

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

July 14, 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: COMMENTS FOR CHINA SHIPPING DRAFT EIR/EIS, BERTHS 97-109

Dear Mr. MacNeil and Dr. Appy:

We wish to enter into the record the following comments and questions regarding the EIR/EIS for China Shipping Phase II, Berths 97-109.

We believe that it is important to question at the very beginning of our comments the legality of this EIR/EIS document as it relates to the ability of Community Citizens to access and comprehend it. This highly technical, voluminous and cumbersome document simply does not comply with the intent of CEQA. In fact, it represents the polar opposite of its intent by its incredibly technical terminology and illustrations/maps (both present and MISSING). The difficulty is not limited to the terminology but extends into the ability to navigate through the document because of its physical size (3 volumes representing over 7,000 pages). Restrictions have been placed on hard copies due to the amount of paper required for production, but computer access is not truly providing the accessibility that is mandatory for "all". Our organization was able to attain a hard copy of the document only after repeated requests leaving us even far less than the minimum 30 days review time (inadequate time for a document of this size) as required by law. When this document is reintroduced in the future, conditions of public review time must be further analyzed so as not to breach the intent of CEQA. It must be scrutinized for simplicity of understanding and a proper amount of review time that will ensure the public's comprehension of the document.

We have spent many, many hours and accumulated an inordinate number of questions and comments regarding the multitude of failings in this latest revision of the Draft EIR/EIS for China Shipping. The length of our commentary has been reduced since the publication of the newest report (July 9, 2008) of the National Oceanic and Atmospheric Administration, an official agency of the United States of America.

The findings of this most current research (see attached) on the Maritime Shipping Industry, confirms the long standing belief of our local communities that the air pollution problems and all related port business impacts are far more reaching and significant than recognized by the City and the Port in this and all previous Port EIR's! Therefore, most data and information critical in the analysis of this Terminal's expansion impacts are incorrect and this document, based on it's incorrect information, has been rendered "meaningless". The physical conditions have "changed".

The political promises of "No additional pollution or increase in health risk" has the 1st priority over any future port expansion. Under the current circumstances it is imperative that the port must now first reevaluate, resolve, and re-circulate this EIR to reflect the "real and existing" physical conditions now revealed in the July, 2008 NOAA report. It is incumbent upon the US Army Corps of Engineers to demand a new EIR of the China Shipping Project.

SYNOPSIS OF COMMENTS RELATED TO NOW OBSOLITE EIR:

A1. Executive Summary:

This EIR Summary describes several different projects.(see page ES9 & 10 pictures) They differ from the project outlined on the front of this document! This inconsistency is prevalent throughout both the Executive Summary and the EIR/EIS document itself. An example in the larger document can be seen in Vol. 3 exhibit B2. These are just a couple of the actual examples that we found to be inconsistent in reference pictures, maps and exhibits. Confusion illustrated in this EIR appears to be a tactical maneuver of the port that allows the port to move forward in the future under the guise of having already addressed potential new expansion changes since it has been referenced in a plan or map already within this EIR.

A2. Statical Information in EIR

1. 5,000 truck trips per day does not coincide with other stats. The calculations appear to be wrong.
2. Buildings needed for operation do not comply with maps or phase descriptions.
3. If the intermodal yard is not present then no expansion should be given. Is this expansion part of this EIR? It is not noticed or mapped with details at Berth 121.
4. Is Knoll Hill property included in the definition of "backland".
5. "Local trucks" are being described as Nevada, Arizona, & Utah. These exemptions are not tolerable. Transport or hauling containers Statewide should be on decentralized railyards. All trucks servicing the ports should be complying to California air quality laws and standards.
6. Earthquake analysis is not adequate.
7. Cumulative effects overall, by definition, do not comply with legal requirements.
8. What is this EIR's definition of TEU? Containers?
9. 5 Million TEU's will be overstepped to a greater number. This does not represent the maximum figure. Also, truck numbers and other ships outside of China Shipping's own inventory does not comply or are not fully estimated. This fact has historical commonality in the way that terminals have taken on additional cargo.

10. Phases and descriptions are non-compliant
11. Where is the new designated location for Catalina Express? It is included in discussion without identifying exact location.
12. Does the removal of many tons of Catalina rock for the development of this terminal not require an EIR?

A3. Alternatives

The alternatives used in this EIR/EIS do not respond to the legal requirements of CEQA. They do not fulfill the legal description. An alternative is not meant to be a “variation of the same project”, and/or a project that does not meet the same goal and intended objective of the expansion activity.

Ie: A Floating Wharf. A floating wharf designs exists that would provide more security to the port in the event of a disaster and cause basically no environmental impacts. Other more respectful and environmentally friendly alternatives are available but not considered by either the port or the US Army Corps of Engineers.

Other ports in the world have a varied number of alternatives and solutions in place while the city of LA and it's Port does not even recognize those alternatives that could increase cargo throughput while preserving and enhancing the local communities. The San Pedro & Peninsula Homeowners Coalition is pressed to push for the most optimum opportunity for our surrounding communities.

A4. Responsibility & Qualifications of Lead Agency

As witnessed from previous EIR's and the current one receiving comments today, we see little or no improvement in meeting the demands of CEQA law. Those laws were created to ensure the safety and quality of life for residents and have been ignored repeatedly by our Mayor and City Councilmembers. Based on the referenced deficiencies and the overwhelming volume of paper generated for this project, it becomes obvious that the EIR process is a sham. The agencies are clearly not in command of executing the laws in an appropriate way.

Critical Points and Questions

1.HEALTH RISKS/IMPACTS

- a. Where is a health study that has been performed that supports further expansion in the Port of LA accompanied by an approved methodology that shows how the medical risks are being significantly reduced?
- b. Where in the document is the justification for increased health risk/additional deaths weighed against profitability and/or commercial value to the shipper? What is the estimated dollar amount of profit that validates increased death and disease to local populations exposed due to business operation?
- c. What is the obligation of the Shipper to those affected by all negative impacts of their business operation?

2. MITIGATION OF HEALTH RISKS & AIR QUALITY (some recommendations)

- A) Port tenants should be held responsible in employing the newest technology available in vessels, yard equipment, trucks and rail in order to reduce emissions. There should be NO delays allowed in the leasing contracts that would permit escaping newer less polluting methods and technology.
- B) Air filtration systems should be installed at all local schools.
- C) There should be a warning system and complete halt of operations for workers when pollution levels reach “unsafe” conditions. Monitoring equipment must be located on the terminals to evaluate conditions hourly. This warning also needs to be extended to those within the neighboring communities and communicated to those on highways in route to the area. The promenade and Lane Victory are recreational sites that will be impacted significantly.
- H) Health Clinics made available free of charge to those residing in the “diesel death zone” to diagnosis and treat port-related illnesses.

3. SEISMIC /SOILS IMPACTS

- a. Where is the geological study that has been performed by USGS that supports further taxpayer investment of millions of public dollars for terminal expansion on an active earthquake fault, over liquefaction, in the middle of a State budget crisis and on the potential precipice of economic collapse?
- b. Are there Seismic calculations performed that prove the Vincent Thomas Bridge strong enough to withstand the force of a tsunami, the impact of a ship docked at China Shipping against it, or an earthquake of 6.5 or greater magnitude? If so, where are these findings?
- c. What are the economical impacts in case of 6-7.0 earthquake? Were results of such an impact studied? How much damage would be anticipated and who is responsible in case of such an event? Is the Port prepared? If so, please illustrate how they are prepared? What about preparedness in the case of operational interruption?
- d. What are the economical impacts in case of 6-7.0 earthquake? Were results of such an impact studied? How much damage would be anticipated and who is responsible in case of such an event? Is the Port prepared? If so, please illustrate how they are prepared? What about preparedness in the case of operational interruption? Is there a plan for terminal and local community in the event of a disaster?
- e. Where is the Port’s consideration of vibration caused from terminal activity that affects the surrounding geographic soils condition of areas near the port terminal? Community neighbors are already experiencing structural problems directly related to vibration.

MITIGATION (some recommendations)

A seismic evaluation should be ordered to inform all residents and businesses of the amount of devastation that could be generated from earthquake and tsunami events on a sliding scale. Public disclosure of increased risks from the port (via health, chemical exposure, terrorism, seismic vulnerability, etc) should be made upon sale of all local real estate. Public evacuation plans should be created and efforts made to educate locals of escape routes and sites for available disaster emergency medical care. All unstable land and hillside retaining walls surrounding the ports that have become structurally compromised from port vibration should be stabilized.

4. LIGHT, AESTHETICS AND NOISE

a. Addition of 6 more 350 ft. cranes will continue to damage views to the public from several vantage points within and out of the community, both **ON** and **OFF** Port lands. They will (as declared) further obliterate views of the Vincent Thomas Bridge from several locations. This is, indeed, a **significant impact** and given **no mitigation** consideration, whatsoever. Why? Although, there may be little the port can do to in the way of substitution of equipment for container movement, there is much they can do to enhance “views” of other harbor sites as an offset. This is their legal obligation to the communities affected.

b. Why is the mountain of dredging material at this terminal (as a result of CS expansion) NOT considered in this EIR as it relates to Aesthetic impacts? Not only is this pile of dirt, which has been stored there for several years now, unsightly...but, it has been blowing dust from contaminated soil throughout the neighborhoods. How and why could consideration of this menace not be given when it is directly related to this project? If this is referred to in “another” EIR/EIS...is that not considered **segmentation** of use, and **illegal**?? It has been said that this dirt pile is referred to in the Deepwater Dredging EIR/EIS about to be released. If that is true, it is reason for concern!

c. Why would the increase in terminal use not trigger consideration to additional “Noise” that will be generated??

d. What are methods used to reduce noise? Where are sound walls?

e. Additional lighting at this terminal will affect increased overall lighting of the port’s area. Even with the newest lighting technology the accumulation of more light will increase overall lumens. Increased night lights have been associated with an increase of breast cancers and other types due to a reduction in the human body’s production of melatonin. Concerns related to this health effect must be addressed in the Port’s documentation and should be researched.

5. GLOBAL CONSIDERATIONS

- A. Where does the EIR/EIS address Global Climate Change? Maritime business effects are global. The site cannot be separated from worldwide operations. Where is a study that identifies global impacts and mitigations?
- B. Does not the intention of this EIR/EIS directly neglect the US Presidential Ocean Policy?
- C. How does the growth of ports affect the Global Lifecycle?
- D. Where is there a comparison made to illustrate the difference in pollution of US production of goods vs imported goods?
- E. Where is there a similar study or comparison to the economics of US manufactured goods vs imported goods.
- F. How is the American employment situation evaluated against the benefit of Foreign employment and profit by Non-US Citizens.
- G. What part does this expansion of China Shipping play in the air pollution catastrophe in China affecting millions of their people?
- H. How is the potential effect of disaster at the ports through terrorism, or seismic catastrophe being insulated from an International Collapse of the Cargo Transportation system?
- I. What are the expected results of a “dirty bomb” scenario at the Ports? What has been the investment into the local community’s security?

- J. What is the statement of Homeland Security regarding a dirty bomb event at this site?
- K. The attack of 911 had National and International impacts and consequences. A dirty bomb in the ports would have a far greater impact on human lives killing tens of thousands. The long time consequences would be more far reaching and unimaginable. Those doing the evaluation of this EIR are not qualified to analyze such an event. Why was it not submitted to the proper authorities for intense evaluation.
- L. What is the Mayor of LA's response to this immense gamble?
- M. By promoting the growth of the port at this point in time, Mayor Villaraigrosa and Port of Los Angeles is recklessly promoting a policy of "Commerce without Conscience." This EIR/EIS contradicts the existing policy of the United States to promote a healthier and cleaner environment not only for the USA but for the entire planet. Port growth is in direct opposition to the President's Ocean Policy, The Environment Protection Agency's latest efforts to minimize pollution, and the National Oceanic and Atmospheric Administration's latest attempt to identify and curb pollution.

In closing, these remarks are in no way expected to represent the full scope of our concerns. We are vehemently opposed to any expansion that harms (or has the potential to harm) our community residents. The Port and Army Corps continue to propose projects that are not fully identified, not properly mitigated, inadequately studied, and carelessly implemented. It is incumbent upon our government to protect its people and to plan in the public's best interest. Unfortunately, there is an enormous void in this responsibility as witnessed by recent disasters throughout our Country. Unless this irresponsible attitude and disregard for safety issues ceases, we fully expect to see the Port listed as the next casualty and catastrophe. Sadly, we will be an intimate part of it .

We urge you to carefully consider our comments.

Sincerely,

Andrew Mardesich
President
Cc's attached