



CENTER for BIOLOGICAL DIVERSITY

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VIA OVERNIGHT MAIL w/ATTACHMENTS

Dr. Ralph Appy, Director Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731



Dr. Spencer D. MacNeil, Commander
U.S. Army Corps of Engineers, Los Angeles District
P.O. Box 532711
Los Angeles, California 90053-2325

**Re: Comments on DEIR/S for Berths 136-149 Container Terminal Expansion Project,
State Clearinghouse No. 2003061153**

September 24, 2007

Dear Dr. Appy:

These comments are submitted on behalf of the Center for Biological Diversity ("Center") on the Draft Environmental Impact Report/Environmental Impact Statement ("DEIR/S") for the Berths 136-149 Container Terminal Expansion Project ("Project"), State Clearinghouse No. 2003061153. The Project includes a series of proposed improvements to Berths 136-147 that would significantly expand the container terminal operations of the Port of Los Angeles. By expanding Port shipping capacity, the proposed expansion would generate significant amounts of greenhouse gases, primarily through increases in ship, truck, and rail traffic. According to the DEIR/S, even with proposed mitigation, the Project would add close to 400,000 annual metric tons of carbon dioxide equivalent greenhouse gases per year into the atmosphere. Such a sizable injection of greenhouse gases into the environment would severely frustrate California's mandate to reign in and reduce existing greenhouse levels. Additional alternatives should be considered and feasible mitigation adopted to reduce the Project's significant contribution to global warming.

The Center is a non-profit conservation organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center's Climate, Air, and Energy Program works to reduce U.S. greenhouse gas emissions to protect biological diversity, our environment, and public health. We work to educate the public about the impacts of climate change on our world and the animals and plants that live in it and to build the political will to enact solutions. The Center has over 35,000 members throughout California, including Los Angeles. Center members will be directly impacted by the Project.

The Project as proposed will have numerous substantial impacts on the

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environment due to its nature, size, and location. This letter primarily focuses on the Center's concern that the DEIR/S significantly understates the greenhouse gas emissions generated by the Project by limiting the consideration of transportation-related emissions generated by the Project to those produced within the boundaries of California and by failing to mitigate the Project's global warming impacts to the extent feasible as required under the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code § 21000 *et seq.*, 14 Cal. Code Regs. § 15000 *et seq.* ("Guidelines"). In addition, the NEPA analysis conducted by the United States Army Corps of Engineers ("USACE") establishes an improperly high emissions baseline and fails to identify the Project's greenhouse gas contribution as significant under NEPA.

A revised DEIR/S must be prepared to remedy the DEIR/S' deficiencies. Only by circulating a corrected document can the public, decision makers and affected agencies be adequately informed of the environmental repercussions of the Project.

I. THE DEIR/S FAILS TO ADEQUATELY SET FORTH THE THREAT OF GREENHOUSE GAS EMISSIONS

The DEIR/S' treatment of global warming impacts stumbles at the starting gate by providing an exceedingly cursory summary of the present and future impacts of global warming to California and the world. In order to conform to the informational mandates of NEPA and CEQA and properly inform the public and decision makers of the significance of the Project's contribution to greenhouse gases, the DEIR/S must first adequately discuss the threat posed by greenhouse gas emissions. *See, e.g., Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* ("Laurel Heights I"), 47 Cal.3d 376, 392 (1988) (EIR is intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action."); Guidelines § 15151 (requiring an EIR be detailed, complete, and reflect a good faith effort at full disclosure); 42 U.S.C. § 4332(C). A discussion of climate change impacts need not be lengthy, but should, at a minimum, convey the magnitude of the threat posed by global warming to humans and the environment.

To more accurately convey the severity of the impacts of global warming, the DEIR/S should be revised to include numerical estimates of the extent of projected impacts. For example, in lieu of the vague statement that greenhouse gas emissions will lead to a "significant" reduction in winter snow pack, the DEIR/S should clarify that loss for the Sierra snowpack is estimated to be between 30-90%, depending on the extent to which emissions are reduced now and in the near future. (Our Changing Climate, Assessing the Risks to California, A Summary Report from the California Climate Change Center (2006) (attached)).

Additional impacts projected for California by the end of the century include:

- Temperature rises between 3-10.5°F;
- 6-30 inches or more of sea level rise;
- 2-4 times as many heat wave days in major urban centers;
- 2-6 times as many heat-related deaths in major urban centers;
- 1.5-5 times more critically dry years;
- 25-85% increase in days conducive to ozone formation;