

**Port of Los Angeles Community Advisory Committee
EIR/Aesthetic Mitigation Subcommittee**

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 the opportunity to submit comments regarding the above referenced DEIR/
DEIS for the Pacific L.A. Marine Terminal.. These comments are submitted by the Port
Community Advisory Committee (PCAC) EIR/Aesthetic Mitigation Subcommittee.

PCAC-
EIR-1

As directed by the Harbor Commission, the PCAC's mission includes:

.. assess the impacts of Port Developments on the Harbor area
communities and to recommend suitable mitigation measures to the
Board for such impacts...

...To review all past, present and future environmental documents in an
open public process to ensure that all laws—particularly those related to
environmental protection—have been obeyed, all city procedures
followed, and all adverse impacts upon the communities mitigated.

Based on the Commission's directives, the Department and the PCAC have worked to
establish an "EIR Template" that provides a standardized approach to environmental
review of projects.

Our EIR Template recommendations focus on priority areas:



PCAC-
EIR-1

Air Quality [No Net Increase]
Traffic
Off-Port Impacts [Light, Aesthetics, Noise, Land Use]
Environmental Justice
Project Description and Analysis

We are gravely alarmed that the Port again proposes a project with the statement that the air quality impacts are “considered significant, adverse, and unavoidable” after the proposed mitigation measures have been applied. 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 application of Overriding Considerations.

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 have 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.

PCAC-
EIR-2

Port Master Plan/Energy Island

The Subcommittee is aware of the fact that the Pier 400 project was initially “sold” to the public in part as a means to relocate multiple hazardous petrochemical facilities further away from the community to diminish risk from accidents at these facilities. Pier 400 was also “sold” to bring in new energy sources for California. The Subcommittee has received lots of input from concerned community members questioning why a project to bring in more petrochemical resources is going forward while the promise to move existing hazardous petrochemical facilities to Pier 400 has been forgotten. Many community members have stated that the first order of business should have been to keep the promise initially made to move existing hazardous facilities to Pier 400. Further, they commented that this promise appears to have been evaded by revising the calculated hazardous footprint of certain existing petro chemical facilities near the community so that calculations “prove” they are no longer hazardous to nearby residents. Many community members felt this was an act of subterfuge that merely papered over some very serious hazards. We share their concerns.

PCAC-
EIR-3

Air Quality Health Risk

The Southern California Children’s Health Study, a large epidemiological investigation of the long-term effects of air pollutant exposure on respiratory disease within a population of more than 5,600 California school children, and numerous other studies have found that air pollution has significant impacts on child health. The HRA should give special consideration to the health of children residing and attending school in the area. We note

that more recent studies by CARB significantly increase estimates of the health effects of pollution (attached).

PCAC-
EIR-3

The EIS/EIR must address additional deaths due to chronic diseases other than cancer. The California Air Resources Board has recently attributed 24,000 annual premature deaths to air pollution.. 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.

PCAC-
EIR-4

Additionally, 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.

PCAC-
EIR-5

We also include the “Specific Comments” section below from the PCAC Air Quality Subcommittee:

SPECIFIC COMMENTS

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.

PCAC-
EIR-6

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 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.

Measure MM-A Q15, Alternative Marine Power (AMP), requires revision to schedule full

PCAC-
EIR-6

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.

We request that the Project Description requirements applicable to boiler operations 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.

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.

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."

The lease term stated in the SEIR/SEIS requires adjustment to reduce the term or to include re-opener clauses to allow for evaluation at ten year intervals to ensure application of best available technologies and mitigation measures.

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.

Off-Port Impacts [Light / Aesthetics / Noise / Land Use]

Due to the potential benefits to noise and aesthetic impacts, there should be a co-equal analysis of the berth at the Face E (southeast) side of Pier 400. The berth should be on the East side of the Pier in order to reduce noise, aesthetic 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 berth location.

PCAC-
EIR-7

Based on the EIR Template, the Subcommittee/Working Group makes the following recommendations with respect to community impacts.

PCAC-
EIR-8

1. The EIR must consider the adjacent communities of San Pedro and Wilmington as the study area when evaluating direct and indirect impacts, both project specific and cumulative, on light, aesthetics, noise, land use and public services.

1. The EIR must specifically evaluate the project and cumulative adverse impacts of port industrial operations on community land uses such as container storage facilities and scrap-metal yards and provide mitigation measures to off-set these impacts.

PCAC-
EIR-9

1. The EIR must show how Community Plan and Port Master Plan provisions for creation of landscaped buffer areas will be created between port industrial operations and the adjacent community.

PCAC-
EIR-10

Aesthetics

PCAC-
EIR-11

The Subcommittee is discouraged that the EIS/EIR makes a finding of no significant aesthetic impact. We believe this finding is incorrect and based on the false premise that a berth supporting 5 or so visits per year has the same aesthetic impact as a berth supporting 5 visits or so visits per week. Tanker ships are viewed by many as large and ominous.

We note that 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.

We are concerned that 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.

Environmental Justice

We are disappointed that hard copies of the EIS/EIR were not more readily available. This must be remedied for future projects.

PCAC-
EIR-12

PCAC-
EIR-13 | We are also concerned that large numbers of massive environmental documents will apparently be subject to simultaneous public review rendering it difficult, if not impossible, for Harbor Commissioners and members of the general public to review the documents thoroughly without putting all other aspects of their lives, including their jobs, on hold for an extended period. This will severely curtail achievement or the informational and public participation purposes of environmental justice policy and CEQA.

PCAC-
EIR-14 | As provided in the EIR Template.

A. the EIR must show how its evaluation of individual project and cumulative impacts complies with federal, state and local environmental justice laws and polices. For example, the California State Lands Commission has established that “Environmental Justice is an essential consideration” and that state law requires “. . . the fair treatment of all races, cultures and incomes with respect to . . . enforcement of environmental laws.”

Further, SLC policy calls for investigation as to whether individual and cumulative impacts from proposed projects are disproportionately borne by relevant populations.

PCAC-
EIR-15 | Specific recommendations on the Draft EIS/EIR:

1. The EIS/EIR should list all relevant agency EJ policies and describe how the proposed project is consistent with these polices.

PCAC-
EIR-16 | 2. The purpose of considering environmental justice is to ensure fair treatment for all”. Simple fairness would dictate that no individual or group should sustain disproportionate impacts in order that others, not sustaining those impacts, may benefit. In that regard, the EIS/EIR must identify who, specifically benefits from the proposed project and who, specifically, sustains impacts.

PCAC-
EIR-17 | 3. We note that principles of environmental justice dictate that all are to be treated fairly, regardless of race, color or ethnicity. Thus, the EIS/EIR must address any imbalance of impacts sustained and benefits realized, regardless of the race of those sustaining the impact—even non-minority communities.

PCAC-
EIR-18 | 4. Is Southern California a net “donor region” when externalized costs such as impacts on health are fairly examined? Some citizens are beginning to suspect we are donating our lives and money so big companies can make big profits.

Land Use

PCAC-
EIR-19 | In accordance with Section 15125(d) of the CEQA Guidelines, an EIR must identify any inconsistencies between a proposed project and adopted planning programs. This is important in order to assure that future on- and of-port infrastructure will be adequate for future needs. However, adopted local planning programs for the Port consist primarily of bland platitudes and are so out of date as to be nonfunctional and non-existent.

The Subcommittee continues to be concerned about the lack of comprehensive planning for both the proposed project and the Port as a whole. The Port of Los Angeles Plan,



which is intended to function as the general plan for the Port area, was last comprehensively revised in 1982 and fails to meet the most basic State requirements for general plans. Section 65302 of the Government Code requires that local agencies identify both land use type and land use intensity in the land use element of a general plan. An appropriate intensity designator for port uses would be throughput. For commercial uses, such as Ports O' Call Village, floor area ratio would typically be utilized to denote land use intensity.

PCAC-
EIR-19

In accordance with Section 65302, the land use element must be coordinated with other general plan elements addressing such factors as circulation, safety, noise, housing, and open space. The local plans must be coordinated with regional plans such as the Regional Transportation Improvement Plan and the Air Quality Management Plan.

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

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

Cumulative Impacts

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

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EIR-20

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

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

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

PCAC-
EIR-20

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impacts.

The Working Group is concerned that small, incremental changes have occurred at Port facilities without environmental analysis or mitigation resulting in unmitigated impacts on the surrounding community. Unfortunately, the list of projects included for cumulative analysis purposes in the DEIR appears to include only those major projects for which formal environmental documentation has been or will be performed. Even in those cases where environmental documentation has been processed, often no significant impact is found to occur. Analyses of cumulative impacts must include all projects, whether or not an EIR or other formal environmental documentation was prepared.

Use of the possibly inflated, unanalyzed, and unmitigated baseline, causes impacts resulting from the proposed project to be understated. The Subcommittee recognizes that where an impact is negligible, a project would not be considered to result in a significant cumulative impact. However, an impact which is less than significant may be far from negligible.

It is not enough that impacts are minimized in an individual project. Even if the impacts of individual projects have been mitigated to a level of insignificance, a significant cumulative effect may still occur. To assume otherwise is “at odds with the concept of cumulative effect”, as stated in *Environmental Protection Information Center, Inc. v. Johnson* (1985) 170 Cal.App.3d 604:

CDF ... stated that...operations in general had to substantially lessen significant adverse impacts on the environment, and closed with this comment: ‘To address the cumulative effect issue the Department has taken the tact [sic] that if the adverse effects are minimized to the maximum on each individual operation, then the total effect in the surrounding area will also be minimized to an acceptable level.’

This statement is at odds with the concept of cumulative effect, which assesses cumulative damage as a whole greater than the sum of its parts.

The Subcommittee is concerned about the number of separate projects with separate environmental documentation underway at the current time. We are concerned that the cumulative impact of these (and possibly other smaller projects) may be minimized due to the preparation of many separate environmental documents for the various projects.

Specific Issues Concerning the EIS/EIR

PCAC-
EIR-21

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In addition to the systemic issues discussed above, we have the comments and questions below on how specific information in the EIS/EIR is presented. Each of these items are themselves, though, so basic that each must be addressed in order for the EIS/EIR to provide, PCAC, the Harbor Commission, agencies and the public with information needed to evaluate the proposed project and its impacts.

Hazards

- 1. Will bigger ships increase the potential for collisions in shipping channels? PCAC-EIR-21
- 2. The EIS/EIR seems to indicate that security will not be a problem. In that case, why were California taxpayers asked to pass a taxpayer funded bond to fund homeland security at the ports? PCAC-EIR-22
- 3. Where is the evacuation plan for the community of San Pedro. It is not included in the DEIR/DEIS. Due to the hazardous nature of this project, an evacuation plan for the community must be included. If one does not exist, then its creation should be included as a mitigation measure. PCAC-EIR-23
- 4. The recent study by City Controller, Laura N. Chick (attached) entitled: "Performance Audit of the City of Los Angeles' Emergency Planning Efforts and Citywide Disaster Preparedness" identifies significant and pervasive deficiencies in the existing disaster preparedness operations of the City and Port and homeland security. This must be remedied. PCAC-EIR-24

Utilities

The section must address the ability of local substations and transmission facilities to provide peak demands for AMP and lighting.. We are concerned that interruptions in power supply could result in reduced use of AMP and increased emissions. PCAC-EIR-25

Socioeconomics

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. PCAC-EIR-26

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. PCAC-EIR-27

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. We request PCAC-EIR-28

PCAC-
EIR-28

that SCAQMD's Draft Report MATES-III Jan 2008 (and subsequent Final Report) be made a part of the administrative record on this matter.

PCAC-
EIR-29

We assert that 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. We request that this document be made a part of the Administrative Record on this matter.

Overriding Considerations

PCAC-
EIR-30

We are gravely concerned 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.

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.

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PCAC-
EIR-30

The EIS/EIR Process

We remain seriously 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.

PCAC-
EIR-31

We wish to re-iterate our concern about the timing of public review for numerous large, highly complex documents. The subcommittee is overwhelmed by the compounded effect of the Port releasing so many EIRs at the same time. Each one of these EIRs is extremely complex and it is sometimes difficult to understand which components and mitigations are associated with which project, as some are mentioned in more than one EIR. We believe that the cumulative effect of releasing so many EIRs at one time is that our capacity to understand the individual projects, and their integration with each other, is greatly diminished.

PCAC-
EIR-32

Many of these documents have been in process for years. Why is it necessary to release so many massive and opaque documents in a short time frame? This is especially distressing in the absence of a comprehensive plan addressing development of the Port as a whole.

We are also concerned with the price of the hard copies of these documents, which now exceeds \$750.00 each. This raises a concern with CEQA compliance, which requires that the EIRs be accessible and understandable to the public.

PCAC-
EIR-33

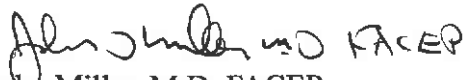
Conclusion

PCAC-
EIR-34

Review of environmental documents is among the Port Community Advisory Committee's core responsibilities. In accordance with the Mayor's and Commission's directive, the Subcommittee has evaluated the Draft Recirculated EIS/EIR prepared for the Pacific L.A. Marine Terminal.

Thank you for this opportunity to provide these comments.

Very Truly,



John Miller, M.D. FACEP
Chair, EIR/Aesthetic Mitigation Subcommittee



Kathleen Woodfield
Member, EIR/Aesthetic Mitigation Subcommittee

**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

PCAC-
EIR-27
(Part)

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-

- 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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PCAC-
EIR-24
(Part)

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PCAC-
EIR-4
(Part)



California/Local

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- » Sandy Banks
- » Pat Morrison
- » George Skellon
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Steve Laumann / Los Angeles 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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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 figure are expected to be revised upward based on the new report.

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PCAC-EIR-4 (Part)

17

Past EIR Subcommittee, PCAC, August 13, 2008

PCAC-EIR-1. Comment noted. The Draft SEIS/SEIR is consistent with the template established by the LAHD and the PCAC. The LAHD and USACE have imposed all feasible mitigation measures to minimize the significant air quality and other environmental impacts of the proposed Project. Mitigation measures MM AQ-19 through MM AQ-21 provide a process to consider, in the future, new emission control technologies to mitigate emissions. As noted in Section 3.2 of the Draft SEIS/SEIR (especially see Table 3.2-22), the proposed Project would comply with all applicable CAAP measures.

PCAC-EIR-2. As discussed in Sections 1.1.1.1 and 2.5.1 of the Draft SEIS/SEIR, development of the proposed Project on Pier 400 is consistent with a history of Port planning efforts. The extensive planning history and resulting projects constructed in the Outer Los Angeles Harbor have a significant bearing on the proposed plans to construct a crude oil marine terminal at Berth 408.

Anticipating the importance of containerized and liquid bulk shipping, the LAHD, Port of Long Beach, and the USACE conducted a study between 1981 and 1985 to evaluate the capacity of the San Pedro Bay Ports complex to accommodate cargo forecasts through the year 2020. This study, called “The 2020 Plan,” determined that accommodating the projected increase in throughput would require maximizing the use of all existing port lands and terminals, and construction and operation of approximately 2,400 acres (972 ha) of new land for new marine terminals. The USACE and LAHD continued the planning process, supported by additional economic forecasting (WEFA 1987, 1989, and 1991), and in 1992, prepared the *Deep Draft Navigation Improvements, Los Angeles and Long Beach Harbors, San Pedro Bay, California Final EIS/EIR* (Deep Draft FEIS/FEIR, USACE and LAHD 1992). That document analyzed, among other issues, the impacts of the creation of Pier 400 from dredge material and the subsequent construction and operation of a new liquid bulk terminal on the new Pier 400 land based on the forecasted demand.

The Deep Draft FEIS/FEIR envisioned three uses for Pier 400: 1) an area to relocate existing hazardous bulk facilities away from high density populations and sensitive use areas in accordance with the approved Port Risk Management Plan (LAHD 1983); 2) a site for a 150-acre (61-hectare [ha]) container terminal; and 3) a site for a new deep-draft liquid bulk marine terminal. The Deep Draft FEIS/FEIR recognized that expansion and additional improvements were needed to improve efficiencies in handling, storing, and transporting existing and forecasted cargoes, and to provide an area for relocation of hazardous cargo facilities away from high density populations and critical Port facilities. It also recognized that national economic benefits and transportation cost savings would result from the use of larger vessels, reductions in transit time, and lower cargo handling costs. The proposed Project is consistent with the uses identified in the Deep Draft FEIS/FEIR.

The proposed Project facilities on Pier 400 would be located in Planning Areas 7 (Terminal Island/Main Channel), and 9 (Terminal Island/Seaward Extension). Planning Area 7 is located in the northern and western portions of Terminal Island. Planning Area 9 encompasses Piers 300 and 400 and includes the Marine Oil Terminal and both Tank Farms. Current land use designations for these areas include Liquid and Dry Bulk Cargo, General Cargo, Commercial Fishing, and Commercial, Institutional and Industrial uses.

As part of development of Pier 400, three existing liquid bulk facilities at the Port were included as candidates for relocation to Pier 400. Under the Port's Risk Management Plan, the risk exposure to high density populations or critical Port facilities created by liquid bulk facilities can be eliminated by implementing mitigations at either the liquid bulk facility or the high density population site or by relocating either the liquid bulk facility or the high density population site. After application of the risk management methodology, three existing facilities (UNOCAL's 22nd Street Tank Farm, the former GATX terminal at Berths 118-121 and the ExxonMobil facilities on Terminal Island) were identified for relocation to Pier 400. All other facilities were found to be consistent with the Risk Management Plan. During the relocation planning efforts, one liquid bulk facility (UNOCAL) ceased operations and Todd Shipyards, adjacent to the former GATX facility ceased operations. The closure of Todd Shipyard eliminated any risk exposure resulting from the operations at the former GATX facility. The third facility identified for relocation, ExxonMobil, reconsidered the application of mitigation measures at their site and agreed to modifications which brought their facility into compliance with the Risk Management Plan. Therefore, all existing liquid bulk facilities were found to be consistent with the Risk Management Plan. However, Pier 400 is an appropriate site for location of a new crude oil receiving facility which is the subject of this environmental review, and as indicated above, this use is consistent with the planning designations for Pier 400 and is consistent with past channel improvements which will allow large crude carriers to berth at the westerly side of Pier 400.

PCAC-EIR-3. The Draft SEIS/SEIR includes a health risk assessment that considered potential impacts to different types of receptors, including potential cancer and non-cancer impacts at school sites. In Appendix H4 ("Health Risk Assessment Documentation"), Table 4 ("Sensitive Receptors Evaluated in the HRA") lists the specific schools, as well as day care centers, hospitals, convalescent homes, and other sensitive receptors, considered in the analysis. The lifetime cancer and non-cancer impacts were evaluated at each of these locations, and then the maximum impacts within each category were reported in Section 3.2 (and also in Appendix H4). The "sensitive receptor" category includes all of the locations shown in Table 4 of Appendix H4, while the "student" category includes all of the schools shown in the table. Thus, for instance, the maximum cancer risk for the "student" category as shown in Table 3.2-29, 2.4 in a million, represents the maximum increase over the CEQA Baseline for cancer risk at any of the 79 schools analyzed. Similarly, the non-cancer chronic hazard index, which is also reported separately for the student category, measures the increased risk of chronic, non-cancer ailments such as asthma.

PCAC-EIR-4. The HRA for the proposed Project considered potential cancer and noncancer impacts. This included the potential chronic non-cancer impacts. Section 3.2 includes a discussion of morbidity and mortality impacts.

PCAC-EIR-5. The project proponent will be required to provide emission reduction credits (ERC) and/or RECLAIM trading credits (RTC) in accordance with SCAQMD Rules and Regulations. The Port has no control or influence over the source or quantity of ERC/RTC required under the SCAQMD air permitting process. The Port's analysis of the proposed Project in this SEIS/SEIR does not treat any benefits from such ERC/RTCs as mitigation for the Project's impacts.

The project does not include impacts to wetlands; therefore, wetlands mitigation is not a regulatory requirement for this project. However, the Port understands the broader

context of the comment with respect to public interest in remediating locally degraded wetlands as a first priority rather than mitigation conducted outside the local community. The Port works closely with resource and regulatory agencies to identify the appropriate types, scales and locations of mitigation so that harbor development does not result in locally or regionally adverse impacts to biological resources. Sometimes out-of-kind mitigation is necessary to fulfill regulatory requirements based on the nature and/or scale of the project. The Port continues in its commitment to improve the quality of habitats within its jurisdiction using a variety of methods such as best management practice discharge controls, contaminated sediment clean up, and creation and/or enhancement of productive wetlands and shallow water habitats such as at Cabrillo and Pier 300 areas of the harbor. In addition, the Port constructed an artificial reef in San Pedro Bay as part of a comprehensive mitigation strategy to offset impacts associated with construction of Pier 400.

PCAC-EIR-6. Thank you for your comment. As this comment is duplicative of comments PCAC-AQ-3 through PCAC-AQ-9, please see the responses to these comments.

PCAC-EIR-7. The Draft SEIS/SEIR considered the Pier 400, Face E, alternative and determined that the relatively minor advantages over the proposed Project are outweighed by the greater environmental impacts. This alternative would result in greater environmental impacts due to the additional impacts and costs associated with: required dredging (the channel alongside Face E is dredged to only 69 feet); the increased number of turns a VLCC would need to take to access Face E (thus increasing air emissions and potentially limiting recreational access); potential adverse effects on California least tern foraging due to tanker and tugboat activity in the waters adjacent to the California least tern nesting site; and greater impacts on the California least terns in the event of a tanker upset or spill because a berth at Face E would be immediately adjacent to the least tern nesting site. See Draft SEIS/SEIR Section 2.5.3.2.10.

The Draft SEIS/SEIR proposes adequate alternatives under CEQA/NEPA. Under NEPA/CEQA, an EIS/EIR is required to evaluate a reasonable range of feasible alternatives to reduce or avoid a project's significant impacts. The range of alternatives examined need not exceed a reasonable range which allows a reasoned choice among the alternatives and the proposed Project, and an EIS/EIR need not focus on alternatives that are not feasible or would not avoid or reduce Project impacts. Many alternatives discussed in the Draft SEIS/SEIR were eliminated from further detailed analysis for reasons of infeasibility and/or ineffectiveness at avoiding or reducing Project impacts. However, one alternative involving limited crude oil throughput in certain years was carried forward (in addition to the No Project Alternative and the proposed Project) for co-equal analysis in the document.

Also see the response to comment CSPNC-23, which addresses a commenter's suggestion that either the breakwater be shortened, or a channel be dredged from Queens Gate in the Port of Long Beach to Face E, to reduce the navigational difficulties associated with VLCC access to Face E.

PCAC-EIR-8. The Draft SEIS/SEIR adequately discusses and analyzes impacts on aesthetics, light, noise, land use, and public services in the context of the adjoining communities (direct, indirect, and cumulative), including their residential neighborhoods, schools, hospitals, and local businesses.

For aesthetics and light, critical public views were identified based on variables of exposure to the project and visual sensitivity. Representative critical public views were identified at points within the surrounding communities. These include views from Wilmington, San Pedro and Rancho Palos Verdes, and the character of the setting for those views was described in Section 3.1.2.2.3 (Existing Visual Conditions within Critical Public Views). The analysis also explained that the existing visual setting at the relevant residential neighborhoods is currently dominated by features that are not congruent with their residential character. The significance of Project impacts is necessarily determined in comparison to the baseline existing settings.

For noise, noise-sensitive receptors were identified based on variables of exposure to the noise-generating features of the proposed Project construction and operation and sensitivity to noise. The noise analysis describes how the proposed Project would impact ambient noise levels at noise-sensitive land uses in proximity to the proposed Project, including several receptors in Wilmington and San Pedro. Similarly, the analysis of impacts of the construction and operation of the proposed Project on land use and public services fully accounts for impacts on Wilmington and San Pedro, including direct, indirect, and cumulative impacts, and appropriately incorporates relevant information about existing conditions.

- PCAC-EIR-9.** Container storage facilities and scrap metal yards would not be affected by this project. Off-port impacts are addressed in air quality, recreation, noise, and other resources, as appropriate. In Section 3.8, Impacts LU-3 and LU-4 summarize the project's less than significant impacts on neighborhoods and communities with regard to compatibility. Residences and other sensitive uses in San Pedro and Wilmington would be located at least 0.5 mile from the nearest pipeline construction site and over 1 mile from a tank farm site and the Marine Terminal. In addition, because transport of crude oil would occur by pipeline only, no tanker truck trips are required to travel through community streets in Wilmington or San Pedro. No changes to the document are required.
- PCAC-EIR-10.** The proposed Project would be consistent with the Community Plan and Port Master Plan (see Section 3.8, Impacts LU-1 and LU-2). As described in Comment PCAC-EIR-9, proposed industrial facilities (e.g., tank farms and the Marine Terminal) would be at least a mile away from residential areas, not adjacent to residential areas. A schematic Landscape Plan has been prepared for the Marine Terminal, with buffer plantings to occur along the northern half of Face C and for Face D starting at the Administration Building and extending 460 feet toward Tank Farm Site 1. Also, Terminal lighting would be designed to minimize spillage of light from the property. No changes to the document are required.
- PCAC-EIR-11.** Regarding the comment that "a berth supporting 5 or so visits per year does not have the same aesthetic impact as a berth supporting 5 visits or so per week": Under existing conditions, there is no Marine Terminal at the Project's terminal site, so no ship calls presently occur there. Regarding the expected number of tanker calls under the proposed Project, 129 to 201 would occur annually (with the estimated number increasing over time, as described in the SEIS/SEIR). The Draft SEIS/SEIR appropriately compares the Project's aesthetic impacts, including impacts of anticipated vessel calls, to baseline conditions under which no vessels are currently calling at the Project site. The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the Project's potential aesthetic impact on those conditions. The document explains 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. 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,

Regarding the comment that “the impacts are downplayed due to the currently degraded nature of views” and “the Project would contribute to cumulative impacts from other past and present projects”: The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the Project’s potential aesthetic impact on those conditions. With respect to the cumulative impact analysis, 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 (Section 4.2.1.1). The aesthetic result of existing development of Port facilities is recognized as cumulatively significant. However, the proposed Project would cause no adverse impact (Section 4.2.1.2) and, therefore, it would not make a cumulatively considerable contribution to the significant cumulative impact of related projects.

Regarding the comment that “the standard for determining impacts is restrictive and will set a precedent for evaluating the impacts of other, future projects that will contribute to cumulative impacts”: The analytical approach to assessing Aesthetic & Visual Resources Impacts complies with the requirements of NEPA and CEQA, and addresses the *L.A. CEQA Thresholds Guide* (City of Los Angeles 2006) for determining impact significance (Section 3.1.1). Please refer to Appendix G for a full discussion of the methodology, its precedents, and the 20-year history of its application to numerous NEPA- and CEQA-compliant visual impact assessments. Please note that the methodology was applied most recently to the visual impact assessment for the LAHD Berths 136-147 Terminal EIS/EIR, which was certified by the Board of Harbor Commissioners in December 2007.

Regarding the comment that “declaring impacts to be less than significant reduces the possibility that any such impacts will ever be mitigated”: CEQA and NEPA require significant impacts to be mitigated to the fullest extent feasible; those laws do not authorize mitigation of impacts determined to be less than significant. The Draft SEIS/SEIR included a comprehensive and objective analysis of existing visual conditions and the Project’s potential aesthetic impact on those conditions. Under this analysis, it was concluded that the proposed Project and its alternatives would not cause adverse visual impacts in the context of the existing visual conditions characterizing the critical public views analyzed. Therefore, the impacts would be less than significant and not require mitigation.

PCAC-EIR-12. The document was made available in a number of different formats, including CDs, hard copies, and posting on the Port’s website to accommodate various requests and to reduce paper usage. Hard copies were available at all local libraries as well as at the Port. Hard copies were also distributed free of charge to the PCAC and local Neighborhood Councils.

PCAC-EIR-13. The Port and USACE provided considerably more review time than is required under CEQA (30 days) and NEPA (45 days) and took additional steps not required by CEQA and NEPA to make the document publicly accessible and invite public comment.

Consistent with CEQA Guidelines 15105(a) that states, “the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances,” the extended 75 day comment period provided additional time for public review, taking into account overlapping public review timeframes for other projects, to help ensure adequate time for public participation of all affected communities, as well as agency reviewers, and other interested parties.

PCAC-EIR-14. The environmental justice analysis evaluated cumulative effects of the proposed Project in Chapter 5. Cumulative effects are summarized in Table 5-3, Summary of Environmental Justice Effects. No changes to the document are required.

PCAC-EIR-15. Section 5.3 of the Draft SEIS/SEIR identifies applicable regulations. These regulations share in common that they require decision-makers and reviewers from various agencies and levels of government to consider environmental justice impacts (i.e., disproportionate effects on minority and/or low-income populations) when evaluating proposed projects and to identify ways to reduce such effects. The SEIS/SEIR evaluates environmental justice effects and considers mitigations for significant impacts. No changes to the document are required.

PCAC-EIR-16. The environmental justice section of the Draft SEIS/SEIR adequately evaluates the potential for the Project to have disproportionate and adverse environmental impacts on minority and low-income populations and in addition, addresses project benefits. Chapter 5 identifies minority and low-income populations in Wilmington and San Pedro and other potentially affected areas in Table 5-1, Table 5-2, Figure 5-1 and Figure 5-2. For individual resource impacts, affected populations are identified based on locations, to the extent feasible. Regarding who benefits from the project, Section 1.1.3.1 of the Draft SEIS/SEIR identifies southern California and state-wide demand for crude oil marine imports, a portion of which would be met by the proposed Project. Construction and operations jobs produced by the proposed Project would primarily benefit the Los Angeles Basin and are identified in Draft SEIS/SEIR Section 7.2.2.1. Table 5-3 of the environmental justice analysis summarizes project impacts and benefits. No changes to the document are required.

PCAC-EIR-17. Environmental justice statutes and regulations require that the analysis identify disproportionate effects. In addition, the analysis may consider, as a factor in determining disproportionate effects, whether there are offsetting benefits from the project. Decision-makers are not compelled to provide an amount of project benefits, equal to impacts, to affected populations, but must ensure that feasible mitigations and alternatives that are available to reduce disproportionate effects have been considered. No changes to the document are required.

PCAC-EIR-18. Crude oil imported at the proposed terminal would meet the demand for transportation fuels across southern California as well as other regions (e.g., Arizona and Nevada) that are largely dependent on southern California for petroleum product imports. It is worth noting that southern California gains employment, wage and tax benefits from the operation of area refineries that would receive crude oil from the proposed terminal, even though a portion of the refined products would be transported to and consumed in regions outside of southern California. Figure 1-7 illustrates that incremental demand (over 2004) for crude oil marine imports to Southern California would reach 500,000 bpd within approximately 10 years and exceed 650,000 bpd by approximately 2025, in part determined by refinery capacity and consumer demand in southern California. Although

the proposed Project would not determine the location of the ultimate consumers of crude oil products, demand for petroleum production in southern California is projected to grow as a result of population and economic growth, much of it driven by growth in transportation demand. Appendix D1 addresses demand in greater detail. Based on current pipeline and refinery infrastructure and flows, virtually all of the crude imported by the proposed Project would supply end users in southern California, Arizona, and Nevada. As noted in the document, California receives no crude oil imports from non-California ports (e.g., via pipeline from the Gulf Coast).

Where the SEIS/SEIR finds significant impacts, all feasible mitigation measures have been identified and applied to construction and operation of the proposed Project. In addition, and independently of the SEIS/SEIR process, the Port has previously agreed to establish a Port Community Mitigation Trust Fund that would benefit the communities of San Pedro and Wilmington. Please see response to USEPA-3. Under CEQA and NEPA, decision-makers are not compelled to provide affected populations with an amount of project benefits equal to impacts, but must ensure that feasible mitigations and alternatives that are available to reduce significant impacts are identified and evaluated; LAHD and USACE are in compliance with this requirement. No changes to the document are required.

PCAC-EIR-19. Please see responses to PCAC EIR-2. As discussed in Section 2.7 and Chapter 3.4 of the Draft SEIS/SEIR, the CCA requires preparation of a Port Master Plan (PMP) and certification of the PMP by the California Coastal Commission. The PMP identifies existing conditions, short-term plans, long-range preferred uses, and anticipated projects for each of the nine Planning Areas that comprises the planning core of the Port. Each Planning Area is designated with one or more major land use category (General Cargo, Liquid Bulk Cargo, Other Liquid Bulk, Dry Bulk, Commercial Fishing, Recreational, Industrial, Institutional, Commercial, and Other). The PMP was first drafted in 1979 and was recently revised in 2006 (LAHD 2006). The proposed Project facilities would be located in Planning Areas 5 (Wilmington District), 7 (Terminal Island/Main Channel), and 9 (Terminal Island/Seaward Extension). (Refer to Figure 3.8-1 with Planning Areas and Table 3.8-1 with designated uses for Planning Areas.) Planning Area 7 is located in the northern and western portions of Terminal Island. Planning Area 9 encompasses Piers 300 and 400 and includes the Marine Oil Terminal and both Tank Farms. The pipelines would traverse Planning Areas 9, 7, and 5. In April 1993, the California Coastal Commission certified Port Master Plan Amendment No. 12 which provided for the creation of the first phase of Pier 400 and related navigational channels and provided for liquid bulk as a permitted land use on the fill. This amendment, as well as all amendments processed subsequent to the original certification of the Port Master Plan by the Coastal Commission have been prepared, reviewed and adopted consistent with the policies contained in Article 3, Chapter 8 of the California Coastal Act. As such, the proposed Project is consistent with both the PMP and the Port Element of the City's General Plan.

PCAC-EIR-20. The extensive cumulative analysis in the Draft SEIS/SEIR includes the continuing effects of past projects, as required under CEQA and NEPA, and acknowledges the possibility, as raised in the comment, that even in instances where the individual effect of the proposed Project (or alternative) may be less than significant it may represent a cumulatively considerable contribution to a cumulatively significant impact. The SEIS/SEIR describes existing conditions in 2004 in accordance with CEQA requirements. The existing conditions capture the effects of past projects to the extent that they were still active in 2004 or resulted in long-term changes to the environment,

regardless of the level of environmental review those past projects received. In addition, the results of monitoring activities, for example air quality or traffic monitoring conducted by the Port, incorporate the effects of ongoing operations regardless of whether or not they originally required CEQA documentation, were approved as an Application for Discretionary Project (ADP), or otherwise. In addition, each resource specialist reviewed changes that might have occurred subsequent to the 2004 CEQA baseline date and, if relevant to the analysis, identified the change in the SEIS/SEIR. The analysis of the proposed Project, by utilizing the 2004 CEQA baseline year, produces a result that represents a larger increment of change attributable to the proposed Project than would be the case if a later baseline year had been analyzed. In effect, it is a more conservative analysis in the sense that it attributes the potential impacts to the proposed Project, making them potentially subject to Project-related mitigations as opposed to “embedding” these impacts in the baseline and making them part of the cumulative analysis. In addition to including the continuing effects of past projects, the cumulative analysis also considers the effects of present and reasonably foreseeable future projects, as required under CEQA and NEPA.

PCAC-EIR-21. The Berth 408 on Pier 400 is very close to Angels Gate, so vessels visiting the proposed Berth 408 Marine Terminal will travel a very short distance within the Port, be piloted by a Port Pilot and have several tugs boats assisting in ship during transit and berthing. There is not an increased potential for collisions due to ship size since the shipping channels are substantially larger than the vessels, and larger vessel size will not result in a decrease in ship separation distance.

PCAC-EIR-22. The SEIS/SEIR identifies the risk of terrorism as a significant impact that cannot be fully mitigated, which does not support the commenter’s assertion that “the EIS/EIR [sic] seems to indicate that security would not be a problem.” While security in the Port is substantial, there are limits to achieving a situation where one could declare that a facility is completely secure. The SEIS/SEIR terrorism risk analysis considered a wide variety of potential attack modes, and evaluated the effectiveness of known security measures. However, it would be inappropriate to include a detailed evaluation of Port security in a publicly available document. Since the Port is owned and operated by the City of Los Angeles, and the City is responsible for certain aspects of Port security, public funds are also required to provide adequate security.

PCAC-EIR-23. The Port has an approved Risk Management Plan (RMP) that also includes emergency response and evacuation plans. The Port RMP was written to incorporate issues associated with bulk liquid terminals on Pier 400. The proposed Project is consistent with the Port’s RMP as noted in SEIS/SEIR Impact RISK-4. Also, note that Los Angeles Municipal Code (Fire Protection – Chapter 5, Section 57, Divisions 4 and 5) will require the preparation of Project-specific emergency response and evacuation 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"¹ 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 security information. However, the City of Los Angeles is committed to protecting its citizens first and foremost in the event of an emergency.

PCAC-EIR-24. The recent study by City Controller Laura Chick does note 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.

PCAC-EIR-25. This comment suggests that interruptions in the power supply could result in the inability to provide adequate power for AMP and lighting. The Los Angeles Department of Water and Power (LADWP) provides electrical services within the Port and the proposed Project area. Based on the LADWP Integrated Resources Plan (IRP), electricity resources and reserves at LADWP would sufficiently accommodate electrical demands associated with the proposed Project. In addition, as discussed in Draft SEIS/SEIR Section 3.13 under Impact PS-5, LADWP has communicated that it would be able to provide power to the proposed Project site because LADWP has more than enough electrical power to supply the proposed Project. Peak demands and interruptions in power supply were taken into account by the LADWP when evaluating demands resulting from the proposed Project, including provisions for AMP and lighting.

PCAC-EIR-26. As required under NEPA and agreed to by the Port, the SEIS/SEIR addresses socioeconomic effects (i.e., employment, population, and housing), in Chapter 7 Socioeconomic Analysis; hazards, in Section 3.12 Risk of Upset/Hazardous Materials; and health risks, in Section 3.2 Air Quality (with detailed supplemental information in Appendix H4). Regarding the commenter's suggestion to analyze the benefits and costs of the project, CEQA and NEPA do not require an analysis of economic costs and benefits; however, the SEIS/SEIR provides a comprehensive analysis of environmental impacts of the construction and operation of the proposed Project as well as its alternatives, including not building the proposed Project (i.e., the No Federal Action/No Project Alternative). No changes to the document are required.

¹ 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.

- PCAC-EIR-27.** The data provided in the Median Home Sales Prices table appended to the comment indicate that in general, lower priced homes in Los Angeles County, including those communities in proximity to the Ports of Los Angeles and Long Beach, generally increased in value by greater percentages than higher priced homes over the period from 2003 to 2007. While it is true that these homes are generally priced lower to begin with, this also represents greater affordability and the potential for more households to be able to purchase a home, including Port workers who live in the area. No changes to the document are required.
- PCAC-EIR-28.** Demand for homes, whether in the vicinity of the Ports of Los Angeles and Long Beach or elsewhere, depends on a variety of factors, including interest rates and other market factors that extend beyond the region, local and regional population and job growth, price/affordability, and other locational factors and amenities. Future demand for housing in the project area would also be affected by a variety of factors as well as any mitigations that would be implemented. 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. In addition, note that the SEIS/SEIR already incorporates the MATES-III report in Section 3.2 (see Page 3.2-10, lines 24-29) and Chapter 4 (see Section 4.2.2.7). No changes to the document are required.
- PCAC-EIR-29.** See the response to PCAC-EIR-9, which also addresses the issue of off-port effects. Thank you for the reference to the Committee's document titled "Review of Previous Environmental Documents." It will become part of the administrative record in this matter through inclusion of the comment and response in the Final SEIS/SEIR. No changes to the document are required.
- PCAC-EIR-30.** See the response to PCAC-EIR-26, which addresses cost-benefit analysis. Consistent with NEPA and CEQA, the document focuses on evaluating and identifying feasible project alternatives and mitigation measures to avoid or reduce the proposed Project's potentially significant impacts to the physical environment. The document includes a comprehensive, quantitative analysis of environmental and public health risk impacts of the proposed Project and the alternatives carried forward, including impacts on air quality and cancer and noncancer health risk from air pollution. No changes to the document are required.
- PCAC-EIR-31.** The Port and USACE are preparing the SEIS/SEIR in compliance with CEQA and NEPA 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. No changes to the document are required.
- PCAC-EIR-32.** The Port made every effort to provide PCAC members and other stakeholders adequate time to review and comment on the document while maintaining its charge to manage and develop its resources and operations in an environmentally and fiscally responsible manner. The Port met with the PCAC prior to public release of the document and throughout the process of developing the EIR. The Port and USACE provided adequate review time under CEQA and NEPA and took additional steps not required by CEQA and NEPA to make the document publicly accessible and invite public comment.

Consistent with CEQA Guidelines 15105(a) that states, “the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances,” the extended 75 day comment period allowed for more participation by stakeholders, including members of the PCAC and its EIR Subcommittee and also took into account overlapping public review timeframes for other projects.

PCAC-EIR-33. Review copies of the SEIS/SEIR were made available to the public through a variety of means including hard copy, electronic, CD, and on-site review at several locations. Also, the Executive Summary was translated into Spanish to broaden public review opportunities. The cost of a hard copy is based on the actual cost to produce the copies. No changes to the document are required.

PCAC-EIR-34. Thank you for your review of and comments on the Draft SEIS/SEIR.

July 10, 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

Dear Dr. Appy and Dr. MacNeil,

We appreciate the opportunity to submit comments regarding the Subject Project Environmental impacts and hereby state our request that the Project be revised to implement the key elements of the Clean Air Action Plan as originally drafted and as described in the GENERAL and SPECIFIC COMMENTS listed below. We also state our acknowledgement and support of key mitigation measures also noted below.

PCAC-
AQ-1

GENERAL COMMENTS

Please note that we oppose the Project proceeding with statement that the air quality impacts are "considered significant, adverse, and unavoidable" after the proposed mitigation measures have been applied. 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.

PCAC-
AQ-2

SPECIFIC 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.

PCAC-
AQ-3

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



PCAC-
AQ-3

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 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.

PCAC-
AQ-4

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.

PCAC-
AQ-5

3. We request that the Project Description requirements applicable to boiler operations 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.

PCAC-
AQ-6

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.

PCAC-
AQ-7

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."

PCAC-
AQ-8

6. The lease term stated in the SEIR/SEIS requires adjustment to reduce the term or to include re-opener clauses to allow for evaluation at ten year intervals to ensure application of best available technologies and mitigation measures.

7. The EIR/EIS 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. | PCAC-
AQ-9

We look forward to release of the Final EIR/EIS with incorporation of our recommendations as we seek mutually to benefit from improved air quality. | PCAC-
AQ-10



Richard Havenick
Chair, Air Quality Subcommittee
Port Community Advisory Committee
(for the Port of Los Angeles)

Copies to: Dr. Geraldine Knatz, Port of Los Angeles Executive Director; Mr. Henry Hogo, Deputy Executive Officer, South Coast Air Quality Management District; Todd Sterling, California Air Resources Board; Jayme Wilson, Chair, Port Community Advisory Committee; Air Quality Subcommittee Members; Port Community Advisory Committee Members

Richard Havenick, Air Quality Subcommittee, PCAC, July 10, 2008

PCAC-AQ-1. Thank you for your review of and comments on the Draft SEIS/SEIR.

PCAC-AQ-2. NEPA and CEQA authorize mitigation to reduce or avoid significant environmental impacts that are attributable to the proposed project. Mitigation Measures AQ-1 through AQ-21, as modified in the Final SEIS/SEIR, 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. Mitigation Measures AQ-12, AQ-19, and AQ-20 provide a process to consider new emission control technologies to mitigate proposed Project emissions in the future. Implementation of the CAAP would assist in the control of emissions from existing sources in proximity to the project.

PCAC-AQ-3. Please see response to comments USEPA-8 and SCAQMD-20. As shown in Table 3.2-22, the air quality mitigation measures identified in the Draft SEIS/SEIR met or in some cases exceeded CAAP measures. In addition, a number of the mitigation measures have been amended to further reduce emissions, namely MM AQ-14 as shown below:

MM AQ-14 Low Sulfur Fuel

All ships (100%) calling at Berth 408 shall use 0.2% low sulfur fuel within 40 nm of Point Fermin on their outbound leg and while hotelling at the Project, beginning on day one of operation. Vessels calling at Berth 408 shall also use 0.2% low sulfur fuel within 40 nm of Point Fermin on their inbound leg, except where circumstances (such as ships with a mono-tank system or ships originating from a Port where low sulfur fuel is not available) make such use infeasible on the inbound leg. Regardless, the applicant shall adhere to the following annual phase-in schedule which identifies the minimum allowable annual percentage of vessels in the fleet calling at Berth 408 which shall use 0.2% low sulfur fuel within 40 nm of Point Fermin on their inbound leg: Ships calling at Berth 408 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 the annual percentages in fuel requirements as specified below:

PLAMT Fuel Switch for Main Engines, Auxiliary Engines, and Boilers

Year	Main Engines/Auxiliary Engines/Boilers					
	Inbound			Hoteling and Outbound		
	HFO	0.50%	0.20%	HFO	0.50%	0.20%
1	0	100	0	0	0	100
2	0	100	0	0	0	100
3	0	100	0	0	0	100
4	0	80	20	0	0	100
5	0	50	50	0	0	100
6	0	50	50	0	0	100
7-30	0	10	90	0	0	100

~~In addition, all callers carrying 0.2% low sulfur shall use 0.2% low sulfur fuel within 40 nm of Point Fermin both on the inbound and outbound leg. Six months prior to operation of Berth 408 the applicant shall lead the effort, with Port support, in notifying all fuel suppliers/shippers of the low sulfur fuel requirements. This notification shall be~~

achieved through publication of a notice in Bunker World (or other similar fuel supply trade publication) and by notification to all Berth 408 customers.

MM AQ-14 fully complies with OGV-3 and OGV-4. The CAAP assumes full compliance of OGV-3 and OGV-4 pending technical feasibility and fuel availability. The phase-in schedule for MM AQ-14 allows time for technical equipment upgrades, including installing new tanks and piping on ships.

The comment also calls for the phase-in of fuel with a maximum sulfur content of 0.1 percent. To allow for some margin of error and product contamination in the distribution system, when a shipping line orders 0.2 percent sulfur fuel, the shipping line is actually receiving a fuel with a lower sulfur content of between 0.13 and 0.16 percent. Therefore, if the mitigation measure required 0.1 percent fuel, the supplier would have to provide fuel at a content of lower than 0.1 percent, which might not be possible in current refineries. Additionally, 0.2 percent is consistent with the CAAP. In developing and approving the CAAP, the Ports of Los Angeles and Long Beach met and collaborated with agencies (including CARB, AQMD, and USEPA), environmental and community groups, and the shipping industry. As a result of this collaborative process, 0.2% sulfur fuel was found to be feasible from port-wide perspective and use of this fuel represents consensus.

PCAC-AQ-4. 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.

PCAC-AQ-5. Please see response to PCAC-AQ-4, USEPA-8 and SCAQMD-20.

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. Therefore, the implementation schedule set forth in MM AQ-14 is the most rapid feasible schedule for implementing low-sulfur fuel requirements.

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.

PCAC-AQ-6. Please see response to comment SCAQMD-22.

PCAC-AQ-7. This measure will be incorporated into the lease. Throughput shall be monitored by the Wharfingers Office and the Port's Environmental Management Division. The Environmental Management Division will report on throughput in 2015, 2025 and 2040 and numbers will be made available to the Board of Harbor Commissioners at a regularly

scheduled public Board Meeting. If it is determined that throughput numbers exceed assumptions in the SEIS/SEIR, Port staff would evaluate project emissions based on actual throughput for comparison to emissions estimated in the SEIS/SEIR and if the criteria pollutant emissions exceed those in the SEIS/SEIR, then new/additional mitigations would be applied through lease provisions described in MM AQ-20.

- PCAC-AQ-8.** As detailed in the description of MM AQ-20 within Section 3.2 of the Draft SEIS/SEIR, “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.” This provides a “re-opener clause” to allow for evaluation at 7-year intervals, which is more protective of the environment than the ten-year interval proposed in the comment.
- PCAC-AQ-9.** 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 overall 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. See also response to comment USEPA-15.
- PCAC-AQ-10.** Thank you again for your review of and comment on the Draft SEIS/SEIR.

U.S. Army Corps of Engineers
Los Angeles District, c/o Dr. Spencer D. MacNeil
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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

Dear Dr. Appy and Dr. MacNeil:

We appreciate the opportunity to submit comments regarding the Subject Project Environmental impacts and hereby state our request that the Project be revised to implement the key elements of the Clean Air Action Plan (CAAP) as originally drafted and as described in the GENERAL and SPECIFIC COMMENTS listed below. We also state our acknowledgement and support of key mitigation measures also noted below. | CSPNC-1

GENERAL COMMENTS

We note that the Coastal San Pedro Neighborhood Council (CSPNC) is the public body elected to represent stakeholders of the City of Los Angeles who live, work and own property in the area where the Supertanker Project is sited. CSPNC stakeholders are those residents and 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. CSPNC stakeholders, more than others, will breathe dirtier air, swim in less clean water, suffer more noise pollution, drive on more congested streets and see more negative impacts on their recreational space, health, night skies and to their well-being than any other people in the City of Los Angeles or the State of California. | CSPNC-2

When earlier iterations of this project were publicized in previous years, we reviewed them and said we could not support the project without certain revisions; Chief among these was that the project cause no increase in air pollution on or off site. Clearly, that stipulation has not been met nor is there any intention to do so. | CSPNC-3

In addition, we sought relocation of the supertanker berth to the east side of Pier 400, community input on a mitigation plan to limit light pollution, a comprehensive community evacuation plan funded by the developer, a permanent public air quality monitoring station in our neighborhood, a community mitigation fund to offset pollution impacts, and a community health care fund to offset externalized health costs. None of these things have been done nor are they part of the proposal. | CSPNC-4

Regardless, we proceeded in the past few weeks, in good faith, to review the DEIR/DEIS. It is possible that the PORT may proceed with the Project after a determination that air quality, water, recreation, biological, view, light, or other impacts are “considered significant, adverse, and unavoidable” after the proposed mitigation measures have been applied. We oppose the PORT proceeding if such a determination is made. | CSPNC-5

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). | CSPNC-6

CSPNC-7 | 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.

SPECIFIC COMMENTS

- CSPNC-8 | 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 < 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.
- CSPNC-9 | 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.
- CSPNC-10 | 3. We request that the Project Description requirements applicable to boiler operations 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.

<p>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.</p>	CSPNC-11
<p>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."</p>	CSPNC-12
<p>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.</p>	CSPNC-13
<p>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.</p>	CSPNC-14
<p>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.</p>	CSPNC-15
<p>9. The DEIR/DEIS requires revision as it omits an adequate 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.</p>	CSPNC-16
<p>10. The DEIR/DEIS requires revision to fully assess cumulative significant noise impacts to residents and recreational areas that would occur during construction. These currently are not adequately mitigated.</p>	CSPNC-17
<p>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.</p>	CSPNC-18
<p>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.</p>	CSPNC-19
<p>13. 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.</p>	CSPNC-20

- CSPNC-21 | 14. 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.
- CSPNC-22 | 15. 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.
- CSPNC-23 | 16. 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.
- CSPNC-24 | 17. 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."
- CSPNC-25 | 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.
- We cite below a few examples and ask both agencies to agree to extend the comment period on the DEIR/DEIS by 90 days and immediately propose remedies for the other process errors now, so they may be undertaken and accomplished for this Project during the extended comment period; and to publicly commit to incorporate such improvements in the EIR/EIS process for all future projects.
- 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 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 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. | CSPNC-26

June Burlingame Smith
President
Coastal San Pedro Neighborhood Council

Coastal San Pedro Neighborhood Council, not dated

- CSPNC-1.** Thank you for your comments on the Draft SEIS/SEIR.
- CSPNC-2.** Please see the response to comment PCAC-EIR-18.
- CSPNC-3.** Mitigation Measures AQ-1 through AQ-21, as modified in the Final SEIS/SEIR, represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources. In addition, MM AQ-12 and MM AQ-19 through AQ-21 provide a process to consider new emission control technologies to mitigate proposed Project emissions in the future. Furthermore, the Final SEIS/SEIR clarifies the potential role of AMECS emission control technology with respect to the proposed Project; see the response to comment USEPA-11. Also, please see response to comment USEPA-15. 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. The off-Port community benefits of the MOU are designed to offset cumulative effects of Port operations, although 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. 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 cumulative effects of Port operations.
- CSPNC-4.** Regarding the possibility of locating the berth on Face E of Pier 400, please see the responses to comments PCAC-EIR-7 and CSPNC-23. Regarding the evacuation plan, please see the response to comment PCAC-EIR-23. Regarding the mitigation plan to limit light pollution, the neighborhood air quality monitoring station, and the community health care fund, please see response to comment USEPA-15 and comment CSPNC-3.
- CSPNC-5.** Your comment is noted and will be forwarded to the Board of Harbor Commissioners. The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts of the proposed Project. 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.
- CSPNC-6.** The comment is noted. The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts of the proposed Project. 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.
- CSPNC-7.** MM AQ-1 through AQ-21, as modified in the Final SEIS/SEIR, represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources. The proposed Project would comply with all applicable CAAP

measures. MM AQ-12 and MM AQ-19 through AQ-21 provide a process to consider new emission control technologies that may become available in the future, and the Port has revised the description of MM AQ-15 to clarify how AMECS, specifically, may eventually be incorporated into the Project (see response to comment USEPA-3).

- CSPNC-8.** Please see response to comment PCAC-AQ-3.
- CSPNC-9.** Please see response to comment PCAC-AQ-4.
- CSPNC-10.** Please see response to comment PCAC-AQ-5.
- CSPNC-11.** Please see response to comment PCAC-AQ-6.
- CSPNC-12.** Please see response to comment PCAC-AQ-7.
- CSPNC-13.** Please see response to comment PCAC-AQ-8.
- CSPNC-14.** Please see response to comment PCAC-AQ-9
- CSPNC-15.** See responses to comments CSLC-34, -46, -49, and -51 for invasive species, and the responses to comments CSLC-41, -43, -45, -48, and -52 for oil spills.
- CSPNC-16.** The comment maintains that the Draft SEIS/SEIR “omits an adequate assessment of noise impacts during operations.” This assertion is incorrect. Draft SEIS/SEIR Section 3.10.4.3.1.2 analyzes operational noise impacts. The analysis 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 and included a 5 dB penalty (arbitrarily added noise increment) for the hours of 7:00 pm to 10:00 pm and a 10 dB penalty for the hours of 10:00 pm to 7:00 am to arrive at a Community Noise Equivalent Level (CNEL) comparison. In both scenarios, predicted noise at the nearest sensitive receptors, including adding 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. See also response to comment USEPA-25.
- CSPNC-17.** The comment maintains that the Draft SEIS/SEIR “requires revision to fully assess cumulative noise impacts to residents and recreational areas that would occur during construction.” This assertion is incorrect. The cumulative noise analysis in Draft SEIS/SEIR Section 4.2.10.2 concludes that noise from construction would be cumulatively considerable and unavoidable and that the proposed Project would contribute significantly to that cumulative impact. 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. Nevertheless, Draft SEIS/SEIR Section 3.11.4.3.1.1 addresses the noise impacts of the project construction on recreation and concludes that the impacts of pile driving would be significant and unavoidable. No change is required to the document. The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts of the proposed Project, including impacts on noise.

CSPNC-18. The comment maintains that the document “requires revision to fully assess unmitigated impacts to recreation.” See response to comment CSNPC-17, above and refer to Draft SEIS/SEIR Section 3.11.4.3.1.1. The document adequately analyzes impacts on recreation, and identifies all feasible mitigation measures to avoid, reduce and minimize the impacts on recreational resources of the proposed Project and its alternatives.

CSPNC-19. The Draft SEIS/SEIR includes an extensive, 78-page analysis of existing conditions, impacts and mitigations for water quality (Draft SEIS/SEIR Section 3.14), in addition to a Section (4.2.14) on cumulative water quality impacts. The water quality analysis identifies significant impacts and feasible mitigation measures. Also, note that the document has been revised to include a discussion of the Vessel General Permit (see response to comment CSLC-63) and implications for project-specific and cumulative impacts to water quality from vessel discharges, including ballast and bilge water and underwater husbandry.

CSPNC-20. The general assessment in the Deep Draft FEIS/FEIR (the “Pier 400 EIR”) could not fully assess visual impacts associated with specific future projects. In the absence of project-specific information, important factors influencing the visual impact of those future projects could not be identified or assessed. The purpose of the Draft SEIS/SEIR is to address the specific information now available for the proposed Project and its alternatives, which facilitates the identification of critical public views potentially affected by the Project, viewing distances, and other parameters influencing the visual effect of the Project.

Regarding the mitigation of the loss of open water with visual amenities such as landscaping, the commenter is referring to Mitigation Measure MM 4M-1 from the 1992 Deep Draft FEIS/FEIR. This Mitigation Measure, requiring developers of facilities on the landfill to provide a specified level of visual amenities such as vegetation and the painting of facilities in appropriate colors, has been included as an element of the proposed Project, as discussed in Section 3.1.1.1 of the Draft SEIS/SEIR. Therefore, the concern expressed in the comment, that Mitigation Measure MM 4M-1 “has not been done” would be satisfied under the proposed Project, which would include implementation of all substantive requirements of that mitigation measure.

CSPNC-21. Regarding the issue of light spillage and nighttime sky views, the Project’s terminal lighting is described in Section 3.1.4.3.1.2. To meet the LAHD’s Lighting Guidelines, the primary terminal lighting would be directional, facing east away from sensitive public viewing positions to the west, while lower deck level lights would be directed downward to equipment and piping, where needed. To demonstrate that no increase in off-site light emissions would occur as a result of the proposed Project when it is in operation, LAHD engineering would measure the light level at strategic off-site points prior to the installation of new lighting and also would measure the light levels at the same points after the installation (Section 3.1.3.1.1: LAHD’s Terminal Lighting Design Guidelines).

Regarding the issue of the baseline used for the analysis, Section 15125 of the CEQA Guidelines requires EIRs to include a factual description of the physical environmental conditions in the vicinity of a project that exist at the time of the NOP. For purposes of the Draft SEIS/SEIR, the CEQA Baseline for determining the significance of potential impacts under CEQA is June 2004. CEQA Baseline conditions as they pertain to the Aesthetics & Visual Resources Assessment are described in Section 3.1.2.2.3, and those

conditions include the high-mast lighting at Pier 400, which was present prior to June, 2004.

- CSPNC-22.** The Draft SEIS/SEIR considered the Pier 400, Face E, alternative and determined that the relatively minor advantages over the proposed Project are outweighed by the greater environmental impacts. This alternative would result in greater environmental impacts due to the additional impacts and costs associated with: required dredging (the channel alongside Face E is dredged to only 69 feet); the increased number of turns a VLCC would need to take to access Face E (thus increasing air emissions and potentially limiting recreational access); potential adverse effects on California least tern foraging due to tanker and tugboat activity in the waters adjacent to the California least tern nesting site; and greater impacts on the least terns in the event of a tanker upset or spill because a berth at Face E would be immediately adjacent to the least tern nesting site. See Draft SEIS/SEIR Section 2.5.3.2.10.

The Draft SEIS/SEIR proposes adequate alternatives under CEQA and NEPA. The range Under NEPA/CEQA, an EIS/EIR is required to evaluate a reasonable range of feasible alternatives to reduce or avoid a project's significant impacts. The range of alternatives examined need not exceed a reasonable range which allows a reasoned choice among the alternatives and the proposed Project, and an EIS/EIR need not focus on alternatives that are not feasible or would not avoid or reduce Project impacts. Many alternatives discussed in the Draft SEIS/SEIR were eliminated from further detailed analysis for reasons of infeasibility and/or ineffectiveness at avoiding or reducing Project impacts. However, one alternative involving limited crude oil throughput in certain years was carried forward (in addition to the No Project Alternative and the proposed Project) for co-equal analysis in the document.

Also, please see the response to comment CSPNC-23.

- CSPNC-23.** This comment is duplicative of CSPNC-22 except that the commenter suggests two ideas to reduce the navigational difficulties associated with VLCC access to Face E. Regarding the suggestion to shorten the breakwater, the breakwater is designed to reduce both wave action and strong currents within the harbor to ensure safe vessel maneuvering and berthing. Removing sections of the breakwater would increase wave action and currents. Regarding the suggestion to dredge a channel from Queens Gate in the Port of Long Beach to Face E (a distance of about 4 miles), this dredging and associated sediment disposal would have substantial impacts on air quality (e.g., due to emissions from dredging equipment), water quality (e.g., due to increased turbidity), biological resources (e.g., due to increased turbidity and disruption of biological communities), and marine transportation (e.g., due to the presence of dredging and support vessels). In addition, LAHD has no authority to construct or expand facilities outside its jurisdictional boundaries, which would be necessary in order to dredge the channel from Queens Gate.

- CSPNC-24.** The Port and USACE disagree with the commenter's interpretation of the AMP requirements. MM AQ-15 requires ships calling at the facility to use AMP while hoteling at the Port subject to the implementation schedule laid out in the document. Please see response to Comment SCAQMD-20. Currently, only two tankers in the world crude oil tanker fleet are equipped for cold ironing and they are both diesel-electric vessels. (The world crude oil tanker fleet consists of approximately 1,200 vessels that could be expected to call at Berth 408 (Aframax or larger), and it is believed that there are only 9 crude oil tankers that are diesel-electric.) The two AMP-equipped tankers are owned by

British Petroleum and have been modified for use at BP's Berth 121 at the Port of Long Beach but have yet to make a single call using AMP due to a series of technical issues. The BP tankers are not configured to be able to utilize the proposed AMP facility at Berth 408. Thus, to date, the successful application of cold ironing technology to crude oil tankers has not been demonstrated despite several years of effort by BP and funding by the Port of Long Beach. This is an extremely aggressive schedule considering that no crude oil tanker likely to call at Berth 408 is equipped for cold ironing. Plains expects the shoreside power requirement in early years will be met by retrofitting a small number of vessels traveling between the Port and South America, which would make sense because they are most likely to be frequent callers.

CSPNC-25. 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.

The Port and USACE provided adequate review time under CEQA and NEPA and took additional steps not required by CEQA and NEPA to make the document publicly accessible and invite public comment. Consistent with CEQA Guidelines 15105(a) that states, "the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances," the extended 75 day comment period allowed for more participation by stakeholders. Full copies of the Draft SEIS/SEIR were available for review at four local libraries, including those in Wilmington, San Pedro, and Long Beach, and at the Port offices in San Pedro. The Port provided a printed Executive Summary in English or Spanish and a CD containing the entire document, free of charge, to anyone who requested it, and the document was also available on the Internet.

Regarding the Port's refusal to pay for consultants to assist the PCAC, this fact is a matter of Port policy and is not applicable to this specific proposed Project.

CSPNC-26. Thank you again for your comments on the Draft SEIS/SEIR.

**SAN PEDRO & PENINSULA HOMEOWNERS COALITION
PO BOX 1106 –SAN PEDRO, CA 90733**

August 12, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/o Spencer D. MacNeil D.Env.
ATTN: CESPL-RG-2003-01029-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: EIR/EIS COMMENTS FOR PACIFIC OIL MARINE TERMINAL

Dear Mr. MacNeil and Dr. Appy:

We are again submitting numerous comments and questions regarding this (yet another) expansion project in the Port of Los Angeles.

SPPHCO-1

For the record, at the start we would simply like to reiterate our positions that;

SPPHCO-2

- a) The Port is clearly out of compliance with it's own Master Plan since the directive to relocate all hazardous facilities "away" from the communities to Energy Island (Pier 400) has not been obeyed since 1979. Because of the Port's lack of performance and observance of this duty to its vested document of authority, its authority to issue Coastal Development Permits has lapsed. The 1992 Deep Draft EIR/EIS specifies in great detail that one of the main purposes of Pier 400 was to provide a remote location to which the inappropriately located hazardous liquid bulk facilities could be located away from the community. The Port attempts to get around this by stating that the Risk Management Plan in Amendment 3 supersedes the later Pier 400 authorization in Amendment 12. This defies logic. Why was amendment 12 ever added?? The remaining petroleum facilities are no longer hazardous? This is a ridiculous conclusion. Moreover, now since Energy Island/Pier 400 is a container terminal, there is nowhere to now relocate existing hazardous terminals as promised. Save, of course, this one small area now expected to be the home to a "new" additional crude oil terminal. This is an outrage to the public. On this point, it is also very interesting to note that the Army Corps of Engineers in it's response to the lawsuit of Stanley Mosler in 2005 (a mere 3 years ago) minimizes the need for any new petroleum terminals in the port at all. Has there not been a consistent need?!

- SPPHCO-3 | b) Since the findings of the National Oceanic and Atmospheric Administration of July 9, 2008 that air emissions represent twice what has been reported, we understand that the data used to establish emissions produced by increasing traffic of mega oil vessels, tugs, and associated industry uses for this terminal have been seriously underestimated. It is urged that a reassessment is performed that will more accurately reflect the impacts from this project based on new information provided through this study.
- SPPHCO-4 | c) Again, we reiterate the need for more EIR accessibility to meet the intent of CEQA to inform the public of the significance of a development. The voluminous document provided has not been appropriately offered to the public. Limited hard copies have been available and computer access is not amenable to many members of the public. The language is so technical and cumbersome that a layperson is at an extreme disadvantage in understanding it at all. The existing review process denies citizens any real education about the development/developments and what it/they will mean in real physical and visual effects upon their daily lives.

Further Comments and Questions of Concern

- SPPHCO-5 | 1. The most obvious and flagrant issue with this terminal is the fact that valuable space and millions of public dollars will be invested in dependent Crude Oil, a fossil fuel commodity that the United States has expressed it's greatest interest in weaning itself from. The US Energy Policy, already in action for 5 years, does not have crude oil as a main resource in its agenda. Furthermore, there is a current crash of the auto industry with consumer refusal to buy any more gas guzzling vehicles. In the last ½ year the use of gas in cars has decreased by 1/3 in comparison to the previous year with the trend expected to continue as oil reserves diminish. The US drive toward alternative and sustainable energy will be totally undermined by this project. The intention of our Federal Policy is to replace crude oil by use of ethanol and LNG in the short term, with the long-term emphasis on hydrogen and electricity. The State of California and its Governor Schwarznegger have introduced a law which upon implementation (by 2010) promotes hydrogen, not fossil fuel, driven economy. Where and how does this project fulfill the Federal Government and State's fervent efforts to meet energy independency goals? This EIR does not mirror the existing true condition, i.e. The main argument for this development is that the terminal will handle crude oil from foreign countries, yet the main resource for the West Coast of the US is Alaska. Again, we see the promotion of foreign commodity in the face of attempts to move the opposite direction. How does this make sense?
- SPPHCO-6 | 2. Where in this review is an analysis of what happens to this terminal when oil reserves have been depleted? Where is the specific statement needed to ease public concerns that this Terminal will (either at that time or before) be altered to accommodate a very volatile LNG Terminal?? There should be a distinct and firm commitment made to the public that guarantees prohibition of this terminal being used as an LNG receiving terminal. If that potential is ever entertained, the new proposed facility operation must go through an entirely new EIR process.

- | | |
|---|------------------|
| <p>3. The need for this project relates back to the 2020 Plan, which was conducted between 1981-1985. That plan was based on the projection of a never-ending oil resource. That is a fact now proven false. To highlight the economical problems of promoting extended use of crude oil fossil fuel, it must be mentioned that the refining capacity does not show any potential of increasing. Refiners are currently running at a production capacity of 90-95%. Increasing supply to them is merely replacing an existing supplier without increasing the ability to refine the oil or fulfill the market demand. Is there a new refinery project that is associated with this development that would guarantee an actual ability to increase refining? Please submit it. At best, it has been published that drilling off the US Coast would provide an energy supply extension of approximately 3 years. This time period is too short to realize an investment on return. Where is the analysis of benefit vs. losses associated with the many million-dollar investment into a new terminal that accommodates an antiquated system of energy twenty years behind the trend? Where is the comprehensive analysis that goes with comparing crude oil importing long-term benefits against the environmental damage and health risk costs to developing this project? There is an estimation of 201 tankers visiting this terminal. Where are they from?</p> | <p>SPPHCO-7</p> |
| <p>4. The Seismic risk of this facility appears to be glossed over in analysis. Located on landfill, which sits directly in front of the opening of the breakwater wall, the tanks of this facility would be the first point of impact of a tsunami wave that by your own study admits to at least being 21-23 feet in height. Your tsunami study minimizes the USC Study, which illustrates clearly the potential of waves (in a Port of LA scenario) equaling the New Guinea Tsunami (with similar characteristics) of 50 ft. Where is the analysis/study that determines the durability of these tanks to withstand such a force? What is the resistance of oil tankers to this type of force? With such a facility located on landfill, which is all liquefaction area, what is the estimated damage of the predicted 7.0 earthquake to the region? What is the impact of leakage on this landfill and waters? Was there ever consideration of oil storage in soft tanks that could withstand the potential of rupture from seismic activity? What is the estimated effect to pipelines? What is the emergency back up for pumping oil? This should be an electric system with filters used similar to those in the mining industry.</p> | <p>SPPHCO-8</p> |
| <p>5. Aesthetic impacts are not given any real emphasis. Homeowner views will be clearly impacted by this project. An area NEVER used for shipping is now going to be regularly visited by <i>mega</i>-sized oil tankers that block views of the coastline for hundreds, if not thousands of homes. Where is there a real and honest estimation of effects on those views and an appropriate mitigation for the loss of visuals to homeowners and the public who have enjoyed the coastline views?</p> | <p>SPPHCO-9</p> |
| <p>6. The City of LA Charter States: “(1) <i>Reserved Space</i>. Not less than ten thousand feet of the water frontage of Los Angeles Harbor, linear measurement, measured along the United States harbor lines, together with the necessary coterminous and adjacent tidelands and submerged lands as may be determined by the board and approved by the Council by ordinance, owned or controlled by the City, are hereby forever reserved for public use to be improved, controlled, maintained and operated by the City.”</p> | <p>SPPHCO-10</p> |



SPPHCO-10 ↑
Public recreation has been repeatedly interrupted by the Port to accommodate Port Industry expansion. Pier 400 alone, and its placement of 580 acres of landfill in the middle of blue water completely obliterated the windsurfing location that was famous for years. It also destroyed the lanes used by recreational sail boating. The placement of that land mass has retarded water circulation that has had a horrible effect on Mother's beach at Cabrillo assisting in its annual water grade of "F". The placement of an oil terminal further encroaches on the right of public recreation as it continues to intrude by the size of its enormous vessels and the major increase in potential of oil spill in an area already inundated with an abundance of pollution issues. Where is the admission of this impact and the mitigation offset that offers the public recreational opportunity and relief from loss? How can the Port continue to legally promote such uses that confiscate the rights of the public to their promised recreational opportunities?

SPPHCO-11 | 7. This EIR does not consider one alternative energy project that could support the policy of self-sustaining Energy Independence. Consideration of a Wind Power Plant or Wave Power Plant is never mentioned. Wouldn't a facility of that nature better meet the demands of the State and Country in it's commitment to future generations?? Offshore mooring is entirely feasible, economically, physically, environmentally, and aesthetically. The analysis of this potential is not adequate and dismisses the opportunity without a real and comprehensive analysis. Since the future of Crude is estimated now to be temporary, would this not accommodate the tentative nature of its business more appropriately? Use of this Terminal space and financial investment of the terminal should be awarded to a facility with more permanence.

SPPHCO-12 | 8. The treat of terrorism is increased dramatically by the introduction of this facility. Increasing exposure to vessels from the Middle East create an even more threatening scenario for our communities. This terrorism potential is not adequately or comprehensively addressed in the EIR/EIS. How can you ensure our residents that there is adequate protection to residents exposed to this increased risk? Where is the mitigation that considers further risk to the community and attempts to offset that risk?

SPPHCO-13 | As these comments come to a close, we wish to acknowledge that our focus on this document has been aimed at those issues other than air quality since we realize that groups such as the NRDC, AQMD and Coalition for Clean Air have spent their valuable resources in analyzing that issue. We bow to their expertise and support their comments in their earnest quest to safeguard the public from further poisoning of our air. Since we have no other protectors on the other various negative impacts looming from port expansion, we realize that we must fend for ourselves on the many referenced items in this letter. We urge you to respond to all the questions posed and to carefully re-think this entire terminal in the best interest of the public, the State, and our Country.

Sincerely,

Andrew Mardesich
President

San Pedro and Peninsula Homeowners Coalition, August 12, 2008

SPPHCO-1. Thank you for your comments on the Draft SEIS/SEIR.

SPPHCO-2. Please see response to PCAC-EIR 2 and PCAC-EIR 19.

SPPHCO-3. The referenced July 9, 2008 findings of the National Oceanic and Atmospheric Administration (NOAA) were presented in a study entitled “Light Absorbing Carbon Emissions from Commercial Shipping.” The study concludes that large cargo ships emit more than twice as much soot as previously estimated. Soot is a general term that refers to the black, impure carbon particles resulting from the incomplete combustion of a hydrocarbon. It is more properly restricted to the product of the gas-phase combustion process; however, is commonly extended to include residual pyrolyzed fuel particles such as cenospheres (which are lightweight, inert, hollow sphere filled with inert air or gas, typically produced as a byproduct of coal combustion at thermal power plants), charred wood, petroleum coke, etc. that may become airborne during pyrolysis (i.e., the chemical decomposition of organic materials by heating in the absence of oxygen or any other reagents) and which are more properly identified as cokes or chars. Soot is a subset of particulate matter. The NOAA study does not address other criteria or toxic air pollutants, and the findings in this study have not been adopted by any air pollution regulatory agency.

The Draft SEIS/SEIR quantifies criteria pollutants and toxic air pollutant including particulate matter. The emissions were quantified using emission factors approved by federal, state, and regional regulatory agencies. As a result, the emissions quantified in the Draft SEIS/SEIR for the project are considered appropriate.

SPPHCO-4. See responses to comments PCAC-EIR-33 and CSPNC-25. No changes to the document are required.

SPPHCO-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 proposed Project would accommodate continued demand for crude oil as domestic production from California declines; thus, it represents a replacement of supply from existing sources that are projected to decline.

Since the comment specifically mentions Alaskan crude oil, it is also worth noting that the proposed Project would receive crude oil from the Alaska North Slope (ANS). As the Draft SEIS/SEIR notes in Section 1.1.3.2, “Because no pipelines carry crude oil into California, by far the best method to deliver imported crude (including ANS crude) is by marine tanker vessels.”

SPPHCO-6. There is no requirement in CEQA or NEPA to describe what a project is not, only to describe what the project is. The proposed Project is clearly described as a terminal for crude oil tankers and not as an LNG terminal. A terminal that would accommodate tankers carrying LNG would require entirely different facilities, including different types

of storage tanks, pumps, and pipeline interconnections. The Port and USACE agree with the commenter's assertion that if the applicant or any other entity were to propose conversion of the site to an LNG terminal then a new EIR (and possibly a new EIS, if federal action is required) would need to be prepared.

- SPPHCO-7.** As documented thoroughly in Section 1.1.3, Section 2.3, and Appendix D1 of the SEIS/SEIR, the proposed Project would provide facilities for the receipt of crude oil via marine tanker vessels given the decline in California domestic production; thus, it represents the ability to accommodate replacement of crude oil from one source (that does not require marine transport) to another source (that does require marine transport). Thus, the Port and USACE agree with the commenter's assertion that "Increasing supply to them [i.e., refineries] is... replacing an existing supplier." However, as documented in Section 1.1.3, Section 2.3, Chapter 8, and Appendix D1, the capacity of area refineries to distill petroleum products from crude oil is increasing over time (a process called "refinery capacity creep"). The projected increase in refineries' crude oil demand is based on increased consumer demand for transportation fuels as well as refinery capacity creep. As stated in the document (Section 8.2.2), "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.)"

Regarding the commenter's suggestion to analyze the benefits and costs of the project, please see the response to comment PCAC-EIR-26.

Regarding the estimated 201 tankers that are projected to call at the terminal annually in 2025-2040, as noted in Section 1.1.3, in 2005 about 45 percent of foreign crude oil imports to southern California came from the Middle East, 46 percent came from Central and South America, 7 percent came from West Africa, and 2 percent came from Canada. The share of Middle Eastern imports has increased steadily in recent years, a trend that is expected to continue (Baker & O'Brien 2007).

- SPPHCO-8.** The proposed Project design includes tanks that will be designed to current seismic standards for the site, and will be designed to withstand a maximum design earthquake, specifically what are called the Operational Level Earthquake (OLE), which is the peak horizontal firm ground acceleration with a 50 percent probability of exceedance in 50 years, and the Contingency Level Earthquake (CLE), which is the peak ground acceleration with a 10 percent probability of exceedance in 50 years. However, it is possible that an earthquake of a higher magnitude could occur at the project site; thus, the SEIS/SEIR found potential seismic impacts to be significant.

As noted in the Geology section (Section 3.5) of the Draft SEIS/SEIR, "to determine the extent of potential impacts due to tsunami-induced flooding, the LAHD structural engineers have determined that the Port reinforced concrete or steel structures designed to meet California earthquake protocols incorporated into MOTEMS would be expected to withstand complete inundation in the event of a tsunami (personal communication, P. Yin, 2006). As discussed in Impact GEO-1, the MOTEMS were approved by the

California Building Standards Commission on January 19, 2005 and are codified as part of California Code of Regulations, Title 24, Part 2, Marine Oil Terminals, Chapter 31F. These standards apply to all existing marine oil terminals in California and include criterion for inspection, structural analysis and design, mooring and berthing, geotechnical considerations, fire, piping, and mechanical and electrical systems. MOTEMS became effective on January 6, 2006 (CSLC 2006).” However, even though the Berth 408 Terminal will be designed to physically withstand a worst-case tsunami, the potential for oil spills from an offloading vessel would represent a significant environmental impact, as noted in the Draft SEIS/SEIR.

SPPHCO-9. The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the Project’s potential aesthetic impact on those conditions. Figure 3.1-19 shows a photo-simulation of the Marine Terminal and a docked Max-VLCC Marine Tanker, among other Project features. The viewing position is at Lookout Point Park, but also represents views from residences in the area, as discussed in the analysis. The simulation demonstrates that the tanker intercedes only in views of Pier 400 and does not block views of the coastline. Residences in the San Pedro bluffs area are similarly elevated above the harbor, so the simulated view is representative of views from those residences.

SPPHCO-10. The comment cites the LA City Charter regarding water frontage reserved for public use and maintains that the proposed terminal “encroaches on the right of public recreation.” The terminal is not in an area specifically allocated for public recreation and would not encroach on recreational uses under the charter.

The commenter also asks where the document acknowledges the impacts of prior development activities and the proposed Project on public recreational opportunities. Section 3.11 of the Draft SEIS/SEIR contains a full analysis of existing public recreational opportunities in the vicinity and the impacts of the proposed Project on those recreational resources. Section 4.2.11 of the Draft SEIS/SEIR contains a comprehensive analysis of the cumulative effects of past, present, and reasonably foreseeable future projects as well as the proposed Project on recreational resources.

SPPHCO-11. Contrary to the commenter’s assertion that “the EIR does not consider one alternative energy project”, the SEIS/SEIR specifically considers the possibility of rejecting the applicant’s proposal and instead constructing either a terminal to accommodate carbon-based alternative fuels such as biofuels or ethanol (Section 2.5.3.12) or a renewable energy generation facility on all or portions of the site (Section 2.5.3.13). As described in Section 2.5.3.12, constructing a facility to accommodate delivery of refined carbon-based fuels would not meet project objectives because, in practice, such an alternative would not permit Berth 408 to accommodate VLCCs (since refined products are not carried on VLCCs, nor in Suezmax vessels). Such an alternative would therefore not maximize the use of deep-water facilities created for the purpose of accommodating VLCCs by the Deep-Draft Navigation Improvements Project, nor would it optimize the Port’s overall utilization of available shoreline. In addition, as described in Section 2.5.3.12, this alternative would not eliminate any of the environmental impacts associated with the proposed Project and would, in fact, have greater impacts in certain areas due to the use of more small vessels carrying more volatile fuels.

As described in Section 2.5.3.13, constructing a renewable energy generation facility such as a wind or wave power facility would be inconsistent with land use policies and would not accomplish the objectives of the project to provide the facilities needed to

accommodate a portion of the future demand for crude oil imports to southern California. This alternative would also preclude uses that would realize the benefits of the deep-draft channel created by the Port and USACE to accommodate deep-draft tanker vessels. Accordingly, this alternative was eliminated from consideration.

The Port and USACE considered the possibility of an offshore mooring site with tank farm facilities located on Terminal Island (Section 2.5.3.5). Although offshore mooring would have some advantages from an environmental perspective compared to the proposed Project, the Port and USACE found that this alternative would also have a number of significant disadvantages, including the potential for weather-induced interruptions of supply; the potential for accidents to result in releases of oil on rough ocean waters, where cleanup would be far more difficult than inside the harbor; the environmental impacts to the marine community associated with the construction of a pipeline several miles long; and the very high cost of construction. In addition, Appendix F of the Draft SEIS/SEIR contains a report by an engineering consulting firm (Moffatt & Nichol) that considers potential sites for an offshore mooring and concludes that “an offshore single point mooring location does not appear to be feasible, primarily for cost reasons and secondarily because of environmental and technical challenges.”

- SPPHCO-12.** Sections 3.12-5 and 3.12-6 provide an overview of terrorism and Port security that form the baseline for a terrorism assessment for the proposed Project and its alternatives. 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.

Site security will be a shared responsibility of the Port Police, Department of Homeland Security and the U.S. 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.

- SPPHCO-13.** Please see the response to comment SCAQMD-1 through SCAQMD-23 for specific responses to SCAQMD comments. Note that neither the Natural Resources Defense Council (NRDC) nor the Coalition for Clean Air submitted comments on the Draft SEIS/SEIR.

Thank you again for your comments on the Draft SEIS/SEIR.

August 12, 2008

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
c/O: Spencer D. McNeil, D. Env.
ATTN: CESPL-CO-R-2003-01029-AOA
P.O. Box 532711
Los Angeles, CA 90053-2325

Ralph Appy
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
P.O. Box 151
San Pedro, CA 90731-015

**Subject: Draft Supplemental Environmental Impact
Statement/Subsequent Environmental Impact Report
(SEIS/SEIR) For the Pacific L.A. Marine Terminal LLC Crude Oil
Terminal Project**

Mr. MacNeil and Drs. Appy and MacNeil,

We the elected Board of the Northwest San Pedro Neighborhood Council provided the comments below to the Pacific L.A. Marine Terminal LLC Crude Oil Terminal Project. Given the proximity of Northwest San Pedro to the existing bulk storage in the West Basin and on Mormon Island (East Basin) we have developed the attached comments for your incorporation into the final SEIS/SEIR to be considered by the Board of Harbor Commissioners. All of the comments below are related to the proposed project.

NWSPNC-1

General Comments

1. There are significant unmitigated air quality, noise, biological resources, and recreation impacts from the proposed project. Additional mitigation is both necessary and reasonable for these unmitigated impacts.
2. Aesthetics is considered a less than significant impact and there are no mitigations proposed. Given the addition of a crude oil terminal at Pier 400 directly opposite Cabrillo Beach, we believe some aesthetic mitigation is required and can be provided. A potential mitigation to the loss of aesthetics and for the other unmitigated impacts could be improving the water quality flowing into the West Basin from Peck Park and other water sheds in San Pedro.
3. All aspects of the project should meet and exceed the requirements of the San Pedro Bay Clean Air Action Plan, and No Net Increase Policy adopted by the Board of Harbor Commissioners.

NWSPNC-2

NWSPNC-3

NWSPNC-4

- NWSPNC-5 | 4. During implementation of the project construction and operation the Port needs to evaluate air quality, noise, and recreation impacts to test the modeling and basis for the mitigations proposed. Should actual air quality and recreation impacts be greater than estimated in the SEIS/SEIR then the Port should propose additional mitigations to reduce the impacts to acceptable levels.
- NWSPNC-6 | 5. Every five years during terminal operations verification of throughput projections stated in the Final SEIS/SEIR should be performed. Should these projections be exceeded then additional air quality and other mitigations should be required.
- NWSPNC-7 | 6. Biological Impact 4.2c is considered significant with mitigation not available beyond regulatory compliance or none feasible for invasive species. We find this to be unacceptable and request that the Port and COE include specific language within the lease agreement for the treatment and management of ship water to reduce and/or eliminate the potential for invasive non-native species to be released into San Pedro Bay Waters.
- NWSPNC-8 | 7. We propose that a project objective of the new crude oil terminal be the overall reduction in overall particulate emissions from crude oil transport via ship calls to the Port of Los Angeles.
- NWSPNC-9 | 8. The lease agreement between the Port of Los Angeles and Pacific Energy Partners should include a provision that all ships be AMP ready, or equivalent, and have the ability to operate auxiliary engines on low sulfur diesel.
- NWSPNC-10 | a. The operation of the facility should lead to a reduction and eventually the elimination of crude oil tanker calls and terminals within the inner harbor.
- NWSPNC-11 | 9. When Plains All American applies for emissions credits from the South Coast Air Quality Management District, the credits should be required to offset emission from sources in the San Pedro Bay Area.
- NWSPNC-12 | 11. **Environmental Impact AQ-1, AQ-2: Construction and operations would produce emissions that exceed South Coast Air Quality Management District (SCAQMD) emission significance thresholds.**
- The amount of emissions from construction and operation of the proposed project is unacceptable. The Port should explore additional opportunities to lower the pollutant emissions.
- During construction and operation of the proposed project, there will be significant unmitigated emissions of VOCs, CO, NOx, Sox and PM₁₀ and PM_{2.5}. More specific air quality mitigations to control construction
- ↓

emissions need to be included as part of the DEIR/DEIS and in future construction specifications. Specifically, all construction equipment should:

NWSPNC-12

- 100% Use low sulfur diesel fuel
- Limit idling times to 5 minutes for all equipment and trucks
- Use diesel particulate filters on all equipment
- Use of electrical or natural gas equipment on-site where feasible.

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

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

NWSPNC-13

According to the analysis in the DEIR/DEIS analysis the project will have significant impacts from VOCs, CO, NO_x, PM₁₀, and PM_{2.5} through the project lease even with mitigations. We understand that technical challenges exist in reducing air quality impacts, however proposing a project that never over a 30 year time frame does not completely mitigate air quality impacts is a concern. Should mitigations not be available on this project we ask the Port to evaluate mitigation measures that could be applied to reduce emissions at other locations to further reduce the emissions from the terminal to below CEQA Thresholds.

13. There should be periodic review and application of new technology and regulations.

NWSPNC-14

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

We look forward to release of the Final SEIS/SEIR with incorporation of our comments and recommendations as we work to develop a terminal project with the least impacts to the NWSP and Port community.

NWSPNC-15



for

Dan Dixon
President
Northwest San Pedro Neighborhood Council

Northwest San Pedro Neighborhood Council, August 12, 2008

- NWSPNC-1.** Thank you for your comments on the Draft SEIS/SEIR. Responses to your specific comments are provided in response to comments NWSPNC-2 through NWSPNC-14 below.
- NWSPNC-2.** The document identifies all feasible mitigation measures to avoid, reduce and minimize the significant environmental and public health risk impacts of the proposed Project. 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.
- NWSPNC-3.** CEQA requires significant impacts to be mitigated to the fullest extent feasible. However, the Draft SEIS/SEIR found that the proposed Project and its alternatives would not cause adverse visual impacts and, therefore, the impacts would be less than significant and would not require mitigation.
- NWSPNC-4.** MM AQ-1 through AQ-21 in the Draft SEIS/SEIR represent feasible means to reduce air pollution impacts from proposed construction and operational emission sources. The Project would comply with all applicable CAAP measures. The CAAP supersedes the requirements of the NNI process.
- NWSPNC-5.** MM AQ-1 through AQ-21 in the Draft SEIS/SEIR represent feasible means to reduce air pollution impacts from proposed construction and operational emission sources. The Project would comply with all applicable CAAP measures. The CAAP supersedes the requirements of the NNI process. Note that a Mitigation Monitoring and Reporting Program (MMRP) would be in place to evaluate the effectiveness of the mitigation measures identified and make any necessary changes. Also please see the response to comment PCAC-AQ-8.
- NWSPNC-6.** Please see the response to comment PCAC-AQ-8.
- NWSPNC-7.** See responses to comments CSLC-46, -49, and -51 for invasive species.
- NWSPNC-8.** The Port's air quality policy is detailed in the CAAP. MM AQ-1 through AQ-21 conform with the emission control commitments of the CAAP and represent all feasible means to reduce air impacts.
- NWSPNC-9.** MM AQ-14, Low Sulfur Fuel Use in Main Engines, Auxiliary Engines and Boilers requires ships calling at Berth 408 to use low sulfur fuel in main engines, auxiliary engines and boilers within 40 nm of Point Fermin. In addition, MM AQ-15 requires ships calling at Berth 408 to use AMP while hoteling at the Port in certain percentages that increase over time, as specified in the mitigation measure.
- NWSPNC-10.** As noted in the comment, it is possible that the proposed Project could lead to a reduction of crude oil tanker calls at terminals in the inner harbor. However, the inner harbor terminals are owned and operated by different companies that have their own long-term leases with the Port. Therefore, it is beyond the scope of the SEIS/SEIR to require that inner harbor marine terminals be eliminated.

- NWSPNC-11.** Please see response to comment PCAC-EIR-5.
- NWSPNC-12.** Additional air quality mitigations have been amended in the Final SEIS/SEIR; please see the responses to comments SCAQMD-14 and SCAQMD-15. MM AQ-5 and MM AQ-6 have been revised to include additional controls. These amended mitigation measures, plus MM AQ-1 through AQ-21 in the Final SEIS/SEIR, represent all feasible means to reduce air pollution impacts from the proposed Project. Also see the response to comment USEPA-10.
- NWSPNC-13.** The Draft SEIS/SEIR provides an adequate analysis of air quality impacts under CEQA and NEPA. The Draft SEIS/SEIR concludes that the proposed Project would produce significant air quality impacts. Mitigation Measures AQ-1 through AQ-21, as modified in the Final SEIS/SEIR, represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources. Additionally, as described in Section 3.2.3.4 of the Draft SEIS/SEIR, the Port has a number of environmental programs, including the CAAP, to “reduce the potential environmental impacts associated with both today’s Port activities and expansions.”
- NWSPNC-14.** Mitigation Measures AQ-12, AQ-19, AQ-20, and AQ-21 provide a process to consider new or alternative emission control technologies in the future. In the Final SEIS/SEIR, the role of AMECS specifically has been clarified; see response to comment USEPA-11. Acceptance of the Project is dependent upon an acceptable Mitigation Monitoring and Reporting Program (MMRP) that identifies all feasible measures to reduce Project air quality impacts. The Port and Project terminal operator will comply with the MMRP for the life of the lease, or 30 years.
- NWSPNC-15.** Thank you again for your comments on the Draft SEIS/SEIR.



Wilmington Neighborhood Council

544 N. Avalon Boulevard, Suite 103 • Wilmington, California 90744 • (310) 522-2013

July 23, 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 Appy, Director Environmental Management Division
425 S. Palos Verdes St.
San Pedro, CA 90731

Re: Pacific L.A. Marine Terminal LLC Crude Oil Terminal Project SEIS/SEIR

Gentlemen:

The Wilmington Neighborhood Council has reviewed the Crude Oil Terminal environmental document and supports the proposed project for the following reasons:

WNC-1

California's economy is and will be dependent on imported oil for the foreseeable future yet lacks the infrastructure needed to meet the demand. The facility will have the capacity to accommodate over 25% of the southern California crude oil demand.

Due to limited refining capacity, the state must import ten percent of its refined blending components, gasoline and diesel. The project will increase capacity enabling refineries to produce more finished gasoline and diesel.

With the No Project and Reduced Project Alternatives future demand could exceed the storage capacity of existing marine terminals resulting in the increased use of trucks and rail cars to transport refined products to southern California.

The project will not contribute to road congestion because all product will be transported by pipeline to local refinery facilities.

The facility will incorporate Best Available Control Technologies that substantially reduce vapors and the risk of spills and Clean Air Action Plan emissions reduction measures. The applicant also proposes voluntary measures that exceed regulatory compliance such as the use of low sulfur content fuel in ships' boilers while at berth and a support structure for the Advanced Maritime Emissions Control System (AMECS) or 'sock' technology to reduce smokestack emissions.

The community appreciates the fact that the project applicant has made an exceptional effort to explain every aspect of this facility and to address community concerns.

- WNC-2 | Considerations:
Temporary or partial road closures due to pipeline trenching, underground boring or boring shafts in the vicinity of Banning's Landing and Avalon Triangle Park could potentially disrupt Wilmington waterfront redevelopment in this vicinity.
- WNC-3 | Land Use -- The underground pipeline will cross an approx 3000-foot long x 200-foot-wide strip of land between the WWL auto terminal and Leeward Bay Marina that is zoned industrial, however the community is proposing future marina, recreational and public access use of this area. Please consider this potential long-term community land use when siting any above ground monitoring stations or utility connections.
- WNC-4 | General Comments:
Water Quality and Sediments - The Draft SEIS/SEIR states, 'TMDLs will be developed that will specify load allocations from the individual input sources, such that the cumulative loadings to the Harbor would be below levels expected to adversely affect water quality and beneficial uses of the water body. However, these TMDL studies are not planned until the year 2019. Thus, in the absence of restricted load allocations and/or removal or remediation of contaminated sediments, the impairments would be expected to persist.'
- Although TMDLs have not been established the Port has initiated a Water Resource Action Plan that could be completed earlier than 2019.
- WNC-5 | The WNC recommends:
All new terminal projects or expansions should anticipate greater water pollution control measures and that terminal construction and storm water collection basins be designed to avoid costly future reconstruction.
- WNC-6 | Evaluation of shipboard ballast water treatment systems for all commercial vessels
- WNC-7 | Any hull cleaning or maintenance performed on commercial vessels while at berth should include the capture and proper disposal of debris.
- WNC-8 | Thank you for the opportunity to comment on the Pier 400 Crude Oil Terminal Project.

Sincerely,



Cecilia Moreno
Chair
Wilmington Neighborhood Council

Cc: file

Wilmington Neighborhood Council, July 23, 2008

- WNC-1.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.
- WNC-2.** The referenced temporary or partial road closures would be related to the various construction activities associated with the project and as indicated are 'temporary'. If required, construction area traffic control plans would be provided to minimize construction impacts on area traffic circulation. It is unlikely that these construction activities would disrupt the redevelopment efforts in this area. The port will coordinate ongoing and potentially simultaneous construction activities to minimize impacts.
- WNC-3.** The comment is appreciated. However, there is no evidence that the installation of the referenced pipeline would disrupt the Wilmington waterfront redevelopment since it would occur prior to redevelopment and would not substantially interfere with that redevelopment.
- WNC-4.** The Port of Los Angeles is currently developing a Water Resources Action Plan (WRAP) in conjunction with the Port of Long Beach and involving stakeholder participation from a number of regulatory agencies and environmental groups. The document (Section 3.14.2.1) has been revised to include a description of the WRAP.
- WNC-5.** The proposed project is designed to meet existing standards and requirements, and includes BMPs to minimize impacts to water quality and other resources. As noted in the Draft SEIS/SEIR, operational impacts to water quality from the proposed Project, except those related to accidental spills, are less than significant. Therefore, additional mitigation measures are not needed.
- WNC-6.** The document has been revised to include relevant information in the Vessel General Permit that addresses ballast water discharges. Compliance with the limits in the Permit will ensure no significant impacts to water quality; therefore, no additional mitigation measures are needed.
- WNC-7.** The document has been revised to include a discussion of effluent limits for vessel husbandry in the Vessel General Permit. Compliance with the limits in the Permit will ensure no significant impacts to water quality; therefore, no additional mitigation measures are needed.
- WNC-8.** Thank you again for your comments on the Draft SEIS/SEIR.

WILMINGTON COORDINATING COUNCIL
P.O. BOX 781
Wilmington, Ca 90748
"To Make Wilmington One"
(Our mission statement)



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ENVIRONMENTAL
HARBOR DISTRICT
CITY OF LOS ANGELES

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:

Plains All American Pipeline L.P., through its subsidiary, Pacific L.A. Marine Terminal LLC, proposes to design and construct the Pacific L.A. Marine Terminal LLC Pier 400 Project at the Port of Los Angeles. The Wilmington Coordinating Council proudly supports this initiative. We supports this project because it is environmentally friendly, it will create jobs, and because California has a need for it.

Southern California has a need- Currently the Los Angeles basin refineries receive their crude oil from California and Alaska. But the quantity of this oil is quickly declining. As a result the Los Angeles basin refineries will not be able to produce the products to sustain our economy and quality of life. Pier 400 will aid in replacing this meager supply by providing the facilities to accommodate tankers from various sources. Ultimately the project will be able to provide approximately 25% of Southern California refining needs.

Jobs and our Economy- The project is estimated to cost \$543 million and will generate and estimated 4,800 annual full-time construction jobs with wages of approximately \$350 million. All these jobs will be Union labor as well as the 172 permanent jobs it will offer for its maintenance after construction. These are much needed jobs in the Harbor area. 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. With counties near us heading into recession, it makes complete sense that these jobs and tax dollars are pivotal to the County of Los Angeles.

Environmental Considerations- We are also happy with the high environmental regard Plains All American has taken towards our community. The project will be one of the first to meet the goals of the Port's Clean Air Action Plan. The facility will attract the most modern ships with highly regulated fuel use standards and it is designed to allow rapid cargo offloading to minimize the time a vessel remains in port. These and other components will reduce emissions to the maximum extent possible. Pier 400 will comply with stringent CARB, EPA and SCAQMD regulatory requirements and offset 120% of berth operation related emissions.

The benefits to our community and to all of Southern California are many. David Wright and Pains All American have been amazing since the beginning. Our community needs this and that is why the Wilmington Coordinating Council supports this project.

Ruben Diaz
President

WCC-1

Wilmington Coordinating Council, July 18, 2008

WCC-1. Thank you for your comment. Please see the response to comment Local-11-3-1 and comment LCOC-1.

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