedro. In my practice alone I have diagnosed 3 brain tumors in children and 4 other children with cancer in the last 3 years. I have no proof, but I strongly suspect that the pollution in our environment in San Pedro could have contributed to this alarming rate of cancer. I am very concerned that adding an oil terminal with all the ship and truck traffic will increase pollution in our community. Of course there are also many other possible ways that having an oil terminal there could impact our environment and our children if something goes wrong or there is an oil spill, an earthquake or a terrorist attack of some sort. Please reconsider this terrible plan of putting an additional oil terminal in San Pedro. My home address is 353 West 19th St, SP, CA 90731 and my office address is 1294 West 6th St. #104, SP, CA 90731

GW-1

Sincerely,
Genesa Wagoner, MD

Genesa Wagoner, July 10, 2008

GW-1. Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners. Regarding your concern about cancer risk, the SEIS/SEIR includes a comprehensive, quantitative analysis of the incremental and cumulative impacts of the proposed Project on cancer risk and concludes that the proposed Project, with mitigations, would have a less than significant impact on cancer risk individually, but would have a cumulatively considerable contribution to cumulatively significant impacts on cancer risks. However, the SEIS/SEIR also establishes that the impacts of the proposed Project on cancer risk, as well as certain other environmental impacts, are substantially lower than the impacts of the No Project Alternative (i.e., the impacts of not implementing the proposed Project). The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts.

Regarding your concern about truck traffic, note that all of the oil that would be received at the proposed terminal would be transported via pipeline; none would be transported via truck or rail. Although the construction of the proposed Project would result in significant impacts on the local transportation network in the absence of mitigation measures, implementation of mitigations would reduce the impacts to less than significant (Section 3.6 of the Draft SEIS/SEIR).

Regarding your concern about oil spills, earthquakes, and terrorist attacks, the Draft SEIS/SEIR includes a thorough and comprehensive analysis of the potential for these occurrences; see Sections 3.5 and 3.12 of the Draft SEIS/SEIR.

Mary Gutierrez
2402 E. Anaheim St.
Wilmington, CA 90744

RECEIVED
JUL 14 2008
FBI - LOS ANGELES
INVESTIGATIVE
DIVISION

July 7, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

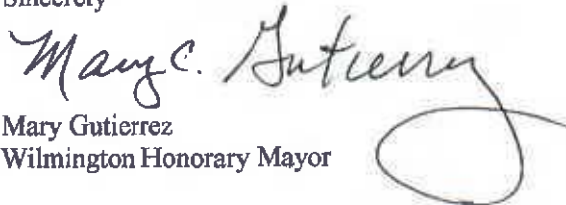
Dear Drs. Appy & MacNeil:

The purpose of this letter is to express my support for Plains All American and their proposed project on Pier 400. I support the project for four primary reasons.

MCG-1

- First, it fulfills the Port's existing master plan that has long intended such a project. The Port sold the "Energy Island" project to the community based on this type of use - yet so far it is only being used for containers (I'm disappointed).
- Second, such a facility is vital to offset the rapid decline of existing crude oil production in California. It could provide Southern California with a big percentage of its oil demand at a better economy of scale than bringing in smaller vessels on a more frequent basis. Additionally, without the new facility - more movements could create more potential for spills or releases.
- Third, I feel it will be a positive asset to our economy. It would provide additional ongoing annual state and local taxes plus offer over 150 permanent, high paying jobs for our local community.
- Last, it offers something that both the community and the Port have been working towards: Green technology. The facility would comply with SCAQMD, CARB and EPA as well as the Port's CAAP regulations. Pier 400 would attract the most modern vessels with highly regulated emission standards and they would produce very little emissions, which would then be offset by ERCs.

Sincerely


Mary Gutierrez
Wilmington Honorary Mayor

Mary Gutierrez, July 7, 2008

MCG-1. Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners. Regarding the “150 permanent, high-paying jobs to our local community,” please note that not all of these jobs would be in the local community; see the response to comment CCA-1.

July 9, 2008

Los Angeles, California 90053-2325
DR. Ralph G. Appy, POLA
425 South Palos Verdes St.
San Pedro, Ca. (0731



The development of a major new marine terminal in the Port of Los Angeles has taken far too long to accomplish. The need in our port for a safe quick deep draft terminal is past due as our nations need for oil increases each day.

The proposed crude oil terminal project at Berth 408 should be moved along quickly to benefit our port, our nation, and the local working community.

Please assist in making the necessary adjustments to move the Pacific LA Marine Terminal LLC Crude Oil Terminal Project to a quick reality.

AB-1

Respectfully,

The Rev. Arthur R. Bartlett - Former Harbor Commissioner

Arthur Bartlett, July 9, 2008

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

Armando Cortés García
1530 N. Marine Ave
Wilmington, CA 90744

RECEIVED
JUL 14 2008
U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT REGULATORY DIVISION

July 7, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Drs. Appy & MacNeil:

As a resident of Wilmington since my youth, and as a son of a longshoreman who first worked in the Port in 1924, and still visits today, I would like, in this letter, to extend my hands and offer my support for the facility that Plains All American has been so diligently working for. I am a laborer in Wilmington and feel the project may offer many jobs to our local population. I know that oil in California and Alaska will soon run low and this will help our high demand. I am also happy with the high environmental standard the facility is said to meet. My youngest son was born with slight asthma, and I have no doubt the air in this area caused it. I want a Port that is environmentally friendly, but most important I want a community where we can breathe fresh air. This project is said to have very low emissions and promises not to worsen our already polluted air. As far as safety and security go, I hope the Port strictly applies the State Lands and State Fire Marshall regulations to every aspect of the project. This is a big step and I hope Plains All American can be leader in environmental success and that other projects follow the same strict rules and procedures.

ACG-1

Respectfully,

Armando Cortés

Armando Cortés García

Armando Cortez Garcia, July 7, 2008

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

Gary W. Dwight
3730 Bluff Pl. Unit C
San Pedro, CA 90731
310-833-3595



July 10, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D. Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Drs. Appy & MacNeil:

I support the proposal of Plains All American Pipeline L.P. to build a new Crude Oil Receiving Terminal at the Port of Los Angeles.

GD-1

As a San Pedro businessman, I know that this project will provide economic benefit to both the local and regional economy at a time when it is most needed. The hundreds of jobs during construction will serve as a stimulus to the regional economy and create opportunity for many families in San Pedro and Wilmington.

Additionally, this project will build critically needed infrastructure to serve the future petroleum importation demands of Southern California. It does so in a safer, environmentally superior way that should be a model for future projects at the Ports. It mitigates and offsets its impact on the air quality of the Harbor area; it meets all the requirements of the new California State Marine Oil Terminal Engineering and Standards plan; and it is located in an area remote from the residential areas of San Pedro in a part of the port that was developed to be "Energy Island."

As a community member who often enjoys the amenities of Cabrillo Beach, I agree with the determination in the DEIR/DEIS that no significant aesthetic impacts would be created by the proposed project.

For these reasons, I urge both the Port of Los Angeles and the Army Corps of Engineers to certify the environmental documents, and for the Port to swiftly approve the project.

Sincerely,

A handwritten signature in cursive script that reads "Gary W. Dwight".

Gary W. Dwight

Gary Dwight, July 10, 2008

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

Shirley Atencio
1435 East L. Street
Wilmington, CA 90744

RECEIVED
JUL 16 2008
MARINE DIVISION
U.S. ARMY CORPS OF ENGINEERS

July 10, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Drs. Appy & MacNeil:

I would like to extend my support for the construction of the Pacific L.A. Marine Terminal, proposed by Plains All America. This project will not only excel in certain areas but in all, from creating jobs to security to the environment. I would like to offer some points on why this resolution should be passed. To begin, this project would provide 10.5 million gallons, meeting 25% of Southern California's crude oil demand. The project would include four million barrels of marine crude oil storage and pipelines that will connect to the existing networks near the port. This facility will be state of the art, offering accommodation to the largest and most efficient tankers. I am also in support because of the environmental standards it will meet. It will employ new environmental mitigations including the phase in use of low-sulfur fuels, AMP and slow steaming of vessels approaching our Port. The shore-side pumping stations to speed offloading and minimize vessel engine use and time at dock offer environmental benefits. Safety and security are big components of this project and I support it because it will go beyond basic standards. Pier 400 will be built to new, more stringent State Lands and Fire Marshall and transportation standards. It will include the latest US Coast Guard and POLA homeland security requirements. My last point of support is the jobs it will create for our community. 172 jobs are estimated, ranging from full time, on-going direct and indirect jobs. These are jobs that we need. Plains All American is offering a project that seems to benefits us in all ways. I hope it will go through and projects with similar benefits may follow.

S. Atencio-1

Respectfully,



Shirley Atencio

Shirley Atencio, July 10, 2008

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

Dan Hoffman

REC
JUL
ENV
HARBOR
CITY

1315 W. "I" Street
Wilmington, CA 90744
Home: 310.835.8782
Cell: 310.977.3562
Email: fishwithdan@yahoo.com

U.S. Army Corps of Engineers, Los Angeles
District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

July 14, 2008

Dear Gentlemen:

Although I am the Executive Director for the Wilmington Chamber of Commerce, as a resident of Wilmington for more than thirty years, I wish to submit in writing my personal support for Pacific LA Marine Terminal LLC Crude Oil Terminal and recommend the approval of the draft SEIS and SEIR.

DH-1

Even with our best efforts to free ourselves from foreign imports, demand will continue to grow and we have a responsibility to meet that demand in the best interest of our environment, consumers and economy.

This new terminal will handle the newest and largest tankers available with the capability of handling 25% of Southern California's demand and will do so in a manner that meets or exceeds the Joint Ports Clean Air Action Plan and the DEIR shows that this project will be more beneficial than no project. We all know that if supply can't meet demand then the results are higher prices to the consumer and I think there is little doubt that this impacts lower income families disproportionately. (We need to find a way to make fuel efficient and alternative vehicles available to lower income families).

This project will create thousands of direct and indirect jobs during the construction phase and over 100 full time permanent jobs once the terminal is in operation. This is the growth factor that I feel desperately needs to be added to the green factor. Millions of state and local taxes will be generated annually.

This project is just too important to put on hold; I believe this Terminal will set the bar worldwide for similar operations and urge your support.

Sincerely,



Dan Hoffman

Dan Hoffman, July 14, 2008

DH-1. Thank you for your comment. Regarding the “thousands” of jobs during the construction phase cited in the letter, please see the response to comment LCOC-1.



Gary Kern
912 Hawaiian Ave.
Wilmington, CA 90744

July 8, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Drs. Appy & MacNeil:

Today I write this letter not as a member of the Wilmington Neighborhood Council, but as an individual citizen. There has been a concern in the Port's surrounding communities for many years regarding quality of life. I believe that the project Plains All American wishes to build will not hurt our community, but only bring benefits. That's why I support the construction of the terminal on Pier 400. I specifically like the idea of the pipeline itself. This would mean that no new trucks would be added for transportation, cutting down pollution. I also agree with bringing in the crude oil itself, since Southern California's demand may not be nurtured much longer. I am happy with the latest technology that would be used for the facility and the safety features that it will incorporate. I feel security is an issue but the plan is said to include the latest US Coast Guard and POLA homeland security requirements. For my last point of support I wish to mention that the high environmental standards the program seeks are exactly what we wish for in our community. CAAP will never be a problem for the facility and by offsetting emissions by 120%, giving us emission credits would be beneficial. This is a project that would not affect our community in negative ways, only positive ways. I therefore support the Pacific LA Marine Terminal.

GK-1

Respectfully,

Gary Kern

Gary Kern, July 8, 2008

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

Joe Gatlin
225 S. Cabrillo Ave.
San Pedro, CA 90731



July 16, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Drs. Appy & MacNeil:

Plains All American Pipeline LP and the Pacific L.A. Marine Terminal LLC on pier 400 is a project that will not only benefit the Port and the local community, but all of southern California. I personally support this project. We all know our infrastructure could be stronger, I believe this project can help. The project will create a strong job foundation and it will help our struggling economy while at the same time caring for the environment. JG-1

The project is estimated to create 6,300 annual full-time construction jobs with wages of approximately \$518 million. The terminal will be built with union labor and for maintenance it will need an estimated 230 full time permanent jobs. These will benefit the working class around the port. The taxes generated will flow into our economy, giving it some help. It will produce approximately \$52.8 million in one-time state and local taxes in the construction phase and over \$6 million annually thereafter.

The manner in which it will be run will be more efficient and much safer than how the process is now. The terminal will be able to accommodate the most energy efficient and environmentally friendly supertankers. The project will not affect road congestion since transportation of the oil will be occurring 60 feet underground. The most impressive part is that the terminal will have the capacity of providing southern California with approximately 25% of our oil needs.

Plains All American Pipeline LP is a strong and diligent company that has not taken a break. David Wright has been on top of his work and has always thought about the community when preparing this facility. The Pacific L.A. Marine Terminal on pier 400 has my support.

Sincerely,

Joe Gatlin

Joe Gatlin, July 16, 2008

JG-1. Thank you for your comment. Regarding the job, wage, and tax estimates cited in the letter, please see the response to comments LCOC-1 and CCA-1.

Gojko Spralja
1639 South Palos Verdes Street
San Pedro, CA 90731



July 17, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Drs. Appy & MacNeil:

I would personally like to extend my support to the Pacific L. A. Marine Terminal on Pier 400, Berth 408. I specifically support this project because of the taxes it will provide to help our economy, the jobs it will create for the local community, and because of the high care that is being taken to not harm our environment any more.

According to David Wright the estimated project cost is \$543 million. The jobs involved will be union labor and is projected that it will to generate approximately 4,800 high paying one time construction jobs with estimated wages of \$350 million. In addition, after construction it will create an estimated 172 full time, ongoing direct and indirect jobs with estimated annual wages of nearly \$9.0 million. These are jobs our community needs, specially as we get through these 'hard time' of our economy.

The project will generate one-time state and local taxes of \$33.5 million and after construction it will generate annual state and local taxes of \$5.0 million per year. Our economy needs this, especially so it can go to our communities that are experiencing cutbacks on many things.

Plains All American has shown and will take great responsibility to preserve our environment. The project will be one of the most environmentally sensitive facilities of its kind in the world and meet the aggressive goals and objectives of the Port of Los Angeles' Clean Air Action Plan. The facility will incorporate the industry's latest technology and best practices and comply with stringent SCAQMD, CARB and EPA regulatory requirements, including offsetting 120% of operation emissions. As a result, the port's draft Environmental Impact Report has found that the Pier 400 project is preferred to the "no build" alternative and would actually improve our air quality.

Creating jobs and helping our economy while doing it environmentally friendly is hard. Plains All American has a strong project in their hands. They have been working diligently and deserve applause. They truly are creating something to benefit everyone.

Sincerely,

Gojko Spralja

GS-1

Gojko Spralja, July 17, 2008

GS-1. Thank you for your comment. Regarding the job, wage, and tax estimates cited in the letter, please see the response to comments LCOC-1 and CCA-1.

Toni Plescia
961 W. 25th St.
San Pedro, CA 90731



July 14, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325


Dear Drs. Appy & MacNeil:

I am writing this letter in support of the Pacific L.A. Marine Terminal. There are many reasons for me supporting the project; the biggest is the jobs it will bring to our community. The project will generate and estimated 4,800 annual full-time construction jobs with wages of approximately \$350 million. Pier 400 will be built with union labor and is estimated to generate 172 full time high-paying jobs in the harbor area with annual wages of approximately \$9 million. The taxes it will create for our state and local areas will also be of benefit. The project will produce approximately \$33.5 million in one-time state and local taxes in the construction phase and about \$5 million annually thereafter.

TP-1

My support also comes from the safety standards the project will meet. Pier 400 will be built to new stringent State Lands, State Fire Marshal and US Department of Transportation safety standards and will incorporate the latest engineering and construction practices. The project will also be designed to include the latest US Coast Guard and Port of Los Angeles security requirements.

My last point is in regards with green development. Pier 400 will berth the most modern ships with highly regulated fuel use standards, which will serve to improve overall air quality in our community. The terminal will be designed to allow rapid cargo offloading to reduce the time a vessel remains in the terminal. There will also be electric-powered shore-side pumps that will minimize the use of the vessel pumps and reduce fuel usage and emissions. All these points are beneficial and that's exactly what this port and community need.

Respectfully,

Tom Plescia

Toni Plescia, July 14, 2008

TP-1. Thank you for your comment. Regarding the job, wage, and tax estimates cited in the letter, please see the response to comments LCOC-1 and CCA-1.

Betsy Cheek
400 W. Ocean Blvd. #1503
Long Beach, CA 90802



July 21, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Re: Pacific L.A. Marine Terminal LLC

Dear Drs. Appy and MacNeil:

The purpose of this letter is to express my support for the construction of the Pacific L.A. Marine Terminal LLC, proposed to be built on Pier 400. I realize how important this project is to the local community, both for its fiscal impact as well as its environmental impact. This is a difficult time for our economy. This project will create much needed jobs for our local communities. On a macro scale, the millions of dollars generated in taxes will give our economy a much needed boost. BC-1

I am pleased with the high environmental standards that the project will meet. The Port and surrounding community need to develop in a green way, and this project will more than satisfy the Clean Air Action Plan. It has also been shown, in the draft Environmental Impact Report, that this project is preferred to the "no build" alternative and will actually improve air quality.

Plains All American continues to be a good community partner. Their work has always been handled in a transparent and responsible manner. Completing this project will greatly improve the quality of life throughout the harbor area. This facility is vital to our economy. It will be beneficial to our future while protecting our environment.

If you have any questions, please feel free to contact me at (562) 432-2112 or by email at betsycheek@aol.com.

Sincerely,

Betsy M. Cheek

Betsy Cheek, July 21, 2008

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

Ruben Diaz
1517 N. Fries Ave
Wilmington, CA 90744



July 16, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Drs. Appy & MacNeil:

I support the development of the Pacific L.A. Marine Terminal on Pier 400. The Port of Los Angeles has to grow, but it can grow in good or bad ways. I believe Plains All American is helping this Port only in good ways, specifically in the environmental, security, and job creating aspects of the project.

RD-1

I support this project because it will be built to the highest environmental standards and will meet the goals and objectives of the Port of Los Angeles CAAP plan. The project will be one of the most efficient, environmentally sensitive facilities of its kind. It will employ new environmental standards including the phase in use of low sulfur fuels and slow steaming of vessels reaching our Port. Overall the project will benefit the Port and Community since it will offset 120% of emissions with emission credits.

I am also pleased with the safety and security aspects of the project. It will meet the highest State Fire and State Lands Marshall. Many aspects of natural disasters will also been taken into account for the construction of the facility including tsunamis and earthquakes. Security is a big problem but this project will reduce risks to the minimum and should not be a subject of rejection of the project.

Our community needs benefits from the Port and this will bring 172 permanent jobs to us. It will also require thousands of workers for the construction aspect of the project. Finally it will help our economy with \$5.0 million per year in state and local taxes.

Plains All American has put forward a futuristic project. It is environmentally friendly, it is secure and it will create jobs. It is what the Port and Community have been waiting for and it will be a big step for the future of Southern California.

Earnestly,

A handwritten signature in black ink that reads "Ruben Diaz". The signature is written in a cursive, slightly slanted style.

Ruben Diaz

Ruben Diaz, July 16, 2008

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

David G. Nichol
23736 Maidstone Pl.
Harbor City, CA 90710-1316

12 August 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Via Email: ceqacomments@portla.org

RE: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

I am writing to express my support for the Plains All American and the Pacific L.A. Marine Terminal that is the subject of this report. It is apparent that increased capacity for fuel is needed now and even more in the future and this project appears to provide that in a manner that is reasonably safe.

This project will rebuild a much needed infrastructure that has been slowly dismantled as well as a being a boost to our local economy, especially during construction phase.

While no project will ever be risk free, this one appears to incorporate many features that will minimize risk to the environment through design.

I support the certification of the environmental documents and the approval of the project by the Port of Los Angeles and the U.S. Army Corps of Engineers.

Respectfully,

David G. Nichol

DGN-1

David Nichol, August 12, 2008

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

Ceqacomment - Plains All American letter

From: "john Mavar" <johnmmavar@gmail.com>
To: <ceqacomment@portla.org>
Date: 8/13/2008 3:54:07 PM
Subject: Plains All American letter

August 9, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Via: ceqacomment@portla.org

Dear Drs. Appy & MacNeil:

JM-1

As a life long resident of the Harbor area, a longshoreman, and former honorary Mayor of San Pedro, I would like to extend my support for the facility that Plains All American Pipeline has been so diligently working on. I have always supported strong union jobs and safe development in our community. Plains All American will do this and more. I know that oil in California and Alaska will soon run low and this will help Southern California's high demand. I am happy with the high environmental standard the facility will meet. This project will have very low emissions and will not to worsen our already polluted air. We need a Port that is environmentally friendly, but most important we need a community where we can all prosper. This is a big step and I hope Plains All American Pipeline can be leader in environmental success and that other projects follow the same strict rules and procedures.

Lastly, I would request that all dock vessels use the Alternative Marine Power (AMP) program. We need this program not phased in but in full, 100%, use at the time the first vessel is docked. As a dockworker that works on pier 400 it is very important to reduce these emissions not only for the work force but also for the residents that use our waterways and beaches as recreation.

Respectfully,

John Mavar

John Maver, August 9, 2008

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

August 11, 2008

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

Subject: Pier 400, Berth 408 New Crude Oil Marine Terminal

Dear Dr. Appy:

I am writing in support of the development of the Pier 400, Berth 408 New Crude Oil Marine Terminal and tank farm. As a resident of San Pedro, I recognize that it is important to manage new development in the area and to be sensitive to the needs of the community. In reviewing the Draft SEIS/SEIR it is apparent that this project will meet or exceed all applicable regulations and standards and that the facility is consistent with the intended use for this part of the port. Equally important, the project will contribute to managing the price of hydrocarbon products in the region as well as providing construction and operations jobs that will benefit the local economy.

KF-1

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Fredrickson', with a long horizontal flourish extending to the right.

Ken Fredrickson
1430 W. Hamilton Ave.
San Pedro, CA

Ken Fredrickson, August 11, 2008

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

From: "William Carroll" <barnaclewill@cox.net>
To: <ceqacomments@portla.org>
Date: Fri, Aug 8, 2008 8:17 AM
Subject: Pacific L.A. Marine Terminal LLC Crude Oil Terminal Project

Gentlemen:

It would seem that with all the pros and cons of this project now before you, which by now you are so thoroughly familiar, your positive course of action will be to move this project forward with your greatest expediency for the growth and prosperity it will bring to the Los Angeles/Long Beach/Southern California regions.

WC-1

Your progressive action will be remembered, with gratitude, for generations.

Thank you.

Yours sincerely,

Captain William F. Carroll
Master Emeritus
S.S. Lane Victory

William Carroll, August 8, 2008

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



August 4, 2008

Dr. Ralph G. Appy
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, California 90731

Reference: Draft EIS Pacific L.A. Marine Terminal

Dear Dr. Appy:

I have reviewed the Draft EIS for the Pacific L.A. Terminal and find it to be all inclusive and meeting the objectives of the corresponding Federal and State requirements. This project is for the good of all California citizens

JA-1

I support the Pacific L.A. Terminal project.

Very truly yours,


Captain Jerry Aspland

JERRY A. ASPLAND

9655 La Amapola Ave. • Fountain Valley, CA 92708 • Tel/Fax 714-968-4409 • jerryaspland@yahoo.com

Jerry Asplund, August 4, 2008

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

Daisy Ybarra
P.O. Box 5090
San Pedro, CA 90733



July 18, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Drs. Appy & MacNeil:

I would like to share my support for Plains All American and their proposed terminal on Pier 400. Our community needs to develop in an environmentally friendly way while at the same time providing benefits and jobs alike. The terminal on pier 400 will do these things. It will bring much needed jobs to our community and it will provide millions in state and local taxes, which our economy needs. An estimated 172 jobs will be new and will help our community. The "no build" alternative would actually be worse in terms of bringing in benefits to the local population. Security is a big aspect of the project.

DY-1

I am happy to say that the security the terminal will offer satisfies my needs as a community member. The project will be designed to include the latest US Coast Guard and POLA homeland security requirements and it will follow strict State Lands and State Fire standards. Perhaps the most important point is why we need this facility. When crude oil in California and Alaska start to run low, we will be ready. This is about looking into the future, both in terms of fulfilling our consumption as well as doing it in a green way.

Sincerely,


Daisy Ybarra

Daisy Ybarra, July 18, 2008

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

James Cross
1891 N. Gaffey St. Suite 234
San Pedro, CA 90731



August 4, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 53271
Los Angeles, California 90053-2325

Dear Sirs:

Speaking as an individual, and not in my capacity as the Executive Director of the Port of Los Angeles High School, I believe that the proposed Pacific LA Marine Terminal LLC Project on Pier 400 will be of benefit to the community and to future generations of San Pedro.

JC-1

The economic benefits to the region are self evident: 6,300 union-labor construction jobs- 230 full-time jobs providing approximately \$518,700,000 in wages to local families; tax revenues that will help solve our state and local budgets- the State of California will receive over \$41 million; Los Angeles County will receive over \$4 million; and the City of Los Angeles alone will receive \$7,300,000.

Also, the project will allow for the economy of scale savings for the transportation of crude oil to the Los Angeles Basin. Larger ships will allow for lower per barrel transportation costs and will help to stem the increasing costs of crude oil to the refining industry. While not specifically benefiting consumers, this cost reduction can only help limit the ever-increasing cost at the gas pump.

Lastly, the project set standards for green growth and requires the adoption of new technology for the future. These technologies are at the core of the curriculum of POLA High School. Everyday, our students study in their classes, the challenges and solutions to Port pollution. This project would be an incredible case study for our students to discuss and learn from and would help bring to life the subjects and lesson plans that they study everyday.

It is for these reasons, I urge you to certify the Supplemental EIR/EIS and for the project to be approved by the Board of Harbor Commissioners.

Sincerely,


James Cross

James Cross, August 4, 2008

JC-1. Thank you for your comment. Regarding the estimates of jobs, wages, and tax revenues, please see the response to comments LCOC-1 and CCA-1.

LM



Robert M. White, Jr.
970 West Paseo Del Mar
San Pedro, California 90731

August 7, 2008

U.S. Army Corps of Engineers
Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Re: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

Dear Messrs. MacNeil and Appy:


As a long time resident of San Pedro, this is to let you know that I **fully support** the proposed development of the referenced crude oil terminal and its associated tank farms and pipelines.

RW-1

Development of this terminal is a "win-win" for us all. Specifically, it creates short and long term jobs; it provides additional tax monies to the City and State; it provides a means of getting more oil to an ever growing population in Southern California; and it fulfills the Port's promise to build green.

Please go forth with the proposed development.

Very truly yours,


Robert M. White, Jr.

Robert White, August 7, 2008

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

ELIZABETH R. BRAZIL

3027 South Peck Ave. #2
San Pedro, CA 90731
(310) 308-9400



July 24, 2008

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

U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil D. Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Dr. Appy & Dr. MacNeil:

Please accept this letter signifying my support of the proposal by Plains All American Pipeline L.P., and its subsidiary, Pacific L.A. Marine Terminal LLC, to design and construct the Pacific L.A. Marine Terminal LLC Pier 400 Project at the Port of Los Angeles.

EB-1

I have long been impressed by the lengths to which Plains All American Pipeline L.P. has taken in relation to the environmental considerations that the project will incorporate in its master plan. The project will meet the aggressive goals and objectives of the Port's Clean Air Action Plan. Pier 400 will attract the most modern tankers with highly regulated fuel use standards and will be designed for rapid cargo offloading to minimize the time a vessel remains in port. All new storage tanks will be equipped with Best Available Control Technology to reduce emissions to the maximum extent possible. All of these things together mean the overall air quality in our community will be improved. Pier 400 will comply with stringent CARB, EPA and SCAQMD regulatory requirements and offset 120% of berth operation related emissions. I find their willingness to go above and beyond extremely admirable.

The project as proposed, including the capital expended by the Port on behalf of Plains, will generate an estimated 6,300 annual, full-time equivalent, construction jobs. Pier 400, once completed, is estimated to require 230 full time, high-paying, permanent employees in the harbor area with annual wages of approximately \$12.3 million. These local employment opportunities are necessary and very welcome, especially with the uncertainty of our current economy. In addition, this construction and the accompanying jobs will benefit us beyond the harbor area. Pier 400 will generate approximately \$52.8 million in one-time state and local taxes while in the construction phase and about \$6.2 million annually thereafter. A significant influx of much needed tax dollars into state and local coffers.

We need this facility. Los Angeles basin refineries receive crude oil from California and Alaska, but this may not last much longer. The Los Angeles basin refineries will not be able to continue to produce the products to sustain our economy and quality of life without new sources. Pier 400 will assist in replacing this supply by providing the facilities to accommodate tankers from a variety of different sources and if constructed as proposed, will be capable of providing for about 25% of Southern California's refining needs.

David Wright has been diligent, forthright and honorable since the beginning. He has been focused on doing no harm to the environment and on producing a quality addition to the Port Complex that will provide jobs and financial opportunities for our harbor area communities, I find that commendable and I support this project. Thank you for your consideration.

Sincerely,


Elizabeth R. Brazil

Elizabeth Brazil, July 24, 2008

EB-1. Thank you for your comment. Regarding the estimates of jobs, wages, and tax revenues, please see the response to comments LCOC-1 and CCA-1.

August 11, 2008

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



U.S. Army Corps of Engineers
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil, D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, CA 90053-2325

Gentlemen:

Subject: Proposed Plains All American Pipeline Project

VH-1

This is a letter of comment on and support for the subject project. In my opinion, the Draft environmental documents prepared to date by the project proponents, Plains All American Pipeline, L.P., and the Port of Los Angeles have met or exceeded all appropriate criteria for compliance with NEPA and CEQA and for subsequent project approval.

As you may know, I retired from the Port of Los Angeles in 1997 as Deputy Executive Director of Development. Since retirement, I have been active on several community committees including serving as the founding Chair of the Port Community Advisory Committee. During my 27 years with the Port, I had the privilege of serving as Chief Harbor and, germane to the subject project, Project Manager for the Port's 2020 and Pier 300/400 Implementation Program. In these capacities, I was personally responsible for planning, designing and constructing the Pier 400 landfill and associated deep-water channels as well as negotiating the Project Cooperative Agreement with the Corps of Engineers that led to federal participation in the projects that created said channels.

I believe my opinions on the assignment of most of Pier 400 to the Maersk Shipping for use as a container terminal are well known by Port staff. As a result of these actions, following my retirement, the subject project with its 15 acre surge tank farm, pipelines to Pier 300 and new berthing facilities on the -82 channel represents the best and only realization of the planned potential for an "Energy Island" on Pier 400



VH-1

↑
Plains All American Pipeline (pg.2)

And the deep water federal channels that were dredged in association with the development of Piers 300 and 400. As such, I strongly support approval and construction of this long awaited project at this time.

I have heard some community opposition to the project due to the fact that its construction would "use up" the remaining space on Pier 400, thereby precluding the relocation and/or consolidation of existing hazardous liquid bulk facilities (tanks and berths) throughout the Port to the planned Pier 400 Energy Island. In response to these legitimate concerns, I would state that this relocation potential has already been precluded by the past decisions and actions by the Corps and the Port that allowed development of the Maersk container terminal in its present configuration.

Sincerely yours,



Vernon E. Hall, P.E.
2235 West 37th Street
San Pedro, CA 90732-4505
310-832-6807
VernCHE@aol.com

Vern Hall, August 11, 2008

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

LM

To all concerned regarding Pacific L.A. Marine Terminal LLC Crude Oil Terminal:

I am adamantly opposed to the supertanker oil terminal proposed for Pier 400 in our outer harbor. When I bought my home here in San Pedro I knew I could afford it largely due to the unsightly and unhealthy proximity to a large working port. Despite much talk of cleaning up the port, reducing pollution, and improving our quality of life and the value of our investments, things keep getting worse. To add a supertanker terminal is not in the best interest of the residents of the San Pedro and for all, it is a shortsighted and backward thinking plan. Thankyou for your consideration.

AT/JP-1

Amy Thornberry and Jim Pike

1055 W 17th St.
San Pedro, CA 90731



[Handwritten signatures in blue ink]

Amy Thornberry and Jim Pike, August 14, 2008

AT/JP-1. The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners.



2402 East Anaheim • Wilmington, California 90744 • Telephone (562) 491-6877

August 13, 2008

VIA E-MAIL & OVERNIGHT MAIL

ceqacomment@portla.org

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

Dr. Ralph G. Appy, Director Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90733

RE: *Ultramar Inc. Comments on the Pacific L.A. Marine Terminal LLC Crude Oil Terminal ("Pier 400") Draft Supplemental Environmental Impact Statement/Draft Subsequent Environmental Impact Report ("Draft SEIS/SEIR")*

Dear Drs. MacNeil and Appy:

Ultramar¹ appreciates the opportunity to comment on the Pier 400 Draft SEIR/SEIS. As the owner of the Valero Wilmington Refinery, operator of Berth 164² in the Port of Los Angeles ("POLA"), and producer of approximately 13% of the compliant, clean-burning transportation fuels in Southern California market place, Ultramar is keenly aware that California is facing an increasingly urgent need to upgrade and expand essential energy infrastructure – both to ensure continued delivery of reliable and affordable energy supplies and to ensure the state's continued economic vitality. Further, California's growing reliance on imported crude oil and finished gasoline, diesel fuel, and other petroleum products – 60 percent of which enter the state through marine terminals at or near the ports of Los Angeles and Long Beach – requires that we maintain and expand our state's energy infrastructure.

UM-1

Accordingly, Ultramar is supportive of marine infrastructure projects like the Pier 400 project, which will provide a deep water marine dock designed to accommodate large ocean-going oil tankers for the purpose of liquid bulk offloading and storage. Ultramar strongly believes that such projects are important and critical in meeting California's future energy demand and help provide local refining facilities with much needed levels of raw materials for their operations. Because of these beliefs,

¹ For the purposes of the letter, Ultramar Inc., a Valero Energy Corporation, dba, Valero Wilmington Refinery, will be referred to as "Ultramar."

² Berth 164 is vital to the import of critically necessary gasoline blending components required for the Wilmington Refinery's production of California compliant and clean-burning transportation fuels.



↑
UM-1 Ultramar is currently signed on as a user of certain assets that are to be constructed and operated as part of the project.

UM-2 However, as previously commented on in the context of the Clean Air Action Plan (“CAAP”) and Berth 164 for similar emission control/mitigation measures, Ultramar is concerned with the some of the air quality mitigation measures (“MM AQ”) proposed for the Pier 400 project.

Under proposed MM AQ-14 through MM AQ-16 and MM AQ-18, upon operation of the Pier 400 project, Ultramar would be required to make almost immediate commitments to use processes and technologies with potentially substantial safety, technological, and economic implications. This is particularly problematic for Ultramar as it is highly improbable that it would own or operate any of the vessels calling on Pier 400. Currently, Ultramar charters these types of vessels from a number of ship owners throughout the world, which call infrequently on the West Coast. In many instances, Ultramar purchases cargos that are already waterborne after they have already left their point of origin, which are then delivered to West Coast terminals. Accordingly, Ultramar currently has little ability to control whether the vessels that would be calling on Pier 400 could meet MM AQ-14 through MM AQ-16 and MM AQ-18 in the time frames indicated.

Furthermore, the types of vessel modifications that may be required to meet the proposed mitigation measures modifications cannot be done overnight and will need to be phased in over time and most likely made during required dry dock inspections, which must be done twice in a five-year period.

To this end, some of our specific concerns with the proposed mitigation measures are discussed in more detail below.

Fuel Switching While At Sea (MM AQ-14)

UM-3 Proposed MM AA-14 requires that ships calling at Pier 400 shall use low-sulfur fuel in main engines, auxiliary engines, and boilers within 40 nm of Point Fermin (including hoteling for non-AMP ships) in varying annual percentages for inbound and outbound trips.

Although Ultramar has concerns with mandating fuel switching, considering the lack of acceptable protocols developed by appropriate marine bodies and approved by the appropriate oversight agencies, the types of vessel modifications required to accommodate fuel switching, and the availability of low sulfur at the ports (i.e., Middle Eastern, African, and/or South American) where a large majority of the crude coming to Pier 400 is likely to come from, Ultramar will work with Pacific L.A. Marine Terminal LLC (“Pacific”) and POLA to address these concerns.

It should be noted that Ultramar believes that any fuel switching mitigation measures for Pier 400 should be consistent in both requirements and timing as what may eventually come out of the International Maritime Organization (“IMO”) revised Annex VI (Regulations for the Prevention of Air Pollution from Ships) process³ and the U.S. EPA’s, in association with the CARB and other air quality agencies,

³ According to California Air Resources Board’s (“CARB”) Fuel Sulfur And Other Operational Requirements For Ocean-Going Vessels Within California Waters And 24 Nautical Miles Of The California Baseline (“Auxiliary and Main Engine Requirements”) Staff Report: Initial Statement Of Reasons For Proposed Rulemaking (June 2008) (“ISOR”), the Marine

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investigation of the creation of U.S. Sulfur Emission Control Area under a process provided by the IMO⁴. In fact CARB has recognized it is “preferable to adopt regulations for ocean-going vessels on a national or international basis.” (See ISOR at p. V-11). As a result, CARB provided that the Auxiliary and Main Engine Requirements could be sunsetted if the Executive Officer of the CARB determines that the IMO or the U.S. EPA has adopted regulations that will achieve equivalent benefits from ocean-going vessels in California. (*Id.*).

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UM-3

Ultramar also believes that MM AQ-14 must allow a master of a vessel the discretion to determine if regulatory compliance would endanger the safety of the vessel, its crew, its cargo or its passengers because of severe weather conditions, equipment failure, fuel contamination, or extraordinary reasons beyond the master’s reasonable control.

AMPing (MM AQ-15)

Proposed MM AQ-15 unequivocally requires that ships calling at Pier 400 use AMPing while hoteling at the Port in various percentages ranging from 4% of vessel calls by the second year of operation up to 70% of annual vessel calls by the sixteenth year of operation.

UM-4

Unlike the container trade with its dedicated fleets, Ultramar is concerned with the feasibility of AMPing for tankers. As previously mentioned, Ultramar does not currently own tankers or vessels and must charter these ships from all over the world. While, over time, fuel switching may become a worldwide standard under the IMO and/or U.S. EPA processes, AMPing requires even more onerous ship vessel modifications. Additionally, there is the infrastructure logistics and costs as well as liabilities associated with the use of AMPing that must be vetted before such a technology can be implemented. Accordingly, Ultramar is concerned that the AMPing phase-in times as proposed under MM AQ-15 may need to be adjusted to accommodate vetting of these issues.

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Environment Protection Committee (“MEPC”) of the IMO has approved proposed amendments that would significantly strengthen Annex VI. The United States was a significant participant in the discussions that led to this proposal. The revisions will be considered for adoption in October of 2008 at the 58th session of the MEPC in London. Among the more significant revisions would be progressive reductions in the sulfur content of fuel as follows:

UM-3
(Part)

- A 1% sulfur limit in “Emission Control Areas,” beginning March 1, 2010 (reduced from the current 1.5% sulfur level in SECAs);
- A global sulfur limit of 3.5%, beginning January 1, 2012 (reduced from the current 4.5% sulfur)
- A 0.1% sulfur limit in “Emission Control Areas,” beginning January 1, 2015;
- A global sulfur limit of 0.5%, beginning January 1, 2020 (subject to a feasibility review to be completed in 2018 that could shift implementation to 2025)
- A fuel availability provision would be introduced to outline the actions that should be taken if a ship operator is unable to obtain complying fuel.

Assuming the amendments to Annex VI are adopted, the U.S. EPA could pursue an “Emission Control Area” (ECA) that would include California’s coastline under the pending amendments to IMO Annex VI. Under an ECA, a one percent sulfur limit could be implemented starting in 2010, although implementation would likely start later depending on the time necessary to complete the process. Beginning January 1, 2015, a 0.1% sulfur limit could be implemented, which would be equivalent to the 2012 0.1% sulfur limit in the ARB proposed regulation.

⁴ According to CARB’s ISOR, the IMO’s Annex VI provides a mechanism to require the use of marine fuel (generally heavy fuel oil) with a 1.5 percent sulfur content limit in designated areas.

UM-4

It should be noted that Ultramar is puzzled as to why AMPing is a proposed mitigation measure for the Pier 400 project, considering CARB's recent determination not to require AMPing for crude-oil tankers in its recently adopted Regulations to Reduce Emissions from Diesel Auxiliary Engines on Ocean-Going Vessels While At-Berth at a California Port in December 2007 ("Shore Side Regulations")⁵. CARB specifically noted in the Shore Side Regulations Staff Report: Initial Statement of Reasons (October 2007) ("ISOR") the following:

"Based on the screening analysis noted above, the Evaluation Report concluded that the most attractive vessel candidates for cold-ironing at this time are container ships, refrigerated cargo (reefer) ships, and passenger ships, and the most likely locations for cold-ironing in California are the Ports of Los Angeles, Long Beach, Oakland, San Diego, San Francisco, and Hueneme. The most attractive ship candidates were found to be those ships that make frequent visits to a California port, spend a sufficient number of hours at berth, and have an ample power demand while hotelled. These findings formed the foundation on which the proposed rulemaking was based.

Of the three remaining types of vessels that visit California, the Evaluation Report showed that it was not as cost-effective at this time to cold-iron bulk and general cargo ships and vehicle carriers, relative to container ships, passenger ships and reefers, because the former categories generally have a low number of repeat visits to any single port and lower power loads. Further, crude-oil tankers were found to have higher average cost-effectiveness values because there are only a handful of diesel-electric tankers that visit California, and only two are expected to visit frequently. Indeed, most crude-oil tankers use steam turbines to drive their cargo pumps. These cargo pumps represent the majority of the power needed by tankers when they are berthed. The rest of the ship's power needs are modest. Finally, product tankers make few visits to California ports, and their berthing times are short, making them a much less attractive candidate for coldironing.

The proposed regulation specifically addresses hotelling emission reduction requirements for categories of ships that were found at this time to be attractive candidates for shore power in the Evaluation Report — container ships, passenger ships, reefer ships — and the California ports where these ships frequently visit."

(See ISOR at pp. 4-5; see also Technical Support Document: Initial Statement of Reasons for The Proposed Rulemaking ("TSD") at p. II-3).

CARB also particularly noted that:

"The majority of the power requirements for a crude-oil tanker is for pumping out the crude. Since the majority of ships transporting crude oil use steam turbine/boiler units to pump the crude, this portion of a tanker's operation cannot be electrified."

⁵ This is also consistent with the CAAP's determination not to target certain marine terminals for AMPing, including Berth 164. (See CAAP, Table 5.10).

(See TSD at p. III-6).

Although CARB is currently working on separate requirements for the ship categories that were not considered to be good candidates for the Shore Side Regulations -- bulk ships, tankers, and vehicle carriers, Ultramar expects that these future requirements will not mandate AMPing for these ship categories, but allow for alternative technologies and approaches in achieving emissions reductions. Accordingly, Ultramar would recommend that if MM AQ-15 is not eliminated or the phase-in periods adjusted and extended, that it be modified to allow for consistency with future CARB rulemaking.

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UM-4

Slide Valves (MM AQ-16)

Proposed MM AQ-16 requires that ships calling at Pier 400 be equipped with slide valves or a slide valve equivalent (i.e., an engine retrofit device designed to reduce the sac volume in fuel valves of main engines in Category 3 marine engines) to the maximum extent possible.

UM-5

Since it is highly improbable that Ultramar would not own or operate any of the vessels calling on Pier 400, a mandate that on day one of Pier 400 operation vessels visiting the berth must have slide valves would be difficult for it to meet. Ultramar would need time to work with the ship owners to continue to educate them on the Pier 400 slide valve requirements and get them to make the necessary retrofits.

To this end, Ultramar requests that proposed MM AQ-16 be modified to provide a phase-in period similar to the Berths 136-147 Container Terminal ("TraPac") Project. MM AQ-12 of the Final TraPac Environmental Impact Report requires that ships calling at Berth 136-147 shall be equipped with slide valves or equivalent on main engines in the following percentages: (a) 15 percent in 2008; (b) 50 percent in 2010; and (c) 95 percent in 2015. By 2012, all frequent caller ships (three or more calls a year) shall comply with this requirement. Using this phased-in approach, MM AQ-16 could be modified accordingly:

- 15 percent by end of year 2 of operation;
- 50 percent by end of year 10 of operation;
- 95 percent by end of year 16 of operation; and
- By 2020, all frequent caller ships (three or more calls a year) shall comply with this requirement.

New Vessel Builds (MM AQ-18)

Proposed MM AQ-18 requires that the purchaser shall confer with the ship designer and engine manufacturer to determine the feasibility of incorporating all emission reduction technology and/or design options and when ordering new ships bound for the Port.

UM-6

As noted above, Ultramar would not own or operate the vessels calling on Pier 400. Accordingly, Ultramar believes that it would not qualify as "purchaser" and would not be subject to this mitigation measure. Currently, Ultramar charters these types of vessels from a number of ship owners throughout the world, which call infrequently on the West Coast. In many instances, Ultramar purchases cargos that are already waterborne after they have already left their point of origin, which are then delivered to

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UM-6 West Coast terminals. Accordingly, Ultramar currently would have little ability to control whether the vessels that would be calling on Pier 400 would meet the new build requirements.

Ultramar requests that the MM AQ-18 be modified to clearly indicate that entities which charter, rent, and/or lease vessels that would visit Pier 400 would not qualify as a “purchaser”, and therefore, not be subject to MM AQ-18.

Equivalent Measures (MM AQ-19)

UM-7 Proposed MM AQ-19 provides that for mitigation measures MM AQ-13 through AQ-18, if any kind of technology becomes available and is shown to be as good or better in terms of emissions reduction performance than the existing measure, the technology could replace the existing measure pending approval by POLA. The technology’s emissions reductions must be verifiable through U.S. EPA, CARB, or other reputable certification and/or demonstration studies to the POLA’s satisfaction. Proposed MM AQ-19 further provides that this measure is intended to provide Pier 400 the flexibility to achieve required emissions mitigation using alternative methods that may not be apparent at present.

Because of the concerns with fuel switching, AMPing, and slide valves as discussed above, it is critical that alternative technologies be considered as options to comply with the MM AQ-13 through AQ-18, particularly if they are not modified as recommended. However, Ultramar is concerned that POLA remains the sole determiner of whether an alternative technology is feasible and believes if expert agencies such as U.S. EPA, CARB, and/or SCAQMD approve of an alternative technology or approach this should be sufficient.

For example, the ACTI Advanced Maritime Emissions Control System (AMECS®) process is a promising alternative to be considered. If proven to be feasible, this alternative, and others like it, should be strongly supported in lieu of requiring potentially unsafe fuel switching at sea and expensive vessel AMPing modifications. However, POLA officials have recently said that “AMPing” is expected and considered the gold standard, which gives Ultramar concern as to whether alternative technologies and approaches can be presented and considered. Accordingly, Ultramar would like clarification that MM AQ-19 is intended to be vehicle to allow presentation and reasonable consideration of alternative technologies or approaches.

Periodic Review of New Technology and Regulations (MM AQ-20)

UM-8 Proposed MM AQ-20 requires the tenant, Pacific, to review, in terms of feasibility, any POLA identified or other new emissions-reduction technology, and report back to POLA. To this end, MM AQ-20 indicates that as partial consideration for the POLA's agreement to issue the permit to Pacific, Pacific shall implement not less frequently than once every seven years following the effective date of the permit, new air quality technological advancements, subject to the parties’ mutual agreement on operational feasibility and cost sharing which shall not be unreasonably withheld.

Ultramar is concerned that such a frequent review will create uncertainty regarding what mitigation measures are required for the Pier 400 project and make it difficult to make long-term capital investment decisions in various control technologies. Depending on the final mitigation measures, phase-in requirements, and availability of alternative technologies or approaches, potential commercial users of

Pier 400 assets, such as Ultramar, may be required to make large capital investments in various technologies. The process to make these decisions and to implement them can take sometimes four to five years to complete when taking into account the length of time needed for possible permitting and CEQA analysis, design/engineering, procurement, staffing, and construction schedules. Moreover, if vessel modifications are required such modifications cannot be done overnight and will need to be phased-in over time.

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UM-8

Accordingly, Ultramar would request that this mitigation measure be removed or modified to allow a less frequent review.

* * *

In closing, Ultramar is dedicated to the goal of ensuring a dependable, clean-burning fuel supply for California consumers while addressing the very important issue of environmental quality in and around the port. To this end, Ultramar strongly supports infrastructure projects like the Pier 400 project.

UM-9

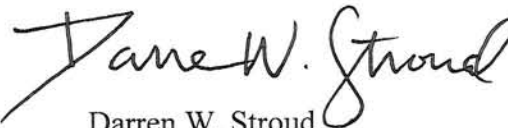
However, as discussed above, Ultramar is concerned with some of the proposed mitigation measures, particularly fuel switching (MM AQ-14), AMPing (MM AQ-15), slide valves (AQ-16), and implementation of alternative technologies or approaches (MM AQ-19), that would be imposed on it as a potential commercial user of assets associated with the project. Accordingly, Ultramar requests that POLA seriously consider these concerns in its timely finalization of the SEIR/SEIS and approval of the Pier 400 project and make the appropriate refinements to the mitigation measures. Ultramar stands ready to work with Pacific and POLA to address these concerns.

UM-10

Because of the potential technical, safety, and economic ramifications (i.e., feasibility) of mitigation measures such as fuel switching (MM AQ-14), AMPing (MM AQ-15), slide valves (AQ-16), and implementation of alternative technologies or approaches (MM AQ-19), Ultramar reserves the right to further enhance and supplement these comments before certification of the Final SEIR/SEIS and approval of the Pier 400 project.

If you have any questions regarding our comments, please contact me at (210) 345-2871.

Very truly yours,



Darren W. Stroud

DWS:dh

cc: David Sanders
Jason Lee
Steve Faichney
Scott Folwarkow

Drs. MacNeil and Appy, *Re: Ultramar Comments on the Pier 400 Draft SEIR/SEIS*
August 13, 2008
Page 8

David Wright, Pacific L.A. Marine Terminal LLC

Darren Stroud, Ultramar, August 13, 2008

- UM-1.** The comment is acknowledged and appreciated.
- UM-2.** The comment is acknowledged and appreciated. The Port understands that some Ultramar ships may call at the proposed tenants Pier 400 project. The Port recognizes the issues with vessel control. The mitigation measures in question, specifically MM AQ-14 through MM AQ-16 and MM AQ-18, are phased-in to require the more rapid schedule of feasible compliance in view of the necessary operational and technical changes in the marine-oil industry. Please see response to comments UM-3 through UM-10.
- UM-3.** The comment is acknowledged. The Port welcomes working with Ultramar to make feasible compliance with the low sulfur fuel measure. The Port is working with other Ports worldwide to increase availability of needed fuel grades. All ships would be required to adhere to any international, national or state rules and/or regulations. If such rules and/or regulations are more stringent than the proposed mitigation measures, such rules and/or regulations would supersede the mitigation measures. Use of 0.2% low sulfur fuel for some marine tankers is infeasible in the short term due to availability. Virtually all marine tankers carry distillate (at approximately 0.5% sulfur) for purposes of cleaning main engines of the Heavy Fuel Oil (HFO) when a vessel must be taken out of service for its five year survey and for the emergency generators. However, 0.2% sulfur fuel may not be available at all ports of origin in the short term and therefore the use of 0.2% low sulfur fuel is being phased-in over time. The majority of tankers calling at Berth 408 in the short term are expected to originate in the oil producing regions of the Middle East, West Africa, or South America. Recent low-sulfur fuel availability studies completed by the California Air Resources Board (CARB) and the Port do not support a finding that 0.2% sulfur fuel is available worldwide and in particular at the ports where some project trips are expected to originate. This document identifies MM AQ-14 as the most rapid feasible implementation of low-sulfur fuel requirements on marine oil tankers calling at the Project. See response to comment PCAC-AQ-5.

Under MM AQ-14, vessels originating from ports with no 0.2% low sulfur fuel will come in on distillate and then load on 0.2% fuel into the distillate tank.

Safe operations are important to the Port. Every lease would include a Force Majeure clause to excuse both direct tenants and third party invitees from compliance with the mitigation measures if some unforeseen event beyond the reasonable control of that party prevents it from safely performing its obligations under the lease.

- UM-4.** The Port acknowledges that there is a difference between the AMPing capacity of oil tankers and container ships. As presented in the Draft SEIS/SEIR, the AMP phase-in schedule is longer than the current and proposed requirements for container ships at the Port, due to the existing lower AMPing capacity of tankers. The present phase-in schedule, which begins during the first year of operation (assumed to be 2010) allows for ship and infrastructure upgrades.

AMP is a proven technology to reduce emissions at berth. Currently, two British Petroleum tankers are equipped for AMP proving that the technology is feasible if phased in over time to allow for technical and infrastructure upgrades. The Port is also open to alternative technologies to achieve emission reductions while at berth. MM AQ-19 was

designed to allow Plains to be able to use alternative technologies once such technology is shown to be as good or as better in terms of emissions reduction performance.

In addition, the following addition has been included the AMP discussion in the Final SEIS/SEIR.

In the alternative, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ and Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port's permit, to satisfy the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:

- (1) that AMECS is a feasible mitigation measure;
- (2) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
- (3) that either
 - a. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
 - b. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
 - c. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

The Final SEIS/SEIR clarifies the position of the Port with respect to the potential use of AMECS as a mitigation measure (see Section 3.2 of the Final SEIS/SEIR and specifically the discussion of MM AQ-15). The Final SEIS/SEIR clarifies that if AMECS becomes technologically feasible, then the Port will evaluate its effectiveness and its equivalence with respect to AMP consistent with MM AQ-19 and MM AQ-20. If it is found to be feasible, effective, and equivalent in terms of reductions of pollutants of significance, then the Port will require the tenant to install AMECS. Once AMECS is installed, all vessels calling at Berth 408 that are not capable of utilizing AMP, as well as frequent callers (i.e., vessels that call more than two times per year), must use AMECS. If AMECS is not available within the lifetime of the proposed Project or if it is not found to be feasible or equivalent to AMP, then ships calling at Berth 408 shall use AMP while hoteling at the Port in the minimum percentages specified in MM AQ-15.

All ships would be required to adhere to any international, national or state rules and/or regulations. If such rules and/or regulations are found to be more stringent than the

proposed mitigation measures, such rules and/or regulations would supersede the mitigation measures.

- UM-5.** The comment is acknowledged. The proposed mitigation measure assumes that the slide valves are used to the greatest extent feasible and does not mandate 100% use on day one. The Port acknowledges that slide valves are not marine-oil tanker industry standards and may be difficult or infeasible to implement. The document did not assume any emissions reductions from this measure because of the difficulties with implementation. The Port will work with Plains and its customers to install slide valves.
- UM-6.** The comment is acknowledged. In environmental review of a potential proposed project, Ultramar would not be considered a “purchaser,” to the extent Ultramar would be an entity that would lease, rent or charter – rather than own – ships.
- UM-7.** Please see response to comment UM-4. MM AQ-19 was designed to allow Plains to be able to use alternative technologies once such technology is shown to be feasible and as good or as better in terms of emissions reduction performance. The Port, as the leaseholder, will be the ultimate decision-maker in terms of feasibility and effectiveness but, as stated in the mitigation measure, will rely on verification by USEPA, CARB, or other reputable certification and/or demonstration studies.
- UM-8.** Please see response to comment USEPA-8. As an alternative to the AMP requirements, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ an Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port’s permit, to satisfy the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:
- (1) that AMECS is a feasible mitigation measure;
 - (2) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
 - (3) that either
 - a. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
 - b. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
 - c. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

UM-9. The comment is acknowledged and appreciated.

UM-10. The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners for their consideration.



LaDonna DiCamillo
Director Government Affairs

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August 13, 2008

Via Federal Express

Via E-Mail

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil, D. Env.
ATTN: CESPL-RG-2004-00917-SDM
P.O. Box 532711
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Los Angeles, CA 90017
spencer.d.maneil@usace.army.mil

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

Re: BNSF Comments on Pacific L.A. Marine Terminal LLC Crude Oil Terminal Draft SEIS/SEIR

Dear Mr. MacNeil and Dr. Appy:

BNSF Railway (“BNSF”) appreciates your consideration of the following comments on the Draft Subsequent/Supplemental EIS/EIR (“SEIS/SEIR”) for the proposed Pacific L.A. Marine Terminal LLC Crude Oil Terminal (“the Project”). BNSF-1

1. Comments regarding sustainable growth and environmental benefits

The SEIS/SEIR addresses the increased demand for transportation fuels in Southern California. The proposed Project addresses this need by improving petroleum product import infrastructure while pursuing the goal of the Port of Los Angeles (“POLA”) to encourage regional growth in a sustainable manner. Expanding petroleum related infrastructure also serves a vital role in running the goods movement infrastructure, which enhances the local quality of life. The point is explained in the Draft 2008 Regional Comprehensive Plan (“Draft 2008 RCP”) recently issued by the Southern California Association of Governments (“SCAG”):



BNSF-1



Containerized trade volume is expected to triple to 42.5 million Twenty-Foot Equivalent Units (“TEUs”) by 2030. These forecasts are capacity-constrained significantly below anticipated demand, and are based on an increase of port terminal productivity from 4,700 TEUs per acre per year currently to over 10,000 TEUs per acre per year in the future. The ability of the ports to handle this unprecedented growth in containerized cargo volumes is critical to the continued health of the local, regional, and the national economy.

Draft 2008 RCP at p. 109. SCAG also explained that:

International trade can create good job opportunities and raise real income levels for the SCAG region. Significant investment is necessary to improve the efficiency and capacity of the goods movement infrastructure if we are to benefit from the growth in international trade expected, while remaining globally competitive. Such changes must also occur within a context of environmental quality (see “The Green Economy”), environmental justice and respect for local communities.

Draft 2008 RCP at p. 129. Approval of POLA’s Pacific L.A. Marine Terminal Project will allow the region to benefit from both short-term and permanent economic growth as well as environmental improvements.

2. Comments regarding jobs provided by the Project

As noted in the SEIS/SEIR, construction of the proposed Project facilities would require construction labor equivalent to approximately 732 full-time employees over the course of the construction period, an average of 293 jobs lasting for 30 months. If the Project is not approved these jobs will be lost.

3. Comments regarding lack of justification for rejecting part or all of the Project on environmental grounds

POLA’s further analysis of its proposed environmental mitigation measures demonstrates that the mitigation measures fully support approval of the SEIS/SEIR. POLA calculates that the maximum incremental cancer risk results for the proposed Project after mitigation would be less than 10 in a million, specifically, 5.3 in a million for residential receptors, 4.8 in a million for occupational area receptors, 5.3 in a million for sensitive receptors and 2.4 in a million for student receptors. BNSF supports POLA’s balance of economic and environmental goals in the SEIS/SEIR.

Spencer D. MacNeil, D. Env.
Dr. Ralph Appy
August 13, 2008
Page 3

4. Comments regarding rail and its use for fuel transportation

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BNSF-1

There are no truck or rail trips as a result of the proposed Project. Project operations would not cause an increase in rail activity because all products would be transported by pipeline. The existing rail systems for the proposed Project include the Terminal Island Container Transfer Facility ("TICTF"). TICTF consists of four intermodal facilities that directly transfer marine cargo containers to on-dock rail yards at the Global Gateway South, Evergreen, Yusen, and APM Terminals container terminals. The SEIS/SEIR notes that the use of rail for long-haul cargo is an air quality benefit. It further notes that four on-dock rail yards at the Port significantly reduce the number of short-distance truck trips (the trips that would normally convey containers to and from off-site rail yards). The SEIS/SEIR notes that combined, these intermodal facilities eliminate an estimated 1.4 million truck trips per year at the Port, and the emissions and traffic congestion that go along with them. The SEIS/SEIR further observes that the use of the Alameda Corridor allows cargo to travel the 20 miles to downtown Los Angeles at a faster pace and promotes the use of rail versus truck.

The SEIS/SEIR also includes the Southern California Petroleum Market Assessment Regarding Rail Operations ("Assessment") (Appendix D3). The Assessment provides that although rail is not used to transport much product or crude oil, rail is the primary transportation method of ethanol transportation to Southern California. The Assessment finds that BNSF has the ability to supply the entire Los Angeles Basin demand via their Ethanol Express Line from the Midwest. BNSF supports the SEIS/SEIR comments regarding rail and their recognition of the key role rail plays in providing sources of fuel to meet the increased demand for fuel in Southern California.

BNSF appreciates your consideration of these comments.

Very truly yours,



LaDonna DiCammillo, BNSF, August 13, 2008

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

BNSF-2. Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

BNSF-3. Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

BNSF-4. Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

030407 ord
LM

POTENTIAL INDUSTRIES INC
922 EAST E STREET
WILMINGTON CA 90744

RECEIVED
JUN 30 2008
PORT OF LOS ANGELES
HARBOR DISTRICT
CITY OF LOS ANGELES

June 27, 2008

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

RE: Pacific L.A. Marine Terminal LLC Crude Oil Terminal

Potential Industries strongly supports the development of this project. It is important for the local community and it will have positive regional impacts. | PI-1

Regards,



Daniel J. Domonoske
Vice President

Daniel Domonoske, Potential Industries, June 27, 2008

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

From: Mark Stuessy [mailto:MStuessy@mansonconstruction.com]
Sent: Friday, June 27, 2008 10:14 AM
To: ceqacomment@portla.org
Subject: Draft Environmental Impact Report/ Study for the Pier 400-Berth 408 Crude Oil Terminal

Gentlemen,

I have been a member of the working community in the Port of Long Beach and the Port of Los Angeles for over 28 years and have been very impressed with the development and growth of both of the ports over that time. I believe that this project is necessary to the continued growth of this region and I am in favor of this project moving forward. | MC-1

Manson Construction Co.

Mark O. Stuessy, P.E.
Senior Estimator

310-521-1302 phone
310-833-5657 fax
562-762-5410 cell
mstuessy@mansonconstruction.com

Mark Stussey, Manson Construction, June 27, 2008

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

From: <poecom@socal.rr.com>
To: <ceqacomments@portla.org>
Date: Wed, Aug 13, 2008 8:37 AM
Subject: Pier 400, Berth 408 Project, Draft SEIR/DEIS Documents

Attached please find my letter in support of this project.

Thomas A. Poe
President
Poe Communications
10772 Chestnut Street
Los Alamitos, CA 90720
(562) 896-3625

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August 13, 2008

U.S. Army Corps of Engineers,
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil, D. Env.
ATTN: CESPL-RG-2004-00917-SDM
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

Re: Pier 400, Berth 408 Project
Draft SEIR/DEIS Documents

Dr. Dr. MacNeil and Dr. Appy:

PC-1 | As the immediate past president of the Harbor Association and Industry and as a consultant to E.W. Moon, Inc., civil engineers, I am pleased to support the Port of Los Angeles' draft Supplemental Environmental Impact Report and draft Supplemental Environmental Impact Statement for the Pacific L.A. Marine Terminal LLC Crude Oil Terminal.

While being built in accordance with the Clean Air Action Plan, this essential project will supply 25% of today's crude oil needs for the residents and businesses of Southern California. With declining local and state oil resources, it is essential that this project be built to meet the needs of our citizens and provide for the fragile economy of our state.

There is no need to readdress the specifics that have already been well addressed by organizations such as FuturePorts, the Propeller Club and the Harbor Association of Industry and Commerce but to join with them in support of these documents.

Sincerely,

Thomas A. Poe
President
Poe Communications

Thomas Poe, Poe Communications, August 13, 2008

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



August 13, 2008

U.S. Army Corp of Engineers,
Los Angeles District Regulatory Division
c/o Spencer D. MacNeil, D.Env.
ATTN: VESPL-RG-2004-00917-SDM
P.O. Box 532711
Los Angeles, California 90053-2325

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

Re: Crude Oil Terminal at Pier 400, Berth 408
Draft SEIR/DEIS Documents

Dear Dr. MacNeil and Dr. Appy:

Integrated Engineering Management (IEM) enthusiastically supports the Port of Los Angeles' draft Supplemental Environmental Impact Report and draft Supplemental Environmental Impact Statement (DEIR/DEIS) for the Pacific L.A. Marine Terminal LLC Crude Oil Terminal.

This project is an excellent example of meeting the green growth goals established in the Clean Air Action Plan. Some of the benefits offered by this project are:

- Use of low-sulfur fuels for ship main and auxiliary engines
- Coastal Emission Reduction Credits will be provided to South Coast Air Quality Management District to offset emissions
- Storage tanks will employ Best Available Control Technology
- High-capacity pumps and large diameter pipelines ensure maximum offloading rates to shorten time vessels are in port
- Voluntary vessel speed reduction participation
- Electric-powered shore side pumps reduces vessel emissions at the docks
- Use of Alternative Maritime Power (AMP) for vessels at berth

IEM is a small construction and project management firm based in San Pedro, California. We have a total of 15 employees from which 7 live in the harbor area. Over 60% of our business comes from the Ports of Los Angeles and Long Beach. Therefore, our business vitality and

IEM-1

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employee health are directly related to the Port's continued development and growth of green facilities. We have been providing services to the Port of Los Angeles since 2001. Since then we have personally witnessed the Port's cultural change to building and operating green and emission-free facilities.

We, along with many others, are in support of green growth at the Ports. And this project is a great example that demonstrates how future growth at the ports can be efficiently managed while mitigating environmental impacts, and it represents an important step to ensure green growth at the Ports. As with any healthy business it is imperative to have continuous improvements and operational enhancements and the Port facilities are no different. Developing a crude oil terminal at Pier 400, Berth 408 brings many benefits to the local residents and business owners.

If the Ports stop their project improvements and growths, soon our company along with a number of other small businesses, who specialize in ports and harbor facilities, will be driven out of business. Please approve this Draft EIR/EIS for Crude Oil Terminal at Pier 400, Berth 408 and allow the Port of Los Angeles to implement their plan for building and operating an efficient and emission-free Crude Oil Terminal Facilities.

Thank you.

Sincerely,
IEM



Behjat Zanjani, P.E., C.C.M.
President

Behjat Zanjani, IEM, August 13, 2008

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