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July 15, 2008

Commander, U. S. Army Corps of Engineers
Los Angeles District c/o Dr. Spencer D. MacNeil
Post Office Box 532711
Los Angeles, CA 90053-2325

Dr. Ralph Appy, Director Environmental Management Division
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731



Re: **Public Comment**
Recirculated Draft EIR – Berth 97-109 Container Terminal Project, April 2008

Dear Drs. MacNeil and Appy,

Since this project is directly adjacent to several residential neighborhoods special considerations need to be taken to make construction and operations impact compatible with residential needs. There is a big difference between terminal expansion on Terminal Island and outlying locations compared expansion activities which should be allowed in the West Basin.

Having lived in the project vicinity prior to and throughout the duration of this project I have the following comments on this Draft EIR:

I am not in favor of this project or any of its proposed alternatives.

Container shipping in this area would be one of the worst uses of this parcel. Container shipping creates the most traffic, the most congestion, and the most impacts upon neighboring communities. Container terminals require sprawling masses of land, the majority of which is used for container/chassis storage which has little use value at a prime waterfront location. Container terminals require on-dock rail which is infeasible for the West Basin. Rail blocks truck gates, streets, and creates noise in the neighboring community which cannot be mitigated. Rail also requires significantly more land in order to assemble trains. This is a slow process, not essential to moving freight from the dock and would be better performed off site. Container terminals are ugly. There is no way to create an aesthetically pleasing parking lot of containers and chassis. Container terminals create an inordinate amount of truck traffic that congests our streets, highways and bridges which were not built for this purpose. Finally, the toxic emissions from the diesel powered vehicles and equipment required for this type of terminal – ships, trucks, trains, etc. should not be allowed anywhere near residential communities.

In short – container terminals need to be located in close proximity to the Alameda Corridor or on Terminal Island. These are the areas best designed to efficiently handle the throughput from this type of operation.

This industrial sprawl needs to be isolated and contained away from communities. The West Basin would be far better served if it were exclusively dedicated to commercial, environmental, marinas, and other recreational uses.

The closest alternative I can see to what I have in mind would be Alternative 7 – non-shipping use retail/office/industrial. Although I do not support this because, again, I do not believe that would be a good use of prime waterfront property.

My first choice for this parcel would be to relocate China Shipping to be adjacent to the Alameda Corridor or on Terminal Island, and REMOVE THE EXISTING LANDFILL AND RESTORE SOUTHWEST SLIP TO ITS PRE-2001 CONDITION.

Second choice would be to relocate China Shipping to be adjacent to the Alameda Corridor or on Terminal Island, remove the cranes and dirt pile, and convert this site to a cruise terminal. The shore-power system would remain for use by the cruise ships. The site could be shared with the Marine Institute currently proposed for the Main Channel.

Comments on the China Shipping EIR distribution process:

1. The Port would have been much better served to “vet” this EIR prior to release to obtain insight on the main project and alternatives that would be more likely to garner support. This would save everyone’s time and a lot of money.
2. This EIR was originally distributed by CD or on the Port’s website only. This was pointed out to be inadequate and was eventually addressed. All EIRs need to be available in hard copy as well since not everyone has a computer, and many of us who do cannot read a document of this length solely on a screen. While the concern for the environment is applauded, not many readers are able to wade through the 6,000 pages on a computer screen. It is also difficult to navigate when each chapter is in a separate file. The Port must make a limited number of hard copies available upon request.
3. The Port needs to consider the length of these EIRs. The primer on port operations, though well written and useful, is not necessary to include in an EIR. Releasing a document of this length, coupled with the reluctance to provide hard copies, can be seen as being calculated to intimidate and deter public comment.
4. The Port has several months and paid staff to develop, write and discuss EIR documents, the public only has 60 days to read and respond to the EIR on a volunteer basis and with no paid staff assistance. The Port should consider a 90 day standard public comment review period to facilitate learned responses to EIR documents.

The sections that follow are a review of the EIR document and a list of project recommendations.

EIR Document Review

Proposal Description:

1. The new wharfs are designed to fit “the largest ships in the transpacific fleet that would each carry up to 10,000 TEUs” (page 2-20, sec 2.4.2.1).

Containership designs, like cruise ship designs, are getting larger. Many ships already in service are now well over 10,000 TEUs. What will the Port’s response be when a shipping line wants to bring their newest, largest ship to their shiny new terminal in the inner harbor? How will it fit under the bridge? Where will it be able to dock? How will it be able to navigate the turning basin?

2. Phase II of this facility is for two ships, but “A total of three vessels could be berthed at the terminal at any one time . . .” (page 2-24, sec 2.4.2.7). How can this possibly handle three ships? What would the impact of that be on the turning basin?

It is strongly recommended to have the third ship anchor at sea or in the outer harbor until a dock is available.

Aesthetics and Visual Resources:

1. The EIR is deficient in identifying the aesthetic impacts of this project in that it only describes the visual impact of additional cranes at the terminal. However, the entire project is dependent upon the 45 acre fill in Southwest Slip constructed in 2001-2003 (concurrent with this project) as part of the Channel Deepening Project. The aesthetic impacts of that fill are excluded from this EIR. Since this China Shipping project includes developing this same fill site for terminal backlands establishing a “footprint”, and it commenced within the same timeframe (2002), I am including its associated environmental impacts in this comment document. To consider the Southwest Slip fill as a separate project would constitute “piece-mealing” or project linkage.

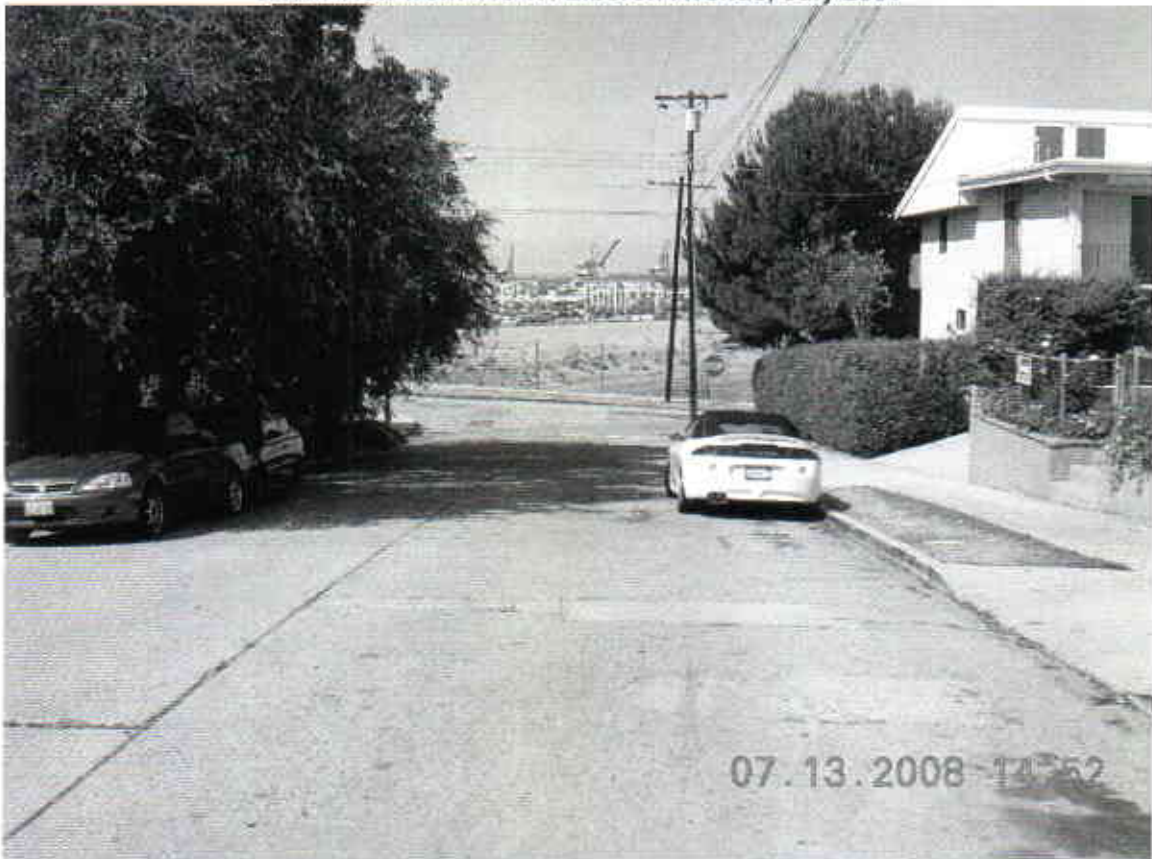
This aesthetic impact is also referenced under Cumulative Impacts.

The 45 acre fill was created with channel dredgings and fill dirt placed on top to compact and settle the earth. Residents of Knoll Hill and Black Hill formerly had a panoramic waterfront view of the full Southwest Slip and channel. Now it is of this dirt pile, later it will be an overlook of asphalt, cranes, ships, cargo equipment, and stacks of containers and chassis. The project fill was completed in 2003 with the intent of removal of the top portion of earth after two years. It has now been five years and there is still no movement to remove the ugly, weed growing dirt pile. It cannot be understated the aesthetic impact of filling a waterfront view with this horrendous source of visual blight within full view of surrounding residential communities. “Before” and “after” photos of views from the residential neighborhoods in the immediate vicinity are provided below.

North View from 415 W. Elberon Ave., early 2002



North View from 415 W. Elberon Avenue, July 2008



East View from Intersection of Summerland, MacArthur and Elberon Avenues, early 2002



East View from Intersection of Summerland, MacArthur and Elberon Avenues, July 2008



Panoramic View from Intersection of Summerland, MacArthur and Elberon Avenues, early 2002



East View from Shields Drive, July 2008



2. It should be noted that the July, 2008 photos included here were taken on a Sunday when no ships were at call. Normally there are containers staked 5-high on the asphalt portion above, within direct view of the residences on Black Hill (MacArthur Ave./Shields Drive). They are visible in other photos in this letter. This container storage is also not depicted in the baseline photos from the Shields Drive/ MacArthur locations in the EIR (photo 4/figure 3.1-3b, and photo 16/figure 3,1-3i). This wall of (China Shipping) containers, and the projected

aesthetic impact of the additional 45 acre parking lot of containers to be developed under Phase II and III of this project, needs to be included in the EIR.

3. The entire section of Harbor Boulevard, Front Street, Pacific Avenue and John S. Gibson St. around the project perimeter should be treated as though it is a scenic highway whether or not it is so designated. That would entail abiding by the Scenic Highway Guidelines identified in Table 3.1-1 (page 3.1-69).

Outdoor advertising limitations should apply to both sides of Pacific Avenue, John S. Gibson Boulevard and Front Street along the perimeter of the project area and all billboards should be removed.

All public utilities should be placed underground along this corridor.

4. Furthermore, the hilltop roads of W. Summerland Ave. (400 block), W. MacArthur Ave. (500 block), Shields Drive (500-600 block), and all roads on Knoll Hill should also be designated scenic highways and vistas as they provide close and unobstructed views of the Port and project site. Any development plans for the bluff sides of these streets should not be permitted due to blocking the view and hillside instability.

Public utilities would need to be placed underground at these sites.

Erosion control plantings need to be established as there are numerous sites along Black Hill and Knoll Hill where slide activity has recently occurred. See further discussion under Geology.

5. See additional discussion and photos of truck lines under Air Quality and Meteorology. These truck lines have occurred on the terminal since the project began and are clearly visible from adjoining residential neighborhoods.
6. For reasons described above, this project has a much more significant negative aesthetic effect than simply the presence of cranes and should be added to the AES-1 category (page 3.1-88) and AES-5 category (page 3.1-98). The "temporary" placement of a 45 acre dirt pile and extensive expansion of container storage facilities within direct sight of residences and the public require remediation.
7. Knoll Hill is the last remaining original hill of San Pedro and historic landmark that itself deserves attention as an attraction, not just as a viewing point. To surround it with stacks of containers, chassis, ships, trucks, rail and cranes creates negative aesthetic impacts of the view of the hill and should be added to the AES-2 category (page 3.1-69) and AES-5 category (page 3.1-98).
8. MM AES-4 (page 3.1-91) discusses Plaza Park as an aesthetic mitigation measure. Plaza Park is nowhere near the project area and not within the viewshed of this project. Aesthetic mitigation is sorely needed in and around the project site itself and should receive priority opportunity.

Air Quality and Meteorology:

1. The Regional Climate and Meteorology describes the specific climate conditions of the project area (page 3.2-2). What is not mentioned here is the influence of the Southwest Slip on the climate. As discussed under Aesthetics and Visual Resources, the Southwest Slip was filled under the auspices of a prior project, the Channel Deepening Project in 2003. Since this China Shipping project is dependent upon the Channel Deepening landfill project, is in the same location, and is being performed concurrently, I am including its associated environmental impacts in this comment document.

The hills surrounding the project area keep fresh air from circulating, trap the heat and lower humidity levels forming a “microclimate” atmosphere and wind pattern. The basin used to have a water channel that kept the air cool and fresh. Not only does this contributed to warming the area, but the addition of 150 acres of blacktop container storage lots would highly accelerate this situation.

2. AB 2650 limits truck waiting times to no more than 30 minutes (page 3.2-16). As you can see from the photo below, that is not the practice. This photo of the China Shipping backlands was taken in March, 2008 from the Black Hill (Shields Drive) residential area. Trucks routinely sit idling in long lines waiting to get out of the truck gate at the China Shipping terminal. They also wait in long lines on public property to get in. An appointment system must be instituted to prevent the excess emissions, congestion, noise and aesthetic impacts caused by these truck cues.

Truck Cue at China Shipping Terminal. Black Hill/Shields Drive, March, 2008.



Photo: Tom Politeo. Southern Sierran. Sierra Club Angeles Chapter, Vol 64 No. 4, April 2008.

3. The fugitive dust associated with the uncovered 45 acre dirtpile and adjoining construction sites is not being adequately controlled by simply watering. A mass of earth of this size, with temperatures of the area, would just evaporate normal watering systems. The photos below were taken October 5, 2007 from Knoll Hill and show the fugitive dust being blown off the project area, into the channel, and across the China Shipping terminal towards adjacent passenger terminals and the Vincent Thomas Bridge. At other times fugitive dust was witnessed blowing in the opposite direction carrying dust as far as across the Harbor Freeway. It should be noted that there is an uncovered drainage canal along the north edge of the 45 acre dirtpile which is the watershed for the Palos Verdes, Torrance and Lomita area.

Fugitive Dust – October 5, 2007



Fugitive Dust – October 5, 2007



Fugitive Dust – October 5, 2007



Fugitive Dust Headed toward West Basin – October 5, 2007



Fugitive Dust at West Basin – October 5, 2007



Fugitive Dust from Fill Site Headed toward Passenger Terminals and Vincent Thomas Bridge --
October 5, 2007



Clearly the Mitigation Measure AQ-6 Additional Fugitive Dust Controls (page 3.2-53) is not meeting the standards being set for this project.

These Air Quality and Meteorology impacts are also referenced under Cumulative Impacts.

Biological Resources:

1. Impact BIO-4a discusses dredge and fill operations and disruption of local biological communities. Impact BIO-5 discusses permanent loss of marine habitat due to fill in West Basin. The mitigation for both, BIO-1 (page 3.3-30), will provide credits to mitigation banks for this effort with Bolsa Chica as a potential recipient of these credits.

It is strongly recommended that a) environmental credits not be considered as a mitigation option, and b) environmental credits for POLA projects never be used towards mitigation projects outside the harbor area. The immediate area must be considered first as this will have the highest negative impact of Port projects.

2. Impact BIO-4 and Impact BIO-5 only account for 2.54 acres of landfill for this project. As stated earlier, there is an additional 45 acres of landfill associated with this project that needs remediation.

Geology:

1. Impact GEO-5a (page 3.5-25) discusses landslides and mudslides, and reports that since the project area is flat that will not be an issue. In fact, mudslides occur directly across the street from the project area along Black Hill (MacArthur Ave./Shields Drive). These are mainly due to water erosion but they could be exacerbated by vibrations from construction activity or project operations. One such mudslide recently occurred at 957 N. Pacific Avenue causing Paul's Bait and Tackle to close and move to the 900 block of S. Pacific Avenue.

Unlike Knoll Hill, Black Hill was made from channel dredgings and is highly unstable.

Transportation/Circulation:

1. See discussion under Air Quality and Meteorology regarding AB 2650 compliance and truck cues at the China Shipping terminal.
2. Section 3.6.13.1.5 discusses anticipated transportation improvements (page 3.6-17), the majority of which pertain to the Harbor Freeway. This freeway was not designed or built with the intention of carrying this level and type of traffic. The city of San Pedro is at the end of this freeway and it is our primary access in and out of the peninsula. It would also impede public access to other port facilities such as Ports 'O Call and the cruise terminals. The impact of this project would cause it to have gridlock similar to the I-710 freeway in Long Beach. It is recommended instead to direct truck traffic by other means to the Alameda Corridor.

3. Black Hill and Barton Hill residents are complaining of vibrations from truck traffic on the Harbor Freeway and SR-47 as causing damage to their homes. Cracks are appearing on patios and walls, residents are being shaken at night in their beds.
4. Impact TRANS-5 identified only the grade crossings at Avalon Boulevard and Henry Ford Avenue as being impacted by this project (page 3.6-46). In fact there are several additional grade crossings which cause vehicle delays and need to be included in the project analysis: Harry Bridges and "C" Street, John Gibson and Channel, and Front Street near the Vincent Thomas Bridge.

Groundwater and Soils:

1. Soil and Groundwater Investigations identifies nine pressurized oil pipelines buried in a pipeline corridor along Pacific Avenue and Front Street and continuing to the former Chevron Terminal (page 3.7-4). These pipelines must be removed.
2. Table 3.7-1 identifies an Abandoned Underground Diesel Tank at Berth 105 that cannot be located (page 3.7-5). This tank must be located and removed.
3. The section on the Southwest Slip Fill describes the new 45 acre landfill as being comprised of clean sediment so there are "no contamination problems associated with this new landfill" (page 3.7-6). This is highly improbable since the fill was done with channel dredgings and one of the stated purposes of this project was to relocate toxic dredged materials to a fill site (page 3.14-23).
4. As discussed under Aesthetics and Visual Resources, the Southwest Slip was filled under the auspices of a prior project, the Channel Deepening Project in 2003. Since this China Shipping project is dependent upon the Channel Deepening landfill project, is in the same location, and is being performed concurrently, I am including its associated environmental impacts in this comment document. Impacts and Mitigation for the Construction Impacts (page 3.7-11) should also include assessment of this 45 acre site. Likewise, they should be listed under Significant Unavoidable Impacts (page 3.7-90).

Land Use:

1. Other Land Uses in the Project Area (page 3.9-3) describes an area as "West Knoll" or MacArthur Avenue Knoll. This is actually Black Hill, which spans from Pacific Avenue to Gaffey Street. The hill was bisected by construction of the Harbor Freeway in the early 1960's but the community still considers itself one neighborhood. Black Hill has no connection whatsoever with Knoll Hill.
2. The Redevelopment Area section discusses "blight" and adverse economic conditions (page 3.9-4). It cannot be understated the how Port development and operations contributes to the blight of this community. What was once waterfront property now has a view of an ugly "temporary" dirtpile which has been there for five years already. The climate has changed,

fugitive dust is in the air, particulate matter blankets everything, the noise has increased, lost tractor-trailers enter the neighborhood, and now this is on a 24 hour basis. This affects property values, health issues, and quality of life issues in the community. The neighboring vicinity from Knoll Hill to Bandini Street, and the SR-47/Summerland to Miraflores/Shields Drive also have no community serving facilities as described in this paragraph. There are no cafés, grocery stores, churches, mailboxes, etc. There is no public transportation service on Black Hill. All of these services existed on Black Hill prior to construction of the Harbor Freeway/SR-47. The streets are paved with cracked and buckled concrete stamped “Griffith Company 1926”.



South View - 400 Block of Elberon Avenue, Black Hill

3. Figure 3.9-2 Zoning Designations depicts the Black Hill/West Knoll area as “low density residential” or R-1. In fact there are over 10 multi-unit apartment/condominium/cottage complexes on the Hill east of the Harbor Freeway. There are over 275 families on Black Hill, with many residences converted to multi-story units with much higher occupancy capacity.
4. Impact LU-4 (page 3.9-24) asserts that the project would disrupt, divide, or isolate neighborhoods, communities or land uses. This is false. This project and the related increases in traffic on the Harbor Freeway and SR-47 do just that to the Black Hill and nearby neighborhoods. The noise, lights, aesthetics, air quality, and traffic will push residences further and further away from the project area and these traffic corridors, and further the divide in our neighborhoods.
5. Impact LU-5 (page 3.9-25) is also incorrect for this issues cited above. The aesthetic and environmental impacts of this project have an extremely detrimental effect on the

neighboring residential community causing increased dumping, decrease in property values and an assortment of other blight related issues.

6. Mitigation monitoring is reportedly not needed and no significant unavoidable impacts asserted in this EIR (page 3.9-61). This also is incorrect for the reasons stated in this section and need to be addressed.
7. As stated in the opening paragraphs of this document, container shipping in this area would be one of the worst uses of this parcel. Container terminals need to be located in close proximity to the Alameda Corridor or on Terminal Island. These are the areas best designed to efficiently handle the throughput from this type of operation.

Marine Transportation:

1. Vessel operations does not discuss the height of the Vincent Thomas Bridge. Considering there was a recent collision with a ship passing at high tide this need to be addressed.
2. As discussed in the Proposal Description section of this document what will happen when a shipping line wants to bring their newest, largest ship to their newest terminal in the inner harbor? What is the plan for the Vincent Thomas Bridge? When will it be removed?

Noise:

The baseline noise studies conducted in this EIR were done in 2001 and provided the basis for projection. Since that time PierPass was implemented starting 24 hour gate operations and could not have been anticipated or considered in the model.

Noise relating to the recent realignment of the Pacific Harbor line track and installation of the Yang Ming rail spur which both run across the project area is not included in the noise study or considered a factor in this project study. Consequently, the only rail noise reported in this EIR pertains to the grade crossing at Henry Ford Avenue in Wilmington. This is incorrect.

In addition, container operations were being conducted on the project site at the time in support of the Yang Ming terminal overflow. Noise estimates from this operation were also eliminated from the project estimates.

These were not included in the baseline studies or projections, yet the calculations of current and future project throughput is dependent upon these operations being conducted on this project site.

To conduct noise studies in the neighboring community and filter out the noise associated with the 24 hour rail/truck/cargo handling equipment operations in the immediate vicinity is misleading. More recent PCAC noise studies conducted in 2005 at the same locations show these impacts.