

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

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

Minutes  
October 23, 2008

ATTENDEES

<u>COMMITTEE MEMBERS/PCAC</u>	<u>PORT STAFF</u>	<u>PUBLIC PARTICIPANTS</u>
Dr. John Miller, Chair	Jose Alvarez	Ana Dragin
Skip Baldwin, Alternate	Teresa Scognamillo	Barron McCoy
Donna Ethington, Voting		Richard Pawlowski
Chuck Hart, Voting		Susan Totaro
Arthur Hernandez, Alternate		
Lucy Mejia, Voting		
Kathleen Woodfield, Alternate		

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

- A. Call to Order: 4:10PM
- B. Sign In / Introductions
- C. Agenda Approved
- D. Public Comment:  
Richard Pawlowski, a San Pedro resident, commented on the 2008 RFP for San Pedro Aesthetic Mitigation Projects. He voiced his concern about proposals that had been submitted in the past that had been Municipal in nature and that had been approved. He referred to Section 4.1 of the RFP which identifies projects that CSLC could not support and that have not been determined to be consistent with Tidelands Trust and the Public Trust Doctrine. He asked the committee not to repeat the same thing here, and to adhere to the provisions in the RFP, the Tidelands Trust and the Public Trust Doctrine.

Dr. Miller stated that it was the State Lands Commission that determined what was acceptable. It is ultimately up to the State Lands Commission to determine Tidelands Trust issues. The document that guides and constrains this Subcommittee's actions is the actual China Shipping Settlement (ASJ) and not the Port's RFP which is not even mentioned in the ASJ. The Port's RFP is not the final word on this.

E. POLA Staff Update:

1. China Shipping Aesthetic Mitigation Fund:

a. Review of Overall Process

Teresa Scognamillo, the POLA Aesthetic Mitigation Coordinator, distributed a flow chart depicting the review/selection process for the Aesthetic Mitigation projects that had been set forth in the China Shipping Stipulated Judgment.

Dr. John Miller explained that one of the main problems with the process was that it was too tightly constrained by those who negotiated the deal. There are at least four different entities giving input and seven different steps to follow. In addition, the State Lands Commission tends to use a very narrow interpretation of the Tide Lands Trust and can basically reject any project.

For future projects, the Subcommittee determined that when a project scope of work or cost estimate changes drastically from that which was approved by the PCAC, the project should go back to the PCAC for further discussion, and the flow chart should be updated to reflect this additional step.

b. Discussion of Proposal Review/Ranking Process. Are Any Changes Needed Based on Previous Experience?

The Subcommittee agreed that implementing projects on Port property was not mitigation for the community. Perhaps projects that are off-Port property could be ranked higher.

Mr. Pawlowski emphasized the fact that the Amended Stipulated Judgment (ASJ) specifies that the Port will consider aesthetic mitigation measures on and off Port lands. Therefore, there should be no subjectivity in ranking in favor of one project over another because of its location on or off Port property.

The Subcommittee considered including the following changes into the ranking sheet, and how to levy the importance of each one in the selection process.

- Does the project provide short term (less than 10 years) or long term benefits to the community?
- Disclose whether the applicant or anyone closely associated with the applicant stands to receive any financial gain if the project is implemented?
- Is the project site specific?
- Would it have to go out for an RFP?
- Remove from the ranking sheet, the column for “Demonstrated Community Support”

Mr. Pawlowski voiced his concern stating that many of the applicants followed the criteria in the RFP to the letter, and to now add new criteria was unfair and unjust to all the applicants. Dr. Miller stated that it was up to the discretion the Subcommittee. Resulting from the discussion, the Subcommittee determined that the items above would be used as discussion items and that they would not necessarily be used as criteria for to accepting or rejecting a particular project.

c. Discussion of Proposed Projects

The Subcommittee rolled into a “Committee of the Whole” to discuss the categorization of each proposal.

2. Status of China Shipping Settlement Mitigation Projects

a. Wilmington Open Space, a Park Project

There was no new information since the update in September. Waiting to hear from the NRDC

b. Plaza Park/Fund thru China Shipping EIR/located on Port property?

The goal is to submit the China Shipping EIR to the Board by the end of December, at which time the Board should allocate the funds for the project. The City Attorney has suggested that since this project has been publicized and documented as a \$5 Million project over the past year or more, the Board should allocate that amount if it is approved. Kathleen Woodfield disagreed.

Ms. Scognamillo explained that the \$6.6 Million dollars from the last project cycle took into account \$5M for Plaza Park. This figure does not affect the remaining funds for this cycle of projects. However, for future projects, the Subcommittee should identify the terms that would require a project to be returned to PCAC subsequent to their approval.

c. Wilmington Youth Sailing Center/Location Resolution/Temporary vs. Permanent Status?

The preferred location for the Sailing Center is the Consolidated Slip, at which time has some serious contamination issues with the water and the soil. The Port and the applicant are presently working together on a compromise to get the sailing program up and running. The Port has suggested that the Sailing Center be placed in the Wilmington, Colonial Marina, temporarily, until the Consolidated Slip site was environmentally safe. The applicant has an issue with this location in that it limits the access the kids have to the open water. The applicant will agree to this temporary location if the Port would put a launch ramp at the end of Shore Road so that the boats can be launched into open water.

The Subcommittee requested a tour of the Wilmington Marina area.

3. EIR Schedule – No Update

F. Discussion:

1. San Pedro Waterfront DEIS/DEIR/Formulation of Comments/Deadline, December 8, 2008 (Public Hearing October 27, 2008, 6:00 P.M)
  - a. Contracts for Design Work on San Pedro Waterfront Plan
  - b. Waterfront Sustainability PlanThis agenda item was deferred to the next meeting.
2. Committee's need for CEQA consultant, Response to Committee's Letter Requesting Consultants Contract Renewal – This agenda item was deferred to the next meeting.
3. California State Lands Commission Meeting Regarding Off Port Impacts in Relation to Tidelands Trust  
Ms. Woodfield and Dr. Miller both attended the California State Lands Commission meeting on October 16, 2008. Ms. Woodfield only provided a brief synopsis of the meeting because the litigants had not yet been briefed.

Attendees included the State Lands Commission staff, the Lieutenant Governor John Garamendi, the Councilwoman Janice Hahn, the POLA Executive Director, Dr. Geraldine Knatz, the NRDC, as well as several public speakers. The focus of the discussion was on off-port impacts and off-port mitigation. It was determined that there were in deed off-port impacts. Paul Thayer, from the State Lands Commission, stated that when something mitigates impacts, it automatically has benefit to the State.

Furthermore, there are cumulative impacts and residual impacts for unmitigated past EIR projects. There can be a nexus to these cumulative residual impacts without having to pin point a specific EIR. This is a new perspective, and a critical one for PCAC, as we have in the past been required to connect a nexus and mitigation to a specific project.

Another issue was the topic of “jurisdiction” and the Port’s responsibility to mitigate operational impacts brought on because of the Ports presence/business. If the Port were not there, specific impacts wouldn’t be either.

During this meeting, the Commissioners were more open to a broader interpretation of the Tidelands Trust than that of the State Lands staff. Lieutenant Governor Garamendi indicated that State Lands needed to broaden their interpretations. Discussions have gone well.

Dr. Knatz initiated a discussion about having an educational facility on and off Port property. If a school exists on Port property it has a state wide benefit, whereas if it exists off Port property it has a Municipal benefit or a benefit to the school itself. The question was raised as to why the Port would want the extra expense of building a school on Port land if there was

a school in the community to draw from? Lieutenant Governor Garamendi again stated that perhaps we needed to broaden our perspective here.

4. Mitigation Monitoring Reporting Programs (MMRPs) – This agenda item was deferred to the next meeting.

G. Old Business: None

H. New Business/Non Agenda Items

I. Next Regular Meeting has been changed to November 20, 2008, from 3:30PM to 5:30PM at the Northrup Grumman building, room 1080-2.

J. Subcommittee Adjournment: 6:10 PM

The Subcommittee rolled into a working group meeting for the purpose of reviewing the Aesthetic Mitigation Proposals for the 2008/2009 RFP/Call for San Pedro Projects. There were 35 proposals. Each applicant was given three minutes to present their proposal.

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

Dr. John Miller, Chair

EIR/Aesthetic Mitigation Subcommittee

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

Debra Babcock-Doherty, PCAC Executive Assistant