

PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE  
EIR/AESTHETIC MITIGATION SUBCOMMITTEE

Port of Los Angeles  
425 S. Palos Verdes Street  
San Pedro, California

Minutes  
August 28, 2008

ATTENDEES

COMMITTEE MEMBERS/PCAC

Dr. John Miller, Chair  
Skip Baldwin, Alternate Member  
Janet Gunter, Alternate Member  
Chuck Hart, Voting Member  
Lucy Mejia, Voting Member  
Kathleen Woodfield, Acting Chair

PUBLIC PARTICIPANTS

Gwen Butterfield  
Lee Hubbard  
Joy Jaiswal  
Richard Pawlowski  
Jason Ricks  
Megan Wong  
David Wright

PORT STAFF

Dr. Ralph Appy  
Lena Maun DeSantis  
Kat Prickett  
Teresa Scognamillo

LOCATION OF MEETING: POLA Charter High School, 250 W. 5<sup>th</sup> St., San Pedro, CA

- A. Call to Order: 4:15PM
- B. Sign In / Introductions
- C. Agenda Approved as Amended. The Channel Deepening Project discussion with the Army Corp of Engineers and Port staff was held before the POLA Staff Update.
- D. Draft Minutes Approved for the April 24, 2008, May 22, 2008, June 26, 2008, and July 24, 2008 EIR/Aesthetic Mitigation Subcommittee Meetings.
- E. Public Comment:  
Chuck Hart raised an issue with regard to the Air Quality Mitigation Incentive Program (AQMIP) recommendation from the Air Quality Subcommittee that was to be moved forward to the PCAC. He explained that approving the recommendation that eliminates the LNG yard truck project, and replacing it with the next most cost effective marine engine project, that the total emission reductions over the project life would be 320 tons. This is a significant reduction which should be explained to the PCAC.

Dr. Miller stated that the Planning and Conservation League Foundation (PCL) published a Community Guide to the California Environmental Quality Act, a citizen's guide to California's environmental protection law. He stated that he found it very informative with regard to CEQA's procedures and provisions. He requested copies of the revised publication (fall 2007) for the Subcommittee. Port staff agreed to get copies of the publication.

Dr. Miller also shared information from an American Geophysical Union Study that determines that emissions from cargo vessels and non cargo vessels were found to be almost double those of previous estimates. Most recently, estimates show that tug boats are the most polluting. This AQMIP recommendation includes projects that repower these vessels. This is another important point to bring up at PCAC.

The consensus of the EIR/Aesthetic Mitigation Subcommittee was to support the AQMIP recommendation made by the Air Quality Subcommittee.

Richard Pawlowski asked the Subcommittee for their input on whether or not to submit two of his proposals through the mitigation process; one project was for off-Port mitigation (Grand Ships Expo) and the second was for on-Port mitigation (The San Pedro 6<sup>th</sup> Street Creek). He was asking whether or not to put these proposals through the mitigation process in conjunction with the CRA. He stated that he had the support of both the CRA and the Planning Department. Dr. Miller replied that yes, he should send his proposals through the process.

F. POLA Staff Update:

1. RFP for China Shipping Aesthetic Mitigation Fund/Available on the POLA Website: "Call for Community Aesthetic Mitigation Projects for San Pedro/ Deadline: September 22, 2008

Teresa Scognamillo, the POLA EMC, has received two proposals: one from the San Pedro Peninsula and Homeowners Coalition (Study of off Port Aesthetic Mitigations), and the second from Mr. Pawlowski for the Grand Ships Exposition. She has also received phone calls from interested parties for the Cabrillo Beach Boathouse, the Hey Rookie Pool/Gaffey Street Pool, the Angels Gate Lighthouse and the Point Fermin Lighthouse.

The Subcommittee will hold an extended meeting in September to allow Mitigation Proposal Applicants the opportunity to present their proposals. The Subcommittee requested electronic copies of the proposals as they came in which Ms. Scognamillo agreed to forward to them. She will also assemble a binder of all the proposals for each committee member. The applicants were encouraged to follow the requirements explicitly, as stated in the RFP.

2. Status of China Shipping Settlement Mitigation Projects

- a. Wilmington Open Space, a Park Project - Response from State Lands  
The State Lands Commission reviewed the Wilmington Open Space, a Park Project again and responded with a second letter of denial. Subsequent to receiving the letter, Ms. Scognamillo met with Skip Baldwin, Dr. Ralph Appy, City Attorney, Tom Russell, and Tim Grabiell from the NRDC, to discuss the response from State Lands. Mr. Grabiell disagreed with the response from State Lands and continues to work with the City Attorney and State Lands. Ms. Woodfield requested that the Chair of the Subcommittee be notified of calls and meetings like this so that the Chair has the opportunity to participate. She stated that the Subcommittee needed to take a stand, to get involved with supporting the concept of this project.

The committee agreed that a letter would be drafted to send to State Lands regarding the disconnect between local and regional benefits for mitigation projects. Skip Baldwin suggested that the Subcommittee review the requirements for regional benefits as they pertain to Environmental Justice and the Public Trust Doctrine, before writing the letter.

- b. Plaza Park- Additional Funding Through China Shipping EIR, is it Located on Port Property?  
Ms. Scognamillo reported that it does not appear to be Port property. However, in 1991, we may have purchased the property and turned over jurisdiction to the City of LA. She has requested information from the City Attorney and from the POLA Real Estate Division for assistance in making this determination.

There was no further information on additional funding sources to cover the extent of the Plaza Park Project that exceeds the \$1 Million approved by PCAC and the Board of Harbor Commissioners.

- c. Wilmington Sailing Center-Location Resolution/Temporary vs. Permanent Status  
The Port has presented a couple of different locations to Ms. Ethington to discuss with her Board. The POLA Engineering Division is working on a design, while Ms. Scognamillo is arranging meetings between the Port and the Applicant's Board.

One location being considered is an existing marina in Wilmington, where space can be cleared to provide a temporary site to get the Sailing Program started. The project hasn't moved forward, but discussions are ongoing.

Ms. Woodfield commented on the issue of a temporary site versus a permanent site for the Sailing Program. The PCAC and the Board approved funds for a permanent Sailing Center in Wilmington. The committee and the applicant need assurance that the project will come to fruition at a permanent site that satisfies the applicant.

Ms. Ethington explained that the Board of the Sailing Center requested a temporary set up at the permanent location, not at a temporary location.

3. EIR Schedule

The general EIR Schedule has not changed. Port staff are working on the final EIRs for both the China Shipping Project and the Pacific LA Marine Terminal Project. The intent is to have final EIRs completed by November/December 2008. The Channel Deepening project public comment period closes on September 1, 2008. The EIR is expected three to four months later.

4. Consultant

a. Working with Other Committees Using Shared Consultant(s)

The Chair of the Coordinated Plan Subcommittee, June Burlingame Smith, suggested that the EIR/Aesthetic Mitigation Subcommittee work with the architecture urban design and planning consultants from SMWM, to review the San Pedro Waterfront DEIR. The Port replied that they would prefer not to provide independent consultants, but that they would hold an open public work shop with the Waterfront consultants to discuss the project DEIR in detail.

Dr. Miller agreed that the workshop idea would be beneficial; however, it was a professional independent third party consultant that they were requesting to help them review the environmental documents that were coming down the pike. The PCAC's charge has been to evaluate impacts from Port operations and to make sure that they are adequately mitigated. This can only be done through the review process of the EIRs, which is where the Subcommittee needs consultant support.

b. Consultant Request Letter to Dr. Knatz

Ms. Woodfield composed a draft letter for Dr. Geraldine Knatz, formalizing the request for independent consultant support. She shared the draft with the Subcommittee, who suggested that the letter specify the reinstatement of Sandra Genis. Ms. Woodfield will finalize the letter and forward it to Dr. Miller for his signature before sending it to Dr. Knatz.

- G. Army Corps of Engineers/Port Staff Discussion on the Channel Deepening Project  
The Port of Los Angeles, in conjunction with the U.S. Army Corps of Engineers, released the POLA Channel Deepening Project Draft SEIS/SEIR. The public comment period deadline is September 1, 2008.

The Port designed the project and proposed different disposal areas for the dredge material. The Army Corp analyzes the environmental impacts of the proposed design. The Army Corp's jurisdiction is over the federal project (federal waters) while the Port's jurisdiction is the local project (at the Berths).

Representatives from the Army Corp of Engineers were in attendance to answer technical questions on the EIR and how it was analyzed. Port staff was available to answer questions that pertained to the decision making process.

The Subcommittee raised the following concerns:

- The Shallow Water Habitat/interference with recreational opportunities in the middle of a world class wind surfing site  
The Committee disagrees with the impacts being less than significant, and will request that the Army Corp re-evaluate their findings, based on interference with recreational uses.

In addition, members of the community are concerned about the indirect effect of the inhabitants in the eel grass and the inhabitants that they attract which creates pollutants in the water. Dr. Appy explained that eel grass is a protected habitat under the Clean Water Act. It is one of the most valuable habitats in the harbor. It is not directly related to contamination. The issue at Cabrillo Beach may be that the eel grass slows the water circulation near shore and exacerbates the pollution issues at the beach. That situation does not apply to the Shallow Water Habitat.

The question was raised as to why the Shallow Water Habitat was a component of the Channel Deepening Project? The Army Corp of Engineers explained that this project was creating a shallow area protected with a dike, in the event that future mitigation is required for planting eel grass, i.e. that eel grass could be replanted if it were to be removed from the Cabrillo Beach area.

Lena Maun DeSantis, from the POLA Environmental Management Division, asked that the committee include in their comments whether there was an objection to the Shallow Water Habitat altogether or whether it should just be relocated. This will help the Port in addressing committee comments as well as considerations for changing the project.

Another issue was to protect and ensure that the public retains 10,000 linear feet of recreational use on the west side of the Channel as required through the City Charter. Does this mandate still exist?

- The Anchorage Road Soil Storage Site / Impacts from Industrial Uses and the Wilmington Marinas Characterized as Industrial. Another concern is that much of the recreational use in the Harbor is disappearing, and that recreation is not considered a priority by the Army Corp of Engineers.

- Project consistency with various local plans. The concern is with the lack of comprehensive planning for the Port as a whole. The Port of LA's Plan which is supposed to function as a general plan for the Port area, was last revised in 1982, and is presently out of date. How can the Port move forward with projects without a Master Plan/without piece mealing.
- Calculations for the disposal of dredge material
- Overriding Considerations
- What will happen to the project if the Clean Air Action Plan is blocked due to the Trucking Association lawsuit?

H. Comment Letter on Pacific L.A. Marine Terminal:  
The Subcommittee is working on the comment letter.

I. Action Items:

1. Motion Regarding Additional Funding Resources for Community Improvements/Mitigation  
Pat Nave drafted a motion that would be discussed at the September meeting. In the meantime, Ms. Woodfiled will e-copy the draft to the members of the committee for their review.
2. Letters from Committee (Administrative)
  - a. Comments Letter on Channel Deepening Project  
The Subcommittee comment letter will be submitted by the deadline of September 1, 2008.
  - b. Possible Amicus Brief in Support of POLA's Clean Truck Program  
The committee agreed that they support the Port's position on the ATA lawsuit. We want to see the Clean Truck Program go forward. Dr. Appy recommended that Dr. Miller contact the City Attorney before taking any action.
  - c. Thank You Letter to POLA for Instituting the Ships Low Sulfur Fuel Subsidy Program  
Committee consensus was to submit the letter.
  - d. Thank You Letter to Maersk for Going Forward with Low Sulfur Fuel Near the Coast  
Committee consensus was to send the letter.

J. Old Business:

Mr. Baldwin commented on pollution issues with the South Coast Air Quality Management District (SCAQMD), and the practice of selling off-set air credits. He stated that since the time that the Subcommittee supported SB1646 for the Reauthorization of SCAQMD's Clean Fuels Program, there have been two lawsuits, for which he distributed written material.

K. New Business/Non Agenda Items: None

L. Next Meeting - Thursday, September 25, 2008

M. Subcommittee Adjournment: 6:15PM

At 6:15PM, the Subcommittee continued with a working group meeting, with CDM Consultants, to design a more reader friendly Executive Summary for future environmental documents.

Signature on File \_\_\_\_\_

Dr. John Miller, Chair  
EIR/Aesthetic Mitigation Subcommittee

Signature on File \_\_\_\_\_

Debra Babcock-Doherty, PCAC Executive Assistant