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An official  
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Certified December 11, 2001



May 24, 2008

Commander, U.S. Army Corps of Engineers  
Los Angeles District, c/o Dr. Spencer D. MacNeil  
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 Re-Circulated Draft EIR/EIS for  
Berth 97-109 (China Shipping) Container Terminal Project

Dear Dr. Appy and Dr. MacNeil,

We appreciate the opportunity to submit comments regarding the Subject Project Environmental impacts and hereby state our opposition to the Proposed Project as described in the Re-Circulated Draft EIR/EIS due to the current unhealthful conditions in the affected community identified as a Federal non-attainment area for Air Quality, and due to the failures listed in the sections SUMMARY COMMENTS and SPECIFIC COMMENTS, below which we note are very similar to comments submitted applicable to the recent TraPac EIR/EIS.

SUMMARY COMMENTS

1. The Mitigation Measures applicable to Ocean Going Vessels (OGV's) listed for the Proposed Project require revision to, at a minimum, ensure compliance and consistency with all applicable Measures stated in the San Pedro Bay Ports Clean Air Action Plan (CAAP) and on the schedule required in the CAAP. As noted in SPECIFIC COMMENTS, highly crucial CAAP measures are scheduled for implementation at dates that undermine the CAAP.
2. We are gravely alarmed that the Port proposed the Project with the statement that the air quality impacts are "considered significant, adverse, and unavoidable" after the proposed mitigation measures have been applied. 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, we recommend 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.

SPECIFIC COMMENTS

Measure MM AQ-11, Low Sulfur Fuel (LSF) in Ships applicable to Auxiliary and Main engines, requires revision to schedule full implementation based on current availability of LSF and as was originally committed in the CAAP. The EIR's currently stated phase-in of LSF (maximum sulfur content of 0.2 percent) in Ocean Going Vessels of 30% in 2009, 50% in