



NATURAL RESOURCES DEFENSE COUNCIL

April 15, 2009

*VIA ELECTRONIC MAIL*

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Re: Comments re Final Supplemental Environmental Impact  
Statement/Environmental Impact Report for the Channel Deepening Project

Dear Ms. Maun-DeSantis and Ms. Prickett:

On behalf of the Natural Resources Defense Council, we appreciate the opportunity to comment on the Final Supplemental Environmental Impact Statement/Environmental Impact Report for the Channel Deepening Project (“Final SEIS/SEIR”).

In our comments on the draft SEIS/SEIR, we encouraged the Port to ensure that the impacts of the *entire* Channel Deepening project are adequately analyzed and mitigated. In response, the Final SEIS/SEIR stated that the impacts for the entire project were analyzed in previous environmental documents and that the instant EIR needed to only focus on the impacts and mitigation associated with disposing 3.0 mcy of additional dredge material.

However, it is hard to fathom how the Port can move forward with any part of this project given the glaring deficiencies in its older environmental documents. Specifically, the EIRs for this project date back to the 1990's. The Final SEIS/SEIR at issue is a supplement to the 2000 SEIS/SEIR that was prepared for the Channel Deepening Project, which was a supplement to the 1998 Channel Deepening EIR and

the 1992 Deep Draft Navigation Improvements Project EIS/EIR. Since the issuance of those environmental documents, substantial information and circumstances have changed. We now know significantly more about the dangers of diesel exhaust (including ultra-fine particulate matter) and how to mitigate those pollutants than we did than a decade ago. Accordingly to take the position, as the Final SEIS/SEIR asserts, that the environmental impacts have been adequately analyzed and addressed in the prior environmental documents is nothing short of implausible.

For instance, the 2000 SEIS/SEIR, which purported to analyze the impacts of deepening the inner harbor channels to various dredge depths to accommodate larger vessels actually concluded that all of the project alternatives would reduce air pollution and thus, no mitigation was required.

The No Action Alternative would not deepen the Port shipping channels and more vessels and their associated emissions would therefore be required to ship a given throughput of cargo under this alternative, compared to the proposed alternatives. Additionally, without the new lands created by the proposed dredge and disposal scenarios, cargo handling within the container terminals would become more inefficient by project year 10, which would increase the amount of emissions from container terminal yard equipment. *The No Action Alternative would therefore have greater air quality impacts than the proposed alternative scenarios.*

Port of Los Angeles Channel Deepening Project, Final SEIS/SEIR (Sept. 2000), at 3.1-21 (emphasis added). The environmental document goes on to say:

*Since the proposed alternatives would not produce any significant air quality impacts, the actions would not require any mitigation measures.* However, due to the increase in use of (1) electrified transtainer cranes in container backland areas and (2) larger gantry cranes (to unload vessels), these changes in cargo handling operations in the POLA will reduce the amount of emissions generated for a given throughput of cargo.

*Id.* at 3.1-22 (emphasis added). The position that the Channel Deepening project was an “efficiency” project that would actually result in a net benefit in air quality harkens back to the “old school” thinking the Port embraced prior to the China Shipping litigation. This position does not comport with the reality of port operations, actual port growth, or the significant emissions that have been generated by the Port over the last decade by, in part, the Channel Deepening project. Moreover, this position does not reflect the current thinking of the Board of Harbor Commissioners and the efforts it has undertaken to begin taking responsibility for the impact its projects have on local communities.

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Accordingly, it is inconceivable how, if this project is approved, the Port can, in good faith, certify that this project is compliance with CEQA. We request that the Port, reconsider the upland impacts created by this project in addition to the port-wide mitigation outlined in our comments on the Draft SEIS/SEIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Lin Perrella". The signature is written in a cursive, flowing style.

Melissa Lin Perrella  
Staff Attorney

cc: Port of Los Angeles Board of Harbor Commissioners  
(c/o rhenry@portla.org and dworshakr@portla.org)