

**From:** <Arriane5@aol.com>  
**To:** <ceqacomments@portla.org>  
**Date:** Tue, Aug 12, 2008 10:23 PM  
**Subject:** Pacific L.A. Marine SEIS/SEIR Comments (POLA Website Referral)

San Pedro & Peninsula Homeowners Coalition Comments

\*\*\*\*\*Looking for a car that's sporty, fun and fits in your budget?  
Read reviews on AOL Autos.  
(<http://autos.aol.com/cars-BMW-128-2008/expert-review?ncid=aolaut00050000000017>)

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

August 12, 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: EIR/EIS COMMENTS FOR PACIFIC OIL MARINE TERMINAL**

Dear Mr. MacNeil and Dr. Appy:

We are again submitting numerous comments and questions regarding this (yet another) expansion project in the Port of Los Angeles.

For the record, at the start we would simply like to reiterate our positions that;

- a) The Port is clearly out of compliance with it's own Master Plan since the directive to relocate all hazardous facilities "away" from the communities to Energy Island (Pier 400) has not been obeyed since 1979. Because of the Port's lack of performance and observance of this duty to its vested document of authority, its authority to issue Coastal Development Permits has lapsed. The 1992 Deep Draft EIR/EIS specifies in great detail that one of the main purposes of Pier 400 was to provide a remote location to which the inappropriately located hazardous liquid bulk facilities could be located away from the community. The Port attempts to get around this by stating that the Risk Management Plan in Amendment 3 supersedes the later Pier 400 authorization in Amendment 12. This defies logic. Why was amendment 12 ever added?? The remaining petroleum facilities are no longer hazardous? This is a ridiculous conclusion. Moreover, now since Energy Island/Pier 400 is a container terminal, there is nowhere to now relocate existing hazardous terminals as promised. Save, of course, this one small area now expected to be the home to a "new" additional crude oil terminal. This is an outrage to the public. On this point, it is also very interesting to note that the Army Corps of Engineers in it's response to the lawsuit of Stanley Mosler in 2005 (a mere 3 years ago) minimizes the need for any new petroleum terminals in the port at all. Has there not been a consistent need?!

- b) Since the findings of the National Oceanic and Atmospheric Administration of July 9, 2008 that air emissions represent twice what has been reported, we understand that the data used to establish emissions produced by increasing traffic of mega oil vessels, tugs, and associated industry uses for this terminal have been seriously underestimated. It is urged that a reassessment is performed that will more accurately reflect the impacts from this project based on new information provided through this study.
- c) Again, we reiterate the need for more EIR accessibility to meet the intent of CEQA to inform the public of the significance of a development. The voluminous document provided has not been appropriately offered to the public. Limited hard copies have been available and computer access is not amenable to many members of the public. The language is so technical and cumbersome that a layperson is at an extreme disadvantage in understanding it at all. The existing review process denies citizens any real education about the development/developments and what it/they will mean in real physical and visual effects upon their daily lives.

#### Further Comments and Questions of Concern

1. The most obvious and flagrant issue with this terminal is the fact that valuable space and millions of public dollars will be invested in dependent Crude Oil, a fossil fuel commodity that the United States has expressed it's greatest interest in weaning itself from. The US Energy Policy, already in action for 5 years, does not have crude oil as a main resource in its agenda. Furthermore, there is a current crash of the auto industry with consumer refusal to buy any more gas guzzling vehicles. In the last ½ year the use of gas in cars has decreased by 1/3 in comparison to the previous year with the trend expected to continue as oil reserves diminish. The US drive toward alternative and sustainable energy will be totally undermined by this project. The intention of our Federal Policy is to replace crude oil by use of ethanol and LNG in the short term, with the long-term emphasis on hydrogen and electricity. The State of California and its Governor Schwarznegger have introduced a law which upon implementation (by 2010) promotes hydrogen, not fossil fuel, driven economy. Where and how does this project fulfill the Federal Government and State's fervent efforts to meet energy independency goals? This EIR does not mirror the existing true condition, i.e. The main argument for this development is that the terminal will handle crude oil from foreign countries, yet the main resource for the West Coast of the US is Alaska. Again, we see the promotion of foreign commodity in the face of attempts to move the opposite direction. How does this make sense?
2. Where in this review is an analysis of what happens to this terminal when oil reserves have been depleted? Where is the specific statement needed to ease public concerns that this Terminal will (either at that time or before) be altered to accommodate a very volatile LNG Terminal?? There should be a distinct and firm commitment made to the public that guarantees prohibition of this terminal being used as an LNG receiving terminal. If that potential is ever entertained, the new proposed facility operation must go through an entirely new EIR process.

3. The need for this project relates back to the 2020 Plan, which was conducted between 1981-1985. That plan was based on the projection of a never-ending oil resource. That is a fact now proven false. To highlight the economical problems of promoting extended use of crude oil fossil fuel, it must be mentioned that the refining capacity does not show any potential of increasing. Refiners are currently running at a production capacity of 90-95%. Increasing supply to them is merely replacing an existing supplier without increasing the ability to refine the oil or fulfill the market demand. Is there a new refinery project that is associated with this development that would guarantee an actual ability to increase refining? Please submit it. At best, it has been published that drilling off the US Coast would provide an energy supply extension of approximately 3 years. This time period is too short to realize an investment on return. Where is the analysis of benefit vs. losses associated with the many million-dollar investment into a new terminal that accommodates an antiquated system of energy twenty years behind the trend? Where is the comprehensive analysis that goes with comparing crude oil importing long-term benefits against the environmental damage and health risk costs to developing this project? There is an estimation of 201 tankers visiting this terminal. Where are they from?
4. The Seismic risk of this facility appears to be glossed over in analysis. Located on landfill, which sits directly in front of the opening of the breakwater wall, the tanks of this facility would be the first point of impact of a tsunami wave that by your own study admits to at least being 21-23 feet in height. Your tsunami study minimizes the USC Study, which illustrates clearly the potential of waves (in a Port of LA scenario) equaling the New Guinea Tsunami (with similar characteristics) of 50 ft. Where is the analysis/study that determines the durability of these tanks to withstand such a force? What is the resistance of oil tankers to this type of force? With such a facility located on landfill, which is all liquefaction area, what is the estimated damage of the predicted 7.0 earthquake to the region? What is the impact of leakage on this landfill and waters? Was there ever consideration of oil storage in soft tanks that could withstand the potential of rupture from seismic activity? What is the estimated effect to pipelines? What is the emergency back up for pumping oil? This should be an electric system with filters used similar to those in the mining industry.
5. Aesthetic impacts are not given any real emphasis. Homeowner views will be clearly impacted by this project. An area NEVER used for shipping is now going to be regularly visited by *mega*-sized oil tankers that block views of the coastline for hundreds, if not thousands of homes. Where is there a real and honest estimation of effects on those views and an appropriate mitigation for the loss of visuals to homeowners and the public who have enjoyed the coastline views?
6. The City of LA Charter States: “(1) *Reserved Space*. Not less than ten thousand feet of the water frontage of Los Angeles Harbor, linear measurement, measured along the United States harbor lines, together with the necessary coterminous and adjacent tidelands and submerged lands as may be determined by the board and approved by the Council by ordinance, owned or controlled by the City, are hereby forever reserved for public use to be improved, controlled, maintained and operated by the City.”

Public recreation has been repeatedly interrupted by the Port to accommodate Port Industry expansion. Pier 400 alone, and its placement of 580 acres of landfill in the middle of blue water completely obliterated the windsurfing location that was famous for years. It also destroyed the lanes used by recreational sail boating. The placement of that land mass has retarded water circulation that has had a horrible effect on Mother's beach at Cabrillo assisting in its annual water grade of "F". The placement of an oil terminal further encroaches on the right of public recreation as it continues to intrude by the size of its enormous vessels and the major increase in potential of oil spill in an area already inundated with an abundance of pollution issues. Where is the admission of this impact and the mitigation offset that offers the public recreational opportunity and relief from loss? How can the Port continue to legally promote such uses that confiscate the rights of the public to their promised recreational opportunities?

7. This EIR does not consider one alternative energy project that could support the policy of self-sustaining Energy Independence. Consideration of a Wind Power Plant or Wave Power Plant is never mentioned. Wouldn't a facility of that nature better meet the demands of the State and Country in it's commitment to future generations?? Offshore mooring is entirely feasible, economically, physically, environmentally, and aesthetically. The analysis of this potential is not adequate and dismisses the opportunity without a real and comprehensive analysis. Since the future of Crude is estimated now to be temporary, would this not accommodate the tentative nature of its business more appropriately? Use of this Terminal space and financial investment of the terminal should be awarded to a facility with more permanence.
8. The treat of terrorism is increased dramatically by the introduction of this facility. Increasing exposure to vessels from the Middle East create an even more threatening scenario for our communities. This terrorism potential is not adequately or comprehensively addressed in the EIR/EIS. How can you ensure our residents that there is adequate protection to residents exposed to this increased risk? Where is the mitigation that considers further risk to the community and attempts to offset that risk?

As these comments come to a close, we wish to acknowledge that our focus on this document has been aimed at those issues other than air quality since we realize that groups such as the NRDC, AQMD and Coalition for Clean Air have spent their valuable resources in analyzing that issue. We bow to their expertise and support their comments in their earnest quest to safeguard the public from further poisoning of our air. Since we have no other protectors on the other various negative impacts looming from port expansion, we realize that we must fend for ourselves on the many referenced items in this letter. We urge you to respond to all the questions posed and to carefully re-think this entire terminal in the best interest of the public, the State, and our Country.

Sincerely,

Andrew Mardesich  
President