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PACIFIC L.A. MARINE TERMINAL LLC
PIER 400, BERTH 408 PROJECT
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

PUBLIC HEARING
SAN PEDRO, CALIFORNIA
JUNE 26, 2008

The first 23 pages of this document contains introductory statements and are not coded for responses to comments purposes. The first public comment begins on page 23.

REPORTED BY REGINA L. GARRISON, CSR NO. 12921

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1 MS. MAUN-DESANTIS: Hi everybody. Welcome
2 and thank you for adjusting your schedules a little.
3 Sorry for starting a little late here. Thank you for
4 coming. I want to welcome you to the Pacific L.A.
5 Marine LLC, Pier 400, Berth 408 Project.

6 This is the public meeting for the draft
7 EIR/EIS. A lot of you probably know it as either
8 "Pacific Energy" or "Plains." It's the same thing.
9 This is the oil -- crude oil terminal on Pier 400.

10 So, again, welcome. I'm going to
11 introduce -- my name is Lena Maun-DeSantis. I'm here
12 for the Port of Los Angeles. I'm going to introduce
13 the Corps, the Army Corps of Engineers, Colonel
14 Magness, to give a little presentation for us tonight.

15 COLONEL MAGNESS: Thank you, Lena.

16 And good evening, everyone. Oh, I'm not on.
17 Good evening. Whoa. I don't think I need the mic.

18 I'm Colonel Tom Magness, and I am the
19 district commander of the Los Angeles District of the
20 U.S. Army Corps of Engineers, and -- I'll put it back
21 this far, if that still works -- and I do want to
22 apologize for starting late. It's not my personal
23 standard.

24 On behalf of the Corps, I would like to
25 welcome you all to this meeting, in which we are also

1 conducting in Spanish as a courtesy to you, the
2 interested public. And I'm going to read from prepared
3 remarks, because we have found, through a number of
4 these, that it's best that we stay to the script, and
5 then we'll have further opportunities to improvise as
6 we go down the road.

7 As you know, the Port of Los Angeles has
8 applied to my agency for a permit to construct a marine
9 crude oil terminal at Berth 408 on Pier 400, including
10 wharves, tank farms and pipelines. Some of the
11 project's facilities would also be constructed on
12 Pier 300 and the mainland.

13 This is a supplemental action to the creation
14 and use of the Pier 400 landfill in the outer harbor,
15 which was addressed in the 1992 deep-draft
16 environmental impact statement and environmental impact
17 report. The joint supplemental environmental impact
18 statement and subsequent environmental impact report,
19 which you are currently reviewing, addresses the need
20 for a deep-draft liquid bulk terminal on Pier 400 as
21 identified in the 1992 environmental document.

22 Under our Federal Permit Program, the Corps
23 of Engineers is responsible for regulating dredge and
24 fill activities in waters in the United States,
25 including activities that may affect navigation. The

1 Port's proposed activities at Berth 408 are regulated
2 under both Section 404 of the Clean Water Act and
3 Section 10 of the Rivers and Harbors Act.

4 Federal actions, such as Section 404 and
5 Section 10, permit decisions are subject to compliance
6 with a variety of federal environmental laws.
7 Consequently, the Corps has a responsibility to
8 evaluate the environmental impacts that would be caused
9 by the proposed project prior to making a permit
10 decision.

11 In meeting its regulatory responsibilities,
12 the Corps is neither a project proponent nor an
13 opponent. In addition to evaluating the environmental
14 direct, indirect and cumulative impacts of the Port's
15 proposed project, the Corps must determine whether the
16 proposed project is the least environmentally damaging,
17 practicable alternative that meets the overall project
18 purpose.

19 Also, no permit can be granted if we find
20 that the proposal is contrary to the public interest.
21 The public interest determination requires a careful
22 weighing of those factors relevant to the particular
23 project. The project's benefits must be balanced
24 against its reasonably foreseeable detriments.

25 For purposes of the testimony I will hear

1 tonight, I will concentrate on issues specifically
2 related to the Port's proposed Pacific L.A. Marine
3 Terminal LLC Crude Oil Terminal at Berth 408 on
4 Pier 400.

5 At this public hearing, the Corps is
6 requesting input from the general public concerning
7 specific physical, biological and human-use factors
8 that should be evaluated in greater detail as part of
9 the final supplemental environmental impact statement
10 and subsequent environmental impact report in the Corps
11 permit action for the proposed project.

12 The Corps would like to emphasize that we
13 will carefully consider all comments that we receive
14 for the proposed project, and they will be given full
15 consideration as part of my final permit decision.
16 Some speakers will be opposed to the project, while
17 others will be in favor. I hope and expect that you
18 will respect opposing views and allow speakers to make
19 their statements without interference.

20 Following this hearing, all parties will be
21 given until July 29th to provide any written testimony
22 or rebuttals.

23 Ms. Lena Maun-DeSantis, from the Port of
24 Los Angeles, will now provide a 10- to 15-minute
25 presentation on the project. Following this

1 presentation, I will discuss how we will take oral
2 testimony from you this evening.

3 Until then, if you know you would like to
4 speak tonight, please fill out a speaker card and give
5 it to one of the Corps or Port staff at the desk. And
6 I think you've already figured out how to make that
7 process work. If you need a card, please do all you
8 can, raise your hand. We do not want to miss anyone's
9 opportunity to speak. And this will help us then
10 transition to the public-input session.

11 So, Ms. Lena, please give us your
12 presentation.

13 MS. MAUN-DESANTIS: Thank you.

14 I'm just going to speak from over -- speak
15 from over here -- although this doesn't seem to be
16 working, so maybe not. Oh, there we go -- so you all
17 can see the presentation a little bit better.

18 Again, I'm Lena Maun-DeSantis. I'm the Port
19 of Los Angeles CEQA supervisor of the CEQA program for
20 the Port of Los Angeles in the environmental division,
21 and I also am the project manager for this EIR/EIS, on
22 the EIR side.

23 I also want to introduce Spencer MacNeil,
24 who, from the Corps, is the project manager on the EIS
25 side. This is a joint document, but we would -- as the

1 Colonel has alluded to, we do need permits from the
2 Army Corps of Engineers to go forward with this
3 project. So we are --

4 COLONEL MAGNESS: Excuse me, Ms. Lena. I
5 want to apologize for that. I should have introduced
6 my right-hand man. He is the person who is my project
7 manager, and I am negligent in doing so. This is
8 Dr. Spencer MacNeil, and he is my project manager for
9 this project, and he's obviously very close to the
10 input that you've already been provided in the overall
11 project.

12 I also wanted to introduce Ms. Regina
13 Garrison, who probably never enters her own name into
14 the public record, but she is our court reporter. And
15 as we go through the course of tonight, be mindful of
16 the fact that, as we speak, she's typing. And should
17 we need to take a break in order for her to stretch her
18 fingers, we'll provide accommodations for that.

19 Thank you, Regina.

20 Go ahead, Ms. Lena.

21 MS. MAUN-DESANTIS: Thank you.

22 So I'll go through a quick presentation, an
23 overview of the project, and then we'll get into the
24 public comments.

25 So this is a draft subsequent EIR and

1 supplemental EIS. This is the -- it's a NEPA/CEQA
2 term of art, but basically both allude to the fact that
3 there was a document, the deep-draft navigational
4 impact report, EIR/EIS, in 1992 that established the
5 land and talked -- on Pier 400 -- and talked about an
6 oil terminal out there. So we are using that document
7 as the basis for the document that we're doing. We do
8 fully analyze the construction and operation, though,
9 of this marine terminal.

10 So there's a couple of key features for this
11 project. The project is full build-out -- full
12 build-out, and we assume that there will be a lease
13 starting in 2010. So there's a bit of construction
14 that will have to come first. It's not like one of our
15 existing container terminals, where there's already
16 container terminals on the ground, and they'll kind of
17 do the construction while they're already operating
18 this one. There needs to be full construction.
19 There's actually nothing out there right now, besides
20 land, of course.

21 So there's two aspects of this project: One
22 is Berth 408, the marine terminal, and then the other
23 is that there are at least some tank farms and
24 pipelines, and those will be on Pier 300. So the
25 marine terminal will be at 400. There will be some

1 pipelines connecting it to some tank farms on Pier 300.

2 So, on Berth 408, there's some wharf
3 construction and then terminal construction. That's
4 the first part of the project. We'll have two storage
5 tanks, plus a surge tank, and then buildings and pumps.
6 So the ship will come in. It will offload its -- and
7 it will offload its crude into these holding tanks, and
8 then they will get moved to Pier 300.

9 Again, there will be a 30-year lease starting
10 in 2010. There will be AMP facilities on the wharf,
11 and there will be a LEED-certified administration
12 building.

13 The tank farm and pipelines, this will be on
14 Pier 300, and I'll show you -- there's a figure over
15 there, a big blowup, so you can look at it after the
16 meeting, if you would like, and there's also going to
17 be a figure in a minute here, but they will have 14
18 tanks on Pier 300 in the area where the LAXT domes used
19 to be. And again, I'll show you a figure in a minute.

20 We'll have some tanks, the farm operations,
21 some buildings and structures to operate those tanks,
22 and then the pipelines connecting, again, the Pier 400
23 site to the Pier 300 site, and the Pier 300 site to
24 existing facilities within the Port of L.A. and
25 Wilmington. There -- the crude will only travel by

1 pipeline off the terminal. There will be no truck or
2 rail trips as part of this project.

3 So here's the -- the very, very, very kind of
4 hard-to-read figure. Again, I apologize for that.
5 Again, there is a blowup over there. You're more than
6 welcome at the end -- and in the draft EIR/EIS, there's
7 a much better figure, as well as some of the handouts
8 we have here today. It's up on our website. I'll get
9 into that more in a little while.

10 But again, the Berth, it's down on Pier 400.
11 That area there, we have the ship that will come in.
12 It will offload its crude. That crude will go through
13 pipes -- I do actually -- might have a laser. Oops.
14 Nope. That's not a laser.

15 Anyway, to the terminal that --

16 COLONEL MAGNESS: I have one.

17 MS. MAUN-DESANTIS: Thank you.

18 So, again, you have the -- the ships will
19 come in there to the new berth that will need to be
20 constructed. It will offload the crude through via
21 pipelines to some storage and holding tanks, though
22 that crude will go through a pipeline. This will all
23 be new pipeline into some new tanks over on Pier 300.
24 Again, this is through the LAX -- or what's referred to
25 as the "LAXT sites." You might hear that.

1 And then it would be pumped off via a few
2 pipelines. So, here, it gets to an existing pipeline,
3 and then we are building some more pipeline to the
4 Valero refinery. There's also some connections to
5 Exxon.

6 So this project, the proposed project, here's
7 a little bit about the throughput. Again, some things
8 to keep in mind, the CEQA and NEPA baseline for this
9 one is 2004, although the NEPA baseline does grow,
10 where the CEQA baseline stays in 2004, nothing's
11 happening. Basically the same idea, though, there's
12 nothing out there right now.

13 If any of you have been to Pier 400, you know
14 that Maersk is there, but there is not a crude oil
15 facility right now, and there is actually an empty
16 piece of land near the Least Tern nesting site where
17 the storage tanks will go. And the LAXT, again, that's
18 where the other storage tanks will go, because there's
19 nothing there. So it's considered a zero baseline.

20 Again, maybe different from some of our other
21 terminal EIRs, where you have a baseline of existing
22 operations, and then you're looking at the increase in
23 operations. Here, you're looking at the operations
24 starting, and we need to construct the facility.

25 So the proposed project, again, you have the

1 marine terminals and the total tanks, the different
2 acreages, and you have the throughput. So it does grow
3 over time, and you also have those ship calls that grow
4 over time as well.

5 This draft EIR/EIS analyzes -- it's a
6 proposed project, a No Federal Action/No Project, and
7 in this case, it was considered to be the same thing,
8 because, again, there is nothing out there, and a
9 reduced project.

10 So here's just a quick table of some of the
11 differences in those alternatives. Those are
12 the alternatives that were fully analyzed, coequally
13 analyzed, in the draft EIR/EIS. There are also a
14 number of alternatives that may have been thought of or
15 suggested to us or presented to us, or we thought of
16 them ourselves, or it came from the Army Corps, that we
17 looked at, and we realized that it didn't meet the
18 project objectives or there was something wrong with
19 them.

20 So we discussed them. We just don't
21 coequally analyze them. So we actually look at more
22 alternatives than this, but these are the three that
23 are carried forward in the document with a complete
24 analysis.

25 So there are a number of impacts after we do

1 this. So, again, zero baseline. We look at the
2 proposed project. Air quality, we'll have construction
3 emissions that will remain significant, even after
4 mitigation. We have greenhouse gas emissions and
5 criteria pollutants. This project, as a health risk,
6 is below our significance level.

7 Biological resources, we -- there is a
8 potential impact to the California Least Tern. Again,
9 I just want to go back to the figure to show you that
10 we have a Least Tern nesting site located right here on
11 Pier 400. It's a protected site of an endangered
12 species. We will be doing everything in our power to
13 make sure that this operation does not negatively
14 impact those Least Terns. And we can, because we have
15 to keep -- we're federally mandated to protect those
16 species.

17 We do take a little bit of a conservative
18 stance, and we say that there is the potential that
19 something could happen over the life of construction.
20 And because of that, we want to call it "significant."
21 There is a number of mitigation measures, though, in
22 place to ensure that that doesn't happen.

23 Geology, we often find geology to be a risk.
24 This is a seismically active area. Any new facility
25 would create seismic activity.

1 Noise, there will be some construction noise.
2 There is -- again, I'm going to flip back. We have a
3 big operation over here with Maersk, but we also
4 have -- there's a Coast Guard station right here and a
5 federal prison right there. So that's really where the
6 noise impacts are coming from during construction, or
7 that is what they're affecting. Some residences kind
8 of closer than our other residences.

9 Water quality, again, there is the potential
10 for discharges, although we're trying to do everything
11 in our power. We cannot preclude that there may be an
12 illegal discharge. We call that significant.

13 Recreation, there is the possibility of
14 spills. Again, there's a number of mitigation measures
15 to try to make sure that this never happens, including
16 double-hull tankers, but we know that there is a
17 possibility for it, so we want to make sure we do
18 everything possible to make sure that doesn't happen.

19 And then, again, hazards, it's the same
20 thing, where there's a potential for possible spills.

21 So there are some impacts that are less than
22 significant after mitigation, meaning we found an
23 impact. It was significant. We applied mitigation,
24 and we found that it was not significant any longer.

25 Utilities and public service, transportation,

1 groundwater and soils. Again, transportation is really
2 looking at the construction, so there will be some
3 trucks and employees during the construction and then
4 some employees during the operation. That's where
5 we're looking at in transportation. There are no truck
6 trips in the operation or rail trips in the operation
7 with this project. Groundwater and soils are also
8 something we were able to mitigate.

9 So then there's some less-than-significant
10 impacts, things that we didn't find that were
11 significant, although some of these do actually have
12 some mitigation measures anyway. But we found that
13 they were less significant, even before we applied
14 those mitigation measures. That would be aesthetics,
15 cultural resources and land use, marine vessel
16 transportation and population and housing.

17 So here's just a few of the mitigation
18 measures. This is -- it's just a quick overview, a
19 quick summary. There's -- some of these things get
20 phased in over time. The document goes through those.
21 I was just trying to summarize so everybody could get a
22 quick snapshot.

23 For instance, under "air quality operation,"
24 we have vessel speed reduction. We're going to be
25 requiring low-sulfur fuel for those ships, alternative

1 maritime power.

2 Some of these rates are not going to be maybe
3 the phase-ins that you see with the container
4 terminals. This is a slightly different facility.
5 It's more of a public facility where the terminal
6 operator, Plains, really doesn't have a -- they kind
7 of -- a contract with these ships as they're coming in.
8 So they don't have a direct relationship with them, so
9 they have less control than a container terminal that
10 has a terminal operator in a container term- -- with an
11 apparent subsidy relationship.

12 So -- but they are being required to AMP, and
13 we will phase that in. We're asking Plains to ensure
14 that that happens, and it's going to be a requirement
15 of their lease.

16 Slide valves, again, all of these
17 ship-mitigation measures, we've had -- Plains, all of
18 these will become part of their lease, so they will
19 have to make sure this happens to their ships.

20 There is a general mitigation measure that
21 talks about making things in the future. We look at
22 periodic review of new technology. We have some
23 greenhouse-gas-mitigation measures. The terminal
24 building will be LEED. We're asking the tenant to do
25 an energy audit periodically to see how -- this is

1 actually a good thing for them, too, to see how maybe
2 they can use a little less energy, save a little money,
3 and we can save some greenhouse gases.

4 Solar panels that support -- we're taking
5 responsibility for that, and that's part of our
6 solar-panel project. We'll be putting some solar
7 panels out there, tree plants and recycling, things
8 like that, greenhouse gases.

9 Hazards, again, we have -- these are just a
10 few of them. Again, I'm just putting some highlights
11 on here, double-hull vessels. There are single-hull
12 vessels out there. We are requiring that all vessels
13 that call at this terminal be double-hulled to ensure
14 that their spill is less likely to occur.

15 Quick-release couplings, under biology,
16 again, because we have the Least Tern out there. We
17 have probably more biological mitigation measures than
18 I've ever seen on a project, to make sure that the
19 Least Tern is not impacted by this project or affected
20 by this project.

21 So we -- the document is out. It's been out
22 for about three or four weeks now, and we have about
23 three or four weeks left to go. So we're in the middle
24 of the public-review period. We -- speaking of
25 executive summary, if you would like to call that

1 number there, if they're available, you can get those
2 for free.

3 The full document is also on our website at
4 portoflosangeles.org. The public notice is also on the
5 Army Corps' website. And hard copies, if anyone would
6 like to see a hard copy, we have them available. You
7 can come in, make an appointment. We can get you set
8 up in a room. You can look at it for as long as you
9 want.

10 There even is some after-hour possibilities
11 with some of our guards downstairs. And then, in our
12 local libraries, there are hard copies there as well,
13 so if you would like to thumb through a hard copy.
14 They are also available for purchase. They're very
15 large.

16 So I'm going to kind of skip this a little
17 bit, because I think Colonel Magness is going to tell
18 us a little bit more about the public-comment period
19 and what we need to do.

20 Again, comments are accepted until July 29th.
21 The comments must be sent to both Spencer MacNeil and
22 Ralph Appy. So if you get to that, Spencer MacNeil is,
23 again, the Corps contact, and Dr. Ralph Appy is -- many
24 of you probably know who he is. He is the head of our
25 environmental division. He would get those for the

1 Port of Los Angeles.

2 I do have our addresses on another slide, so
3 I'll leave that up during the public-comment period of
4 this meeting. So I will let Colonel Magness say a
5 couple of words, and then I'll conclude the end of the
6 presentation.

7 COLONEL MAGNESS: And can we assume that the
8 names and the addresses are also on the website?

9 MS. MAUN-DESANTIS: Yes, they are. They're
10 also in the executive summary. They're in the -- if
11 anybody has taken one of the summary documents that
12 were provided tonight, they're on the last page of that
13 as well. So there's a number of places you can find
14 that.

15 COLONEL MAGNESS: Thank you, Lena.

16 We will now take oral testimony from members
17 of the public. And during this session, speakers will
18 be given three minutes to make their comments, and we
19 have a system here by which we will monitor three
20 minutes. I'm mindful of the fact that the last time we
21 did a public hearing, it was the night of the -- one of
22 the Laker games, and so no one objected to the
23 three-minute time limit.

24 But I'll do my best to not be rude in letting
25 you know when your time is up, when your three minutes

1 is up. But it's only because we want to provide the
2 opportunity to everyone to say what they need to say,
3 and we're mindful of the fact that there are many ways
4 by which they can revise and extend their remarks,
5 providing the final written testimony if required.

6 Again, if you would like to speak during this
7 session, you should fill out a speaker card. I have
8 about a dozen. I imagine there's a few more coming,
9 and we will not miss anyone.

10 All oral or written testimony will become
11 part of the administrative record for this permit
12 application. Once we have the written transcripts of
13 the testimony, they will be published on my regulatory
14 division's website, so on the Army Corps' website,
15 regulatory division, and you can find this testimony,
16 and it will also be on the Port's website.

17 As you make your comments, please note that
18 you're being timed. There are some lights here.
19 Obviously, red is -- means your time is up; yellow
20 means you have one minute left. And again, respect
21 these time limits so that all who desire to speak have
22 the opportunity.

23 What I'll do is call up two people. I'll
24 call two names, one being the speaker and one being the
25 next person, so we can keep the flow going. And I'll

1 let everyone know who the next speaker is, so if you
2 would put yourself in the ready position and then
3 approach the mic when it's your turn.

4 So the first two speakers, Clay Sandidge --
5 and I apologize if I don't get anyone's name correct.
6 First person is Clay Sandidge and followed by Gary
7 Gregory.

8 MS. MAUN-DESANTIS: I would just like to add
9 one more thing before we end the public-comment
10 period -- and actually, Colonel Magness reminded me of
11 this -- at the transshipping meeting, because I was a
12 bad example, but just to speak slowly and clearly,
13 please, so we can get all of your comments in the
14 transcript.

15 And just to reiterate, the transcript will
16 be -- it takes about two weeks, but it will be put up
17 in the various places so everybody can have access to
18 it. Thank you. So this concludes the public -- the
19 presentation portion of the meeting. Thank you.

20 MR. SANDIDGE: Hi. Good evening. My name is
21 Clay Sandidge. I'm here representing Weston Solutions,
22 my employer. We employ over 100 people in the local
23 area that rely on the port's future growth.

24 I am also here representing FuturePorts.
25 FuturePorts is an organization, a consortium of

PHT-1

PHT-1

1 businesses that all have the same goal, and that goal
2 is to -- is for a vibrant and healthy economic and
3 environmental future for the ports, which is vital to
4 all of us.

5 We must meet the Port's environmental
6 challenges. But to do this, it is essential that we
7 build needed marine and land-side shipping facilities
8 and improve our transportation corridors. Without
9 these improvements, congestion and air quality will
10 only worsen.

11 Inaction or delay is not an option. In order
12 to green the ports, we must grow them. With this said,
13 FuturePorts and Weston Solutions support this project,
14 and I want to be on record with that report.

15 Thank you.

16 COLONEL MAGNESS: Thank you, Clay.

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17 Gary Gregory, please, followed by -- I'm
18 sorry. There's -- the name is "Pacific L.A. Terminal,"
19 and I don't know who that person is. Is there someone
20 here from the Pacific L.A. Terminal as well? The
21 business is the Foreign Trade Association. I don't
22 have a name. Yes, sir. If you would be next then.

23 Gary, please.

24 MR. GREGORY: Good evening. It's a pleasure
25 to be here. I'm Gary Gregory. I'm here representing

1 two organizations: One is the California State Lands
2 Commission, marine facilities division -- I'm the
3 division chief there -- and the Propeller Club of the
4 United States, the Ports of Los Angeles, Long Beach
5 Chapter, of which I'm the president, two somewhat
6 different organizations.

7 I would like to point out that the State
8 Lands Commission is a regulator of marine oil terminals
9 in California waters, and we look at this terminal and
10 say all of our rules and regulations will apply to it,
11 and they, in fact, mitigate many of the risks
12 associated with the operation of the terminal.

13 What this new terminal will bring is a
14 terminal built to new standards. I'll call it our
15 "MOTEM standard," marine oil terminal engineering and
16 maintenance standards. This is a world-class new
17 standard for design construction operation of these
18 terminals, and we believe that it will significantly
19 reduce the risks of moving oil through the Port of
20 Los Angeles, and I think that that's very important.

21 We do support this project. And the State
22 Lands Commission will -- will be providing staff
23 comments before the deadline, formal comments.

24 From the Propeller Club side, while I turn my
25 hat around here, I would like to say that the industry

↑ PHT-2

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1 here, the maritime industry, the Propeller Club, is
2 both a forum for conversation and information about the
3 maritime industry and goods movement, and we try hard
4 to promote education of those industries.

5 The Propeller Club is in support of this
6 project and this program. We believe that it is a
7 major step forward for the ports of Los Angeles and
8 Long Beach, and we would like to see this project move
9 forward. Thank you very much.

10 COLONEL MAGNESS: Thank you, Gary.

PHT-4

11 Yes, sir. And next, please, Joel
12 Thurwachter. Joel, if you would be in the ready
13 position for next.

14 Could you state your name, sir.

15 MR. WARREN: Yes. I'm sorry for the error.

16 My name is Hud Warren. I own a small
17 consulting agency, China West, but I'm here today as
18 president of the Foreign Trade Association.

19 Foreign Trade Association of Southern
20 California boasts over 300 members who live, work
21 and/or provide employment to this area. We reviewed
22 this project, and we feel that the necessary steps have
23 been taken to make sure that this program is
24 environmentally sensitive, and we would like to go on
25 record as supporting this project. Thank you.

1 COLONEL MAGNESS: Thank you, Hud.

↑ PHT-4

2 Joel -- and, please, Larry Keller. Larry, if
3 you would be next, please.

PHT-5

4 MR. THURWACHTER: Thank you and good evening.
5 My name is Joel Thurwachter. I'm a business
6 representative for the International Union of Operating
7 Engineers, Local 12. Local 12 covers all of Southern
8 California and Southern Nevada with over 23,000
9 members, covering truck crane, inspection, survey,
10 concrete pumping, rock, sand and gravel, heavy
11 equipment operators and dredging.

12 I represent the Local 12 members who live and
13 work in the harbor area, some 800-members-plus. The
14 project not only will create jobs for the area, it will
15 provide a safe, environmental-friendly terminal to help
16 meet the high demands for California's future energy
17 needs.

18 Local 12 strongly supports the Pier 400,
19 Berth 408 liquid petroleum terminal project. Thank
20 you.

21 COLONEL MAGNESS: Thank you, Joel.

22 Larry, please. And then Camilla Townsend, if
23 you would be next, please. Camilla.

PHT-6

24 MR. KELLER: Good evening, Colonel Magness
25 and Corps and Port of Los Angeles staff. Thank you for

PHT-6

1 allowing me to speak. My name is Larry Keller, and I'm
2 speaking tonight on behalf of the International
3 Business Association of Long Beach Chamber of
4 Commerce -- where I'm president of the association --
5 and my employer Kennedy/Jenks: Engineers and
6 Scientists.

7 I'm here tonight to speak in support of the
8 Pier 400 liquid bulk petroleum terminal. Many have
9 spoken already of a need for a new oil terminal in the
10 Los Angeles Basin to continue to supply our energy
11 needs, as well as to provide jobs.

12 But this is the right terminal in the right
13 place with the right features to do the job
14 effectively. Being located just inside the breakwater
15 at Pier 400, it is a short and safe run into the deep
16 channel and berth with a minimum of maneuvering or
17 hazard.

18 The ability to accommodate VLCCs, very large
19 crude carriers, means that more oil is delivered on
20 fewer ships. This is, again, important as a safety
21 feature and for the environment.

22 This latter point is very important. Coming
23 as it does on the heels of the Port's Clean Air Action
24 Plan, the project has committed to unprecedented
25 measures to limit air emissions during navigation and

1 offloading of product.

2 The commitment to achieve this through the
3 use of AMP -- that is, cold ironing -- and possibly the
4 AMECS bonnet-on-the-stack technology is a first-ever
5 effort to deal with air emissions on nondedicated
6 routes and tankers -- that is, those that might call
7 only once and cannot be especially prepared with
8 air-mitigation measures.

9 The benefits to our air and to our health in
10 the basin are enormous. I applaud the Port and Plains
11 American for their hard work and commitment to bringing
12 this about, and I strongly encourage you to proceed
13 with the project. Thank you very much.

14 COLONEL MAGNESS: Thank you, Larry.

15 Camilla. And after that, please, Tracey
16 Chavira, or Chabina? Chavira, Tracey.

17 Camilla, please.

18 MS. TOWNSEND: Thank you. Good evening. I'm
19 Camilla Townsend, president of the San Pedro Chamber of
20 Commerce. I'm here this evening on behalf of the
21 San Pedro Chamber of Commerce to express our support
22 for the Pier 400, Berth 408 petroleum-receiving
23 terminal project proposed by Plains All American
24 Pipeline.

25 As an organization that promotes the economic

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and environmental well-being of San Pedro, we strongly believe that this project will benefit our community. It is important to keep in mind that as critical as this project is for our economy with the myriad economic benefits it will bring to both the City of Los Angeles and the state of California, the terminal is being planned in the most environmentally responsible manner possible.

It will set a new standard globally for petroleum projects of this kind. We applaud the proponent's commitment to low-sulfur diesel, cold ironing and objectives of the San Pedro Bay Clean Air Action Plan.

We are also impressed by the potential adoption of new technologies, such as the Advanced Marine Emissions Control System. This commitment to clean air within the harbor area is unmatched by any other petroleum terminal in the Port of Los Angeles.

For these reasons, we support the certification of the supplementary environmental impact report, environmental impact study, and urge the prompt approval of the project by the Port of Los Angeles.

Thank you.

COLONEL MAGNESS: Thank you, Camilla.

Tracey, and then Dan Hoffman, please.

PHT-8

1 MS. CHAVIRA: Good evening. My name is
2 Tracey Chavira. I'm the director of government affairs
3 at Central City Association. CCA is proud to support
4 the proposed Pier 400, Berth 408 petroleum project and
5 thanks the Board of Harbor Commissioners, Port of
6 Los Angeles and U.S. Army Corps of Engineers for
7 bringing the stakeholders together on this important
8 issue.

9 The existing infrastructure in Los Angeles is
10 inadequate to accommodate the anticipated growth at the
11 port. This project has responsible means to manage
12 that growth while being mindful of the environment and
13 the community.

14 The project will be a great source of
15 economic stimulus for Southern California, as well as
16 the state of -- excuse me -- for the Southern
17 California region, as well as the state, by creating
18 6300 full-time jobs and providing over \$500 million in
19 wages. The state will receive over \$41 million in tax
20 revenue; the County of Los Angeles will receive over
21 \$4 million; and the City of Los Angeles will receive
22 over \$7 million.

23 The project is consistent with the Port's
24 Clean Air Action Plan and the mayor's vision to make
25 Los Angeles the greenest big city. Again, CCA strongly

PHT-8

1 supports the proposed Pier 400, Berth 408 petroleum
2 project and believes that this is the right way to
3 efficiently manage anticipated growth while managing
4 the impacts related to that growth. Thank you.

5 COLONEL MAGNESS: Thank you, Tracey.

PHT-9

6 Dan Hoffman and Bill Walles. Bill, you would
7 be next, please.

8 Dan.

9 MR. HOFFMAN: Good evening and thank you for
10 this opportunity. My name is Dan Hoffman. I'm the
11 executive director for the Wilmington Chamber of
12 Commerce. And the Wilmington Chamber of Commerce
13 supports this new deep-water terminal and recommends
14 the approval of the draft SEIS and SEIR.

15 The deep-water terminal at Pier 400 will
16 accommodate the newest and largest tankers, and there's
17 obvious efficiencies to that. It will handle these
18 ships in the most environmentally responsible manner
19 possible and set a world precedent for the way oil is
20 handled.

21 Plains All American Pipelines continue to
22 look for new environmental efficiencies, such as the
23 Bonnet, that will even further eliminate pollutions,
24 such as the SOx and NOx.

25 This project has significant economic

1 benefits. It will create several thousand good-paying
2 jobs during the course of construction. And after
3 that, 100 direct and indirect jobs.

4 There will be, obviously, tax revenues to
5 account for the additional -- from additional moneys
6 that it brings into Southern California. And when the
7 projective construction is completed -- or when the
8 project construction is completed, trucks will
9 virtually be eliminated, and operational air emissions
10 will be offset by 120 percent.

11 Please approve the Pier 400 at Berth 408
12 project to ensure Southern California's vitality and
13 for our own green growth. I would also like to say on
14 my own behalf that I have never seen a company so
15 thoroughly vet a project. Actually, I don't want to go
16 in to anymore meetings for Plains. No offense, Dave.

17 But I was -- I actually was at one of the
18 meetings where the shipping companies were there, and
19 they explained the double-hull ships that would come
20 into this facility. They had people who explained the
21 pipes, how they're put together and how fuel is going
22 to be transferred and the tanks and the storage and how
23 that's going to be handled.

24 And I think they're a company that's going to
25 continue to make these kinds of environmental

PHT-9

PHT-9

1 improvements that will continue to make them the leader
2 in this industry. Thank you.

3 COLONEL MAGNESS: Thank you, Dan.

PHT-10

4 Next up, Bill. And after Bill, please,
5 Charlie Rico.

6 MR. WALLEES: Good evening, Colonel. I'm
7 speaking as a resident, personally. I live in Rancho
8 Pales Verde overlooking the port, and I want to go on
9 record as saying I support this project 100 percent.

10 And the only comments besides the obvious
11 that everybody has already said is: I must say that I
12 have had the opportunity to work in many parts of this
13 country, and I've been very impressed with the level of
14 competence displayed by both the Port and Plains and
15 the high level of integrity of all the companies
16 involved, and I'm just, as a resident, very happy with
17 that.

18 I think we certainly need the jobs. The jobs
19 are important. The area needs it, and that need for
20 jobs has been balanced as best as possible with its
21 impact on the environment. Thank you.

22 COLONEL MAGNESS: Thank you, Bill.

PHT-11

23 Charlie Rico is the next speaker. And after
24 that, please, Alexander Pugh.

25 Charlie.

1 MR. RICO: Colonel Magness, thank you very
2 much for allowing me up here. I am a Wilmington -- I
3 am a Wilmington resident. I haven't heard anybody here
4 speak from Wilmington.

5 I first met Mr. Wright about four years ago,
6 and I thought that this project would have been long,
7 long ago constructed, but there were a few snags that
8 were hit along the way.

9 Anyway, I'm here to support the project at
10 Pier 400 and Berth 408, and that is really all that I
11 have to say. I just want to give my support to Dave
12 Wright and Plains All American. Thank you.

13 COLONEL MAGNESS: Thank you, Charlie.

14 Alexander, and after that, please, John
15 Schafer.

16 MR. PUGH: Hi, good evening. My name is
17 Alexander Pugh. I'm with the Los Angeles area chamber
18 of commerce. I'll keep my comments brief, because most
19 of what I'm going to say has already been said.

20 The Los Angeles Chamber represents 1600
21 member businesses and over 700,000 employees in the
22 region. As an organization, we were instrumental in
23 the founding of the Port of Los Angeles. And I have to
24 say Pier 400 was built partially to accommodate
25 large-energy imports for the Los Angeles region.

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The Los Angeles region provides energy for the entire -- almost the entire state of California, Nevada and Arizona. And projects like this will significantly improve the quality and throughput, as well as reliability of oil imports into the region.

6

Since local and United States sources of oil are declining, it's clear that we're going to need to continue to import into our country. The environmental aspects of this project obviously are excellent and are the best in the world, and so we're very much encouraged by that.

12

And I would just say that Plains All American has been an excellent community partner and has been out working with as many people as they can find to get support for this project. So we're confident they're going to continue to work with us and the broader community at large. Thank you.

18

COLONEL MAGNESS: Thank you, Alexander.

PHT-13

19

John Schafer. After John, please, Peter Warren.

21

MR. SCHAFFER: Okay. Hi, good evening. My name is John Schafer. I'm a resident of San Pedro, and a lifelong resident, and I'm speaking in favor of this project from many concerns, on many levels. And I'm going to try to use some unusual ones, because I know

25

PHT-13

1 you guys have been talking from a lot of aspects.

2 No. 1, from the environmental aspect, again,
3 I'm a lifelong resident, and we've -- my family's
4 suffered from some of the environmental problems that
5 occurred in the past. But I think what needs to occur
6 with this project and what this project has done is try
7 to use the latest technology to set precedents that are
8 not only going to occur here in Los Angeles but
9 throughout the world.

10 But we have to get started. We have to
11 actually have the project as compared to something on
12 paper or something that's theoretical, purely.

13 Secondly, one of the environmental edicts
14 that are most commonly heard is the same "have a job
15 that's close to home" and also having jobs that pay
16 medical benefits and have -- can improve the quality of
17 life.

18 I think Plains All American has made a
19 commitment to create jobs that are not only with
20 medical benefits and pensions, but also union. And so
21 the workers there will have the opportunity to make
22 sure that they work in a safe workplace and also in
23 ones that will allow them to benefit their family, as
24 their children are developing, and their spouses and we
25 all get closer to retirement.

PHT-13

1 And the bottom line is that San Pedro, as we
2 try to make it -- continues to have the, quote,
3 unquote, "bedroom community," in other words, where
4 people are allowed to have little leagues, sports
5 activities near Wilmington, Long Beach, all of the
6 above, what's important in order to save on gas and
7 everything else is that you're going to have a job
8 close to there.

9 And I think the Port of L.A. has, in the
10 past, a great hub of good jobs, and I think this Plains
11 All American project is an example of that.

12 So to conclude, I think that this project
13 needs, not only to be debated and vetted and so forth,
14 but needs to go forward in order for California and
15 Los Angeles to be the leader in green, not only in our
16 state and our city, but the world. Thank you very
17 much.

18 COLONEL MAGNESS: Thank you, John.

PHT-14

19 Peter Warren and then Tracey Chavira. Tracey
20 Chavira. We've already -- I'm sorry, Peter.

21 MR. WARREN: No, no. That's fine.

22 COLONEL MAGNESS: She filled out two cards.
23 She was excited.

24 Eddie Barnes, please, would be on deck.

25 Peter.

1 MR. WARREN: Good evening. I'm the chair of
2 the Port and Environment Committee of the Coastal
3 San Pedro Neighborhood Council. We are going through
4 our process and will be submitting our comments in
5 written form.

6 What I'm here tonight to do is to observe,
7 for people who are veterans of these events, this one
8 is poorly attended. There's a good reason it's poorly
9 attended. There are between 500 and 700 people two or
10 three miles from here at a conflicting hearing on the
11 Ponte Vista project.

12 The Costal San Pedro Neighborhood Council,
13 when we became aware of the conflicting dates,
14 communicated with the city and sought to get them to
15 change the date of that planning department hearing.
16 We were unsuccessful in that.

17 I would urge the Port and the Corps to hold
18 another evening hearing such as this to gather
19 testimony. People who are familiar with community
20 members, who typically turn out on both sides of this
21 issue, cannot help but be aware that dozens, scores,
22 perhaps hundreds of people who would have something to
23 say about this and would like to testify about this are
24 not being -- you know, unfortunately, are elsewhere.
25 Thank you.

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PHT-14 | 1

COLONEL MAGNESS: Thank you, Peter.

PHT-15 | 2

Eddie Barnes.

3

I'm sorry, Eddie. Just a minute, please.

4

MR. BARNES: It's okay.

5

COLONEL MAGNESS: I already did that one.

6

And then Hamish List, and then we'll take, like, two

7

minutes for Regina to stretch her fingers.

8

Eddie, please.

9

MR. BARNES: Thank you. I'm Eddie Barnes,

10

southern regional director of the State Building &

11

Construction Trades Council of California. I represent

12

350,000 construction men and women in the building

13

trades industry.

14

I'm also the past business manager of Local

15

Union 250, steamfitters and pipefitters, Local Gardena,

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which does all your pipeline work from crude oil to gas

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pipeline and then inception. I personally have been

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involved in the project in that position, and I'm here

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tonight to support this Pacific L.A. Marine Terminal.

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I'm glad to see that the EIRs and SEIRs have

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been so thorough. It has been six years to get through

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this process to get to this point. I'd like to

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compliment the Port in that regard.

24

And as the industry knows and as you've heard

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from the speakers in front of us, this is from the

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1 labor side of it, the jobs are not only needed, they
2 will keep the community strong with a vibrant
3 workforce, as well as a skilled workforce from the
4 labor unions that are here.

5 And I'm here just to say the State Building
6 Trades, which represents 350,000 construction members
7 in Southern California and Northern California, state
8 of California, are in support of this project.

9 COLONEL MAGNESS: Thank you, Eddie.

10 Hamish, am I saying that right?

11 MR. LIST: Hamish.

12 COLONEL MAGNESS: Hamish.

13 MR. LIST: Good evening. My name is Hamish
14 List. I have lived and worked in many countries around
15 the world, and I would like to say that I support this
16 project because of the impressive research that has
17 gone into developing what is going to be an
18 environmentally appropriate design.

19 And I would also like to say that I support
20 it as a local resident. I live and work in this area
21 with my family for a small business enterprise. And
22 once again, I support this. Thank you.

23 COLONEL MAGNESS: Thank you, Hamish.

24 At this time, we're going to take two
25 minutes. Please stretch in place, and I'll call the

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PHT-15

PHT-16

1 group to order, and we will continue. It looks like
2 we've got about a dozen more. And I just ask that you
3 not leave, if you could, and be respectful to the
4 people that still want to say their piece.

5 And like I said, we have about a dozen more,
6 so, please, two minutes. I'll put myself on the clock
7 here.

8 (Recess.)

PHT-17 | 9 COLONEL MAGNESS: Okay. We can get started
10 again, please. Thank you, everyone.

11 Please, could Larry Henderson -- Larry, could
12 you come forward and speak to us. And Kathleen
13 Woodfield, if you would be next, please.

14 Larry.

15 MR. HENDERSON: Hi, good evening. Thank you
16 for allowing me to speak. Larry Henderson with IBEW,
17 Local 11. That's International Brotherhood of
18 Electrical Workers. We represent 8,000 members in
19 Los Angeles County, 1600 apprentices, and we're totally
20 in support of this Pier 400 project.

21 It's a job opportunity for local hiring
22 apprenticeship-wise and other people that have
23 electrical experience. My position is organizer in
24 Local 11, San Pedro area. So we're -- we're totally in
25 support of this, we need the work, and the country

1 needs the terminal. And thank you very much.

2 COLONEL MAGNESS: Thank you, Larry.

3 Kathleen, Kathleen Woodfield, and, please,
4 Fran Siegel. And, Fran, if you would be next.

5 MS. WOODFIELD: Good evening. I would like
6 to speak to the actual environmental impact report.
7 And one of my concerns is that the suggestion -- the
8 idea of having the ship berth within the elbow, there,
9 was rejected as being coequally evaluated, and I think
10 that's a problem. I think that there would be great
11 benefits for --

12 COLONEL MAGNESS: Would you like to use my
13 pointer?

14 MS. WOODFIELD: I wouldn't know how to do
15 that.

16 But do you see how they have the berthing on
17 the left?

18 COLONEL MAGNESS: Here you go. Just push
19 that button.

20 MS. WOODFIELD: Okay.

21 -- have the berthing on the left here. I
22 would like to see an evaluation of berthing it here,
23 which was discounted so much so that it wasn't even
24 evaluated coequally in the EIR.

25 But what we think might be beneficial to

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PHT-17

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PHT-18

1 doing that is containing a possible spill, having it
2 further away from the community and, aesthetically,
3 also having it away from the community. But there's
4 other reasons to have it further away from the
5 community, and that's noise and air impacts and all
6 kinds of other impacts.

7 So one of the reasons it was dismissed for
8 coequal evaluation is some sort of turning radius. But
9 a coequal evaluation would allow for ideas, like maybe
10 pulling back on, you know, the rock -- what is that --

11 UNIDENTIFIED SPEAKER: The breakwater.

12 MS. WOODFIELD: -- the breakwater -- thank
13 you -- the rock breakwater. And other things could be
14 considered.

PHT-19

15 Also, I don't agree that there's no aesthetic
16 impact. I think the methodology for determining that
17 there's no aesthetic impact is faulty. There is a
18 decision that since there is already a berth and the
19 ship comes there, you know, twice a year, that means
20 it's the same as having a ship there, you know, every
21 day, but I don't agree with that.

PHT-20

22 I also think that this is an incompatible use
23 with Maersk terminal. And I think if you look at the
24 port master plan, you'll find that this was not
25 supposed to be a mixed-use situation here. This was

1 supposed to be a liquid bulk, even dry bulk, relocation
2 site.

↑ PHT-20

3 And so I think that needs to be taken into
4 consideration, too, because this is the last remaining
5 area where a relocation could occur, and it's being --
6 it's being absorbed by a new project.

7 I would also like to say that relocating
8 creates lots of jobs. You know, I think when people
9 talk about jobs, they think that, you know, this is the
10 only way you can have a job, is if you have this
11 project. There's all kinds of alternative types of
12 projects that can bring many, many, many jobs.

PHT-21

13 And I would just like to say that I, too,
14 like David Wright -- you know, if this was about David
15 Wright, hey, count me in, you know. But I -- this is a
16 man who has gained a lot of my respect, and I know
17 they're doing a lot of environmental mitigations, but
18 this is a zero-base project. There's no baseline here.
19 It's a zero baseline, so everything is going to cause
20 more pollution.

PHT-22

21 Thank you. I know my time's up.

22 COLONEL MAGNESS: Kathleen, first of all,
23 don't -- what did you do with my pointer?

24 MS. WOODFIELD: I left it right here.

25 COLONEL MAGNESS: And could you tell me,

45 ↓

PHT-22 1 because I can't tell from the card, what your
2 organization or affiliation is?
3 MS. WOODFIELD: San Pedro Peninsula
4 Homeowners Collation.
5 COLONEL MAGNESS: Okay. Thank you.
6 MS. WOODFIELD: Thank you.

PHT-23 7 COLONEL MAGNESS: Fran, and after Fran,
8 please, Daniel Nord.
9 MS. SIEGEL: Hi. My name is Fran Siegel, and
10 I'm a community member. I'm also a faculty member at
11 Cal State Long Beach, but I'm really here by myself.
12 And the thing, really, is that I have a series of
13 questions sort of unrelated that I would like to ask.
14 First of all, I'm not really sure why the
15 community is asked to give a response if the community
16 is not here, and the event was scheduled at the same
17 time as another event where there's hundreds of
18 community members, and I would like that for the
19 record. So I appreciate that Peter Warren brought this
20 up.

PHT-24 21 I also feel, after hearing the description of
22 the project, that I'm going to be one of the endangered
23 species that are described. I -- you know, it really
24 seems very sad, and I wonder when the area gets
25 declared uninhabitable.

1 I also wondered about an evacuation plan, you PHT-25
2 know. And, right now, there's, you know, two roads
3 that go into town. So I wonder, you know, if things
4 happen, how we get out of here.

5 And also, Exxon Mobil, that was brought up, PHT-26
6 obviously has a very bad track record. And in fact, I
7 think it was today, the court case that they won and
8 ordered not to pay the fisherman anymore than \$15,000
9 for their, you know, not being able to fish in the area
10 of Alaska that had the oil spill.

11 I also questioned the comment "In order to PHT-27
12 green the port, we must grow it." I find that really
13 strange. I think that greening the port obviously has
14 to happen by curtailing and being really responsible
15 for some of the business that's already here.

16 And then my last question -- well, actually, PHT-28
17 I have two questions. The last -- second-to-last
18 question, is about job -- well, three questions.
19 Sorry.

20 COLONEL MAGNESS: In a minute.

21 MS. SIEGEL: Okay.

22 -- is about job creation. It sounds like the
23 jobs that might be created are really short-term, not
24 long-term. I also wonder about all the people that
25 spoke on behalf of businesses, how many of them

PHT-28

1 actually live in the area of San Pedro and Wilmington.
2 And I also, lastly, want to know where I go to sell my
3 house. Thank you.

4 COLONEL MAGNESS: Thank you, Fran.

PHT-29

5 I hope I said it -- is it Daniel?

6 MR. NORD: Yes.

7 THE COURT: Okay. Daniel Nord. And then
8 after Daniel, please, David Otterstein.

9 MR. NORD: Hi. I'm here to speak for myself.
10 I'm a community resident, and for my neighbor, who's at
11 the other meeting, but I will not take two full
12 people's time.

13 Despite all the green flag-waving, we have
14 before us another massive greenhouse-emitting,
15 polluting, quality-of-life-degrading, cancer-causing,
16 port industrial complex expansion plan. And as is
17 typical, the draft EIR/EIS is full of loopholes,
18 contradictions, poorly founded assessments and bias.

19 For example, as typical of these EIRs, the
20 cumulative impacts of the project are not accurately
21 and clearly addressed. Directly related to this
22 project is significantly increased refinery production
23 and output all around us in this densely populated
24 area. The increase in airborne toxins due to increased
25 local refinery output is a serious health hazard and

1 must be clearly quantified and specifically addressed.

↑ PHT-29

2 And the continued degradation of this
3 community with associated blight, quality-of-life
4 issues, noise, the potential property devaluation is
5 not also adequately addressed. It's your
6 responsibility to do so.

PHT-30

7 The proposed new Pier 400 supertanker oil
8 terminal consists of offloading facilities for massive
9 oil tankers with a storage tank farm in the heart of
10 the port, all proposed to be built in an
11 earthquake-prone area. I simply don't understand this.

PHT-31

12 All, according to the SEIR, will cause
13 significant negative environmental impacts, toxic
14 emissions, odors, et cetera, all posing significant
15 security risks. Again, we do not have an adequate
16 evacuation plan, and all apparently sanctioned by the
17 mayor's office, while continuing to wave the green flag
18 and heavily lobbied for by business interests.

PHT-32

19 Building massive oil infrastructure at this
20 point in our history is backwards thinking. Proponents
21 are selling it by saying it may help gas prices
22 locally, but most folks realize that oil prices are not
23 set in San Pedro, and our lives and health and the
24 health of our families are worth more than a few cents
25 a year. And after the construction is over, there will

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PHT-33

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only be a relatively few full-time jobs.

PHT-34

2

The Pier 400 supertanker oil terminal was conceived for one main purpose. It's a business proposition to create a turnstile for oil imports so that a private company can charge a fee to get oil from tankers through its privately owned pipeline to local refineries.

8

The private company profits; the City profits from tax revenues; and once again, San Pedro and local residents will pay with their health and quality of life. It's nothing more than that, except more toxic pollution, more stench, more asthma, more premature death, more degradation and blight in our community and more backwards oil infrastructure at a time when we should be leaders investing in sustainable directions.

16

Isn't this ironic that this is called a "crude oil terminal." We need you to put your money where your mouth is. This project is a travesty, part of the ongoing massive and not-very-green expansion plan for the Port of Los Angeles.

21

COLONEL MAGNESS: And --

22

MR. NORD: To quote Nancy Reagan, "Just say

23

'no.'"

24

COLONEL MAGNESS: I'm going to have to say

25

"no" to any further time. Your time is up. Can you go

1 to your final statement there, please.

2 MR. NORD: Yes.

3 We have a fundamental right to breathe and be
4 spared from more environmental injustice in our
5 neighborhood. We need to move in a healthy and
6 sustainable direction. Help us out here, please. If a
7 project like this moves forward, particularly without
8 adequate assessment of off-port impacts, it's clear
9 that the Port's Clean Air Action Plan is little more than
10 a PR-driven mockery of the public. Thank you.

11 COLONEL MAGNESS: Thank you, Daniel.

12 David. After David, please, Janet Gunter.

13 MR. OTTERSTEIN: Good evening. My name is
14 David Otterstein. I'm the assistant executive director
15 of PIPE, Piping Industry Progress and Education. I'm
16 here to stand in support of this project.

17 I'm impressed with the -- that this could be
18 one of the most environmentally sensitive facilities of
19 this kind built in the world. I think that's extremely
20 important, and I think that evidence has been proven
21 tonight.

22 Also, I would like to talk about the jobs and
23 the economy. There's going to be a tremendous influx
24 of capital into our economy with this project. I have
25 over 400 members that live in this area that would love

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1 to work on this project close to their homes. These
2 are trained apprentices and journeyman in the plumbing
3 and pipefitting industry, and a job in this area would
4 be -- would be well-welcomed to them.

5 Any influx in our economy around here is a
6 positive note. When people get good jobs with health
7 insurance, benefits and pensions, that money is paid
8 back tenfold in the community itself. We stand in
9 support of this project. Thank you.

10 COLONEL MAGNESS: Thank you, David.

PHT-36

11 Janet. After -- well, David, you filled out
12 two cards. After Janet is William Lyte.

13 MS. GUNTER: Good evening. First of all, I
14 want to commend Daniel Nord on his comments. I'm with
15 the San Pedro and Peninsula Homeowners' Coalition.

16 I will begin my testimony this evening by
17 first stating that, because the Port of L.A.'s master
18 plan is solidly out of compliance by its lack of
19 performance in establishing Pier 400 energy island as
20 directed in 1979, any and all permits since that breach
21 are inappropriate -- are inappropriate and flagrantly
22 illegal.

23 Amendment 12 to the port master plan
24 specifies that 195 acres of Pier 400 will be a
25 petroleum terminal. The 15 acres assigned to this

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1 project will not make that statement true.
2 Accordingly, the master plan is out of date. This
3 means that the Port's authority to issue coastal
4 development permits has lapsed. This project cannot be
5 approved until the project conforms to the master plan.

6 The 1992 draft EIR/EIS, the deep-draft
7 EIR/EIS, specifies in great detail that one of the main
8 purposes of Pier 400 was to provide a remote location
9 to which the inappropriately located hazardous liquid
10 bulk facilities could be located away from the
11 community. The port attempts to get around this by
12 saying that the risk management plan in Amendment 3
13 supersedes a later Pier 400 authorization in
14 Amendment 12. This rationale requires us to completely
15 disconnect with common logic.

16 It was interesting this evening to see Larry
17 Keller here, who is acting as director of the Port,
18 when the transformation from energy island, as a liquid
19 bulk facility, was changed to all container use. At
20 that point in time, it was minimized. Not only -- not
21 only the executive director, but the Army Corps of
22 Engineers minimized the use of petroleum, said there
23 was no need for petroleum.

24 So here we are now today, taking this paltry
25 15 acres and trying to make the dreams of this whole

PHT-36 | 1

Pier 400 energy island come true.

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The other insulting thing is here we are in a world where all we can do is talk about alternative technology, alternative fuels, and we're going to invest another -- all this money, all these millions and millions of dollars into a fuel -- fossil fuel. I mean, we're going the wrong way. It doesn't make any sense.

Also, when you look at crude terminal oil -- oil terminal, it's already using on this plan's extensive pipelines. That doesn't require terminal space at all, really. There's no reason why this -- if we needed this and it's a temporary use, because we'll have alternatives in the future, it can't be on a floating terminal. It can't be remotely located, so that when it becomes obsolete, you don't have the investment of that land. And maybe you've gone to wind or, pray tell, maybe you've gone to honoring the master plan by relocating some of the hazardous stuff we're already living with.

Thank you.

COLONEL MAGNESS: Thank you, Janet.

PHT-38 | 23

William. After William Lyte is Alexandro Gracia.

MR. GRACIA: Yes.

1 MR. LYTE: Yes, good evening. My name is
2 Bill Lyte. I'm the president of the Harbor Association
3 of Industry and Commerce. I'm also on the board of the
4 San Pedro Chamber and the Port of Los Angeles Community
5 Advisory Committee. I'm here representing the Harbor
6 Association.

7 The Harbor Association's hundred-plus members
8 employ thousands of local residents in the engineering,
9 transportation, energy and maritime sectors. We have
10 followed this project since its inception and have
11 looked forward since that time to the day we could
12 speak here in support of this project.

13 The Harbor Association feels that this
14 project is pivotal to the economic well-being of our
15 region with our nearly 20 million residents, whose
16 security and livelihoods are dependent upon the daily
17 availability of petroleum products, which this project
18 will help to ensure. Therefore, we strongly support
19 the approval of this project.

20 On another subject, we are also working very
21 closely with the San Pedro and Wilmington chambers to
22 grow a major green technology industry right here in
23 San Pedro, and our No. 1 supporter is David Wright. So
24 we are working closely with him and feel that we can
25 roll out the first wave of green technologies that can

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1 be used in facilities like this all over the world, by
2 employing people and growing industry right here in
3 San Pedro and Wilmington. Thank you.

4 COLONEL MAGNESS: Thank you, Bill.

PHT-40

5 Alexandro -- am I saying that right?

6 MR. GRACIA: Yeah. Gracia.

7 COLONEL MAGNESS: Gracia.

8 And Tom Moxley, please, if you would be next.

9 MR. GRACIA: Good evening, Colonel. My name
10 is Alexandro Gracia from the Chamber of Commerce -- for
11 the Regional Hispanic Chamber of Commerce of Long
12 Beach, which is a nonprofit organization. I'm here to
13 show support to the Plains All American Pipeline Pier
14 400 project.

15 I have three essential messages to say on
16 behalf of the Plains All American Pipeline Pier 400
17 project: One, supply California -- California's oil
18 supply is drying up. Pier 400 will help Los Angeles
19 get the oil it needs.

20 Two, environment: Pier 400 will be one of
21 the most efficient, least-polluting facilities of its
22 kind in the world. It's in accord with the major Clean
23 Air Action Plan. The draft EIR/EIS found that the
24 projects refer to the no-build alternative and will
25 actually improve the air quality.

1 Economy: Jobs, jobs, jobs. Labor and
2 business both endorsed, the project has a budget of
3 approximately over \$500 million and will create
4 thousands of high-paying union jobs, boost our economy
5 and keep oil prices as low as possible.

6 Thank you, Colonel.

7 COLONEL MAGNESS: Thank you -- Alejandro or
8 Alexandro?

9 MR. GRACIA: Alejandro.

10 COLONEL MAGNESS: Alejandro.

11 Tom Moxley, please. And I imagine this would
12 serve as last call. I have Terry Martin, and unless
13 there are any others, that would be the final one. So
14 Tom Moxley and then Terry Martin.

15 Tom, please.

16 MR. MOXLEY: My name is Tom Moxley, and I am
17 president of the L.A./Orange County Building and
18 Construction Trades Council, and I thank you for this
19 time to be able to speak in favor of this project.

20 We represent 140,000 men and women in the
21 Building and Construction Trades Council in L.A. and
22 Orange County. Many of them live right here in this
23 area, Bloomington and the surrounding communities.
24 They have children. They provide coaching experience,
25 and they -- then they put out in their community, not

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PHT-41 ↓

PHT-41

1 only -- not only in work.

2 These are jobs that they're looking forward
3 to close to home with gas prices the way they are. We
4 have followed -- the building trades have followed this
5 job for many years ever since David Wright came and
6 proposed it to us. We didn't rubber-stamp it
7 immediately.

8 We looked at his proposal. We built the
9 refineries. We looked at the new technology, the
10 health and safety of our members who live in the area,
11 and we came to the conclusion that this is a project we
12 can support just because it was a -- proposed to do it
13 on a project labor agreement.

14 And a big thing, we looked -- also looked at
15 the greening. It's labor who's pushing the green in
16 the harbor, along with our activists for green. I grew
17 up in Long Beach, grew up here in the ports, and I've
18 seen a dramatic change. And we're in favor of this
19 project, and we look forward to going forward.

20 Thank you for your time.

21 COLONEL MAGNESS: Thank you, Tom.

PHT-42

22 Terry Martin, please.

23 MR. MARTIN: Good evening. My name is Terry
24 Martin, a union representative for Local 250,
25 steamfitters, Los Angeles.

1 Six years ago, a fellow named David Wright
2 came to our local union and wanted to show us his
3 project. In my nine years as an agent, I've never seen
4 anybody love and fight for a project as hard as David
5 Wright.

6 You started this meeting out by saying you
7 have to have prepared statements. Well, I had prepared
8 statements, but by the time I got up here, everything
9 was said, so I threw that away, so I'm just going to
10 wing it.

11 I think, at the end of this, when this
12 project gets going, we need to come up with a trophy
13 for David Wright for most display of pens. This guy,
14 at every meeting I went to, I get a new pen. I love
15 it.

16 But again, we have hundreds of projects that
17 we support. And like Brother Moxley said, we have to
18 look at the green issue, too. I live in Belmont Shore,
19 and right by Belmont Shore, there's 13 stacks. You got
20 ADS (phonetic) and you've got Hanes (phonetic) Steam
21 Plant right there. So, you know, I have to live with
22 it, too. Redondo Beach firehouse, they gotta live with
23 it, all the refineries -- it's just the way it is here.
24 That's life. But we do have to think of our children,
25 their grandchildren's future.

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With that, Local 250 supports this project. The 400 members that David Otterstein from PIPE had mentioned are 400 members from Local 250. We have 20,000 members, but 400 do live in the harbor area, and they will have an opportunity, if approved, to work this project, thanks to the communication between David Wright, the community, the environmental groups, business and labor. Thank you.

COLONEL MAGNESS: Thank you, Terry.

Folks, I believe that concludes our public input by way of oral testimony. I am mindful of the fact that the 29th of July is the close of the period in which we can entertain written comments, and I would invite you to pursue those opportunities to revise and extend your own personal remarks in where you think there were people who are not able to provide comments tonight, solicit theirs and suggest that they make them formally through the process that Lena noted earlier.

I appreciate your comments, and I appreciate your consideration for others. I know there's a diversity of opinions on this project.

Fran, I would note that, while I cannot account for the zip code for all of the speakers, I can account for mine. And I live right there, perhaps closer than anyone.

1 I'm mindful of the impacts of port
2 development and port projects, and, certainly, I will
3 consider your input and those that we received as we
4 look for the best way to balance the need for economic
5 development, the need for prosperity for people with
6 the mandate for environmental stewardship that the
7 Corps of Engineers has. And you can be assured that
8 all of that will be accounted for before I put a
9 signature on anything.

10 I am a neighbor. Port issues affect me and
11 my family every day, and I take this responsibility
12 very seriously. Thank you for your comments and for
13 being here tonight. Thanks.

14 MS. MAUN-DESANTIS: I would just like to add
15 a couple more things.

16 COLONEL MAGNESS: Sorry about that.

17 MS. MAUN-DESANTIS: That's all right.

18 I would like to thank you on behalf of the
19 Port of Los Angeles for attending as well. I did hear
20 a couple of things. Largely, everybody was in support.
21 Dr. Appy usually does a nice little wrap-up. I'm not
22 going to try to replicate him. He's very good at that.
23 I'd fail miserably.

24 But we did hear a lot of support for this
25 project and the green growth and the jobs. We did also

1 hear some negative comments tonight. There are some
2 concerns. I just want to let you know that the Port of
3 Los Angeles remains committed to alternative fuel and
4 alternative technology. This project does not replace
5 that commitment.

6 This is a way to bring in crude oil that
7 would come in anyway, because there is, in the
8 short-term, a need for oil for many various things, in
9 an environmentally responsible way. It replaces some
10 of the lightering that's going on, which is the larger
11 ships that stay offshore and do the small dirty ships
12 back and forth. It replaces some truck trips where --
13 so that's how we're viewing this project, the Port of
14 L.A.

15 That being said, this project does still have
16 to go through the environmental process. We do still
17 need to get everybody's comments, look at those
18 comments, see if, based on those comments, we've done a
19 good job on the document. If we feel that we have, we
20 will bring it to our Board of Harbor Commissioners for
21 certification.

22 They are the people that will approve the
23 project -- certify the EIR -- that would be the first
24 step -- and approve the project. The next step is that
25 it will go to the Army Corps for their approval.

1 So there is some more steps in here. We will
2 listen to everybody's comments, and we would like to thank
3 you for participating tonight. We know, especially
4 with -- in regards that there was a competing meeting
5 tonight, it's very appreciative that you showed up.
6 Thank you.

7 COLONEL MAGNESS: Thank you, Lena.

8 (Public hearing concluded at 7:31 p.m.)

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1 STATE OF CALIFORNIA

2 COUNTY OF SAN DIEGO

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4 I, Regina L. Garrison, a Certified Shorthand
5 Reporter for the State of California, CSR No. 12921, do
6 hereby certify: That the proceedings were taken before
7 me at the time and place herein named; that the said
8 proceedings were reported by me in shorthand and
9 transcribed through computer-aided transcription, under
10 my direction; and that the foregoing is a true record
11 of the testimony elicited at said proceedings to the
12 best of my ability.

13

14 I do further certify that I am a disinterested
15 person and am in no way interested in the outcome of
16 this action or connected with or related to any of the
17 parties in this action or to their respective counsel.

18

19 In witness whereof, I have hereunto set my hand
20 this _____ day of _____, 2008.

21

22

23

REGINA L. GARRISON, CSR NO. 12921

24
25

Public Hearing Transcript, June 26, 2008

- PHT-1.** Your comment is noted.
- PHT-2.** Your comment is noted. Responses to the formal CLSC comments are provided in response to comments CSLC-1 through CSLC-90.
- PHT-3.** Your comment is noted.
- PHT-4.** Your comment is noted.
- PHT-5.** Your comment is noted.
- PHT-6.** Your comment is noted.
- PHT-7.** Your comment is noted.
- PHT-8.** Your comment is noted. Regarding job estimates, wages, and tax revenues, please see response to comment LCOC-1.
- PHT-9.** Your comment is noted. Regarding job estimates, please see the first half of response to comment Local 11-3-1.
- LAHD and USACE are aware that the Los Angeles Economic Development Corporation (LAEDC) conducted an economic impact study that estimated a larger number of construction and permanent jobs than those predicted by LAHD and USACE (6,300 jobs during construction and 230 jobs during operation). The LAEDC estimate of jobs stems from an analysis that LAHD and USACE did not have any role in preparing (did not conduct, direct the preparation of, or review the methodology for).
- PHT-10.** Your comment is noted.
- PHT-11.** Your comment is noted.
- PHT-12.** Your comment is noted.
- PHT-13.** Your comment is noted.
- PHT-14.** The Port and USACE make every attempt to check scheduled public hearing and public meeting dates of other agencies when scheduling their own public hearings. When the June 26, 2008, date was set for the public hearing for the Plains All American project, the date had not been set for the other project hearing referenced in the comment. Neither the Port nor USACE received any request to change the date of the June 26 hearing until the last several days prior to the meeting.
- PHT-15.** Your comment is noted.
- PHT-16.** Your comment is noted.
- PHT-17.** Your comment is noted.

- PHT-18.** The Draft SEIS/SEIR proposes a reasonable range of alternatives under CEQA/NEPA. The range of alternatives examined need not be beyond a reasonable range necessary to allow a reasoned choice among the alternatives and the proposed Project. A full evaluation of berthing the project on Pier 400, Face E and the reasons for not coequally evaluating this alternative are provided in the Draft SEIS/SEIR Section 2.5.3.2.10. In summary, the additional cost, restricted recreational access, and environmental impacts to air quality and least terns associated with this alternative, eliminated it from a coequal evaluation.
- PHT-19.** Please see response to comment PCAC-EIR-11. The technical approach used to determine aesthetic impacts is consistent with the concepts and principles of the Visual Resource Management methodologies in use by several federal agencies and is compliant with NEPA and CEQA guidelines for visual impact analysis. The methodology is summarized in Section 3.2 of the Draft SEIS/SEIR and further detailed in Appendix G.
- The Draft SEIS/SEIR concludes the aesthetic impacts of the proposed Project are less than significant because the San Pedro Bay Ports are 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.
- PHT-20.** Commenting on the potential relocation of the Maersk terminal is outside the scope of the Draft SEIS/SEIR. The proposed Project is consistent with the Port Master Plan; please see response to comment PCAC-EIR-11.
- PHT-21.** Your comment is acknowledged.
- PHT-22.** The Draft SEIS/SEIR determines the significance of impacts resulting from implementation of the proposed Project and its alternatives compared to the CEQA and NEPA baseline conditions. Although the CEQA baseline remains fixed for the duration of the Project, reflecting conditions that prevailed in June 2004; the NEPA baseline changes over time in response to increases or decreases in activity or other factors that would occur at the Project site absent federal action. The proposed Project and alternatives implement all feasible mitigation measures to reduce pollution associated with Project construction and operations.
- PHT-23.** Please see response to comment PHT-14.
- PHT-24.** Your comment is acknowledged.
- PHT-25.** A recent study by City Controller Laura Chick notes numerous deficiencies in citywide disaster preparedness. However, a review of this study indicates that the vast majority of the identified deficiencies are associated with events that do not affect the Port, or are large-scale disasters, e.g., a worst-case tsunami, that are on a much larger scale than any accident that could occur as a result of the proposed Project. It is clear from reviewing this report, as well as the potential hazards associated with the proposed Project, that the Port's Risk Management Plan and the Harbor/Port Evacuation Plan are more than adequate to address potential Project-related accidents.
- PHT-26.** Your comment is acknowledged.

- PHT-27.** Your comment is acknowledged.
- PHT-28.** 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.
- PHT-29.** The Draft SEIS/SEIR incorporates programmatic, project-specific, and cumulative analyses for all environmental issue areas that would potentially be impacted by the proposed Project, including those in the project vicinity. The Draft SEIS/SEIR has appropriately evaluated the Project's environmental effects and identified mitigation measures and reasonable alternatives to avoid significant environmental impacts (CEQA Guidelines Sections 15121(a) and 15362).
- PHT-30.** In regards to blight, Section 3.8 of the Draft SEIS/SEIR adequately addresses the potential for effects on the physical environment of neighboring communities that may result from approval of the proposed Project or its alternatives, and Section 4.2.8 adequately addresses cumulative effects and the proposed Project's contribution. The proposed Project would have less than significant effects on land use and would make a less than cumulatively considerable contribution to cumulative impacts on land use.
- Section 3.10 adequately addresses the impacts of noise related to the proposed Project and its alternatives under CEQA and NEPA.
- In regards to the potential property devaluation, Section 7.2.1.3 states that median single family residence sales prices for homes located in the ZIP Code areas in the immediate vicinity of the Port from rose on average by between 8 and 9 percent annually between the years 1993-2004.
- Property values are also addressed in responses PCAC-EIR-27 and PCAC-EIR-28.
- PHT-31.** Please see response to comment DN-15.
- PHT-32.** Your comment is acknowledged. 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.
- Regarding an evacuation plan, please see response to comment PCAC-EIR-23 and PCAC-EIR-24.

- PHT-33.** Your comment is acknowledged. Regarding jobs, please see response to comment PHT-28.
- PHT-34.** Your comment is acknowledged.
- PHT-35.** Your comment is noted.
- PHT-36.** The Project is consistent with the Port Master Plan; please see response to comment PCAC-EIR-19.
- PHT-37.** Your comment is acknowledged.
- PHT-38.** Your comment is noted.
- PHT-39.** Your comment is acknowledged.
- PHT-40.** Your comment is noted. Regarding jobs, please see response to comment PHT-9.
- PHT-41.** Your comment is acknowledged and appreciated.
- PHT-42.** Your comment is acknowledged and appreciated.