

Port of Los Angeles Port Community Advisory Committee
EIR Subcommittee

Sept 23, 2007

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Re: EIR Subcommittee comments regarding systemic flaws in the Draft TraPac EIS/EIR(Corps file Number 2003-01142-SDM)

The EIR Subcommittee has reviewed the June 2007 Draft EIS/EIR for the Berths 136-147 [TraPac] Container Terminal Project (SCH # 2003104005). We have a number of concerns. We appreciate the opportunity to submit comments on this DEIR.

Several things stand out in this large document. There are many useful features in this DEIR, however the committee views it as fundamentally flawed.

We note with concern that despite the spending of millions of dollars of public money (the Port's funds are public money) , major errors in the had to be corrected within days of its release. ("Errata: Executive Summary July 2, 2007). This does not inspire confidence on the part of an apprehensive public.

As in previous POLA Environmental Impact Reports, there emerges a picture of a systematic, programmatic effort to underestimate the impacts of the project. Of course with systematically underestimated impacts, needed mitigation is minimized. As examples (discussed below) Ship Calls and potential cargo through put appear to be seriously underestimated, while rail capacity may be overstated leading to more than anticipated truck trips. Many off port impacts are simply ignored.

(We request that a document previously prepared by and for our Subcommittee , "Review of Previous Environmental Documents", S. Genis, August 2004, on file at POLA, be made a part of the Public Record on this matter.)

To be built, the project must be properly and completely analyzed in order for all negative impacts to be understood and mitigated.. The present DEIR fails to do this.

The committee notes with alarm that the projected “residential cancer risk” in Wilmington from this project is larger than the “occupational cancer risk” . This ominous finding alone suggests this is a very dangerous project for surrounding communities.

Notice of Preparation

The Notice of Preparation for the proposed project was initially circulated in 2003. However, a “Special Notice” was then circulated in early 2006. The “Special Public Notice” was apparently designed to supplement the Notice of Intent/Notice of Preparation (NOI/NOP) previously circulated for an earlier project in October 2003. As described in 2003, the project would have occupied Berths 136-147. Project elements included 62 acres of additional backlands for a total of 238 acres or backlands, a 705 foot wharf, dredging, railroad grade separations at Neptune Avenue and Avalon Boulevard, relocation of Harry Bridges Road, and construction of a sound barrier along the relocated road. As described in the Special Notice, the project was later expanded to include Berths 136-149, placement of 1.2 million cubic yards of fill, elimination of 10 acres of water at the Northwest Slip, an increase in total backlands to 251 acres, elimination of the proposed grade separations, and ramp improvements at Harry Bridges Road/John Gibson Boulevard and the Harbor Freeway (I-110). The current project would provide 243 acres of backlands and entail 800,000 cubic yards of fill.

We remain concerned that rather than issue a revised NOI/NOP, a “Special Notice” was issued instead. Clearly the scope of the project has increased beyond that originally contemplated. The 2003 NOI/NOP clearly stated that “There would be no loss of waters of the United States.” The currently proposed project would result in the loss of ten acres of waters of the United States in addition to five acres included in the project area that will be examined in a separate environmental document. That alone would clearly demand recirculation of all required notices. The increase in backlands would be over twenty percent greater than originally proposed, with total backlands five percent greater than originally proposed. A stated goal in the 2003 NOI/NOP was to increase cargo handling capacity. Ramping improvement at Harry Bridges and I-110 were also new elements.

Any one of these changes on its own would have generated a need for additional environmental documentation. Taken together, they demanded that a new NOI/NOP be circulated. It is clear to the Subcommittee that, regardless of what it was called, the “Special Notice” must actually serve as a re-circulated NOI/NOP. We think a new NOI/NOP should have been circulated.

In accordance with Section 15082 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Notice of Preparation must include a description of the project and the probable environmental effects of the project. The “Special Notice” described the project primarily in terms of contrast to the project proposed in October 2003, leaving some elements in question. It also raised additional questions. As noted in the NOI/NOP for the Berths 136-147 project published in the Federal Register on October 27, 2003 (Volume 68, Number 207), 238 acres of backlands would have been provided. The 2006 notice referenced a project with 244 acres of backlands. Was another, third notice, circulated for a project at the

Berths 136 et al location for a 244-acre project more closely resembling the currently proposed project?

Lack of Comprehensive Planning

The Subcommittee continues to be concerned about the lack of comprehensive planning for both the proposed project and the Port as a whole. In accordance with Section 15125(d) of the CEQA Guidelines, an EIR must identify any inconsistencies between a proposed project and adopted planning programs. This is important in order to assure that future on- and of-port infrastructure will be adequate for future needs. However, local planning programs for the Port consist primarily of bland platitudes and are so out of date as to be nonfunctional and non-existent.

Section 65302 of the Government Code requires that local agencies identify both land use type and land use intensity in the land use element of a general plan, the function of which is fulfilled by the Port of Los Angeles Community Plan, last comprehensively revised in 1982. In accordance with Section 65302, the land use element must then be coordinated with other general plan elements addressing such factors as circulation, safety, noise, housing, and open space. The local plans must be coordinated with regional plans such as the Regional Transportation Improvement Plan and the Air Quality Management Plan.

Without some degree of certainty as to the magnitude of future uses, it is impossible to coordinate future infrastructure with future needs. The failure of POLA to address growth in a comprehensive manner has lead directly to our current critical problems in local and regional circulation systems and harmful levels of air pollution.

The Subcommittee is aware that POLA has stated its intent to prepare a Port Master Plan. However, little progress has been made to that end. We are concerned that by the time a new Master Plan is prepared and adopted, it will be moot due to the numerous projects approved on a piecemeal basis in the preceding years. It is the position of the Subcommittee that additional projects should not be approved on a piecemeal basis, but only as part of a comprehensive plan for the entire port.

Lack of Notification to Surrounding Communities?

Multiple phone calls made to the offices (Planning, Public Works, City Manager) of the City of Rancho Palos Verdes in late July 2007 revealed they claimed that they had not received a copy of the DIER. Is it possible other surrounding communities or public agencies were not sent copies of this DEIR or not properly notified? Is there a problem with lack of notification of surrounding cities?

Cumulative Impacts

The Subcommittee/Working Group evaluated a sample of past EIRs and determined that there exists in the port area an unmitigated backlog of cumulative impacts, especially with regard to

Air Quality, Traffic and off-port community impacts. Therefore, evaluation of cumulative impacts and development of effective mitigation measures is a particular priority for the PCAC.

As stated in Section 15355(b) of the CEQA Guidelines:

The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Thus, if a past or present project is used as a baseline for environmental purposes, the impacts from the past or present project must be included in assessment of cumulative impacts.

The Committee is concerned that small, incremental changes have occurred at Port facilities without environmental analysis or mitigation resulting in unmitigated impacts on the surrounding community. Unfortunately, the list of projects included for cumulative analysis purposes in the DEIR appears to include only those major projects for which formal environmental documentation has been or will be performed, even though POLA continues to process numerous ADPs without preparation of a CEQA document.

Even in those cases where environmental documentation has been processed, often no significant impact is found to occur. Analyses of cumulative impacts must include all projects, whether or not an EIR or other formal environmental documentation was prepared. The Committee recognizes that where an impact is negligible, a project would not be considered to result in a significant cumulative impact. However, an impact which is less than significant may be far from negligible.

It is not enough that impacts are minimized in an individual project. Even if the impacts of individual projects have been mitigated to a level of insignificance, a significant cumulative effect may still occur.

We are concerned that leases have been structured in a manner that allows for substantial increases in activities absent any formal action by POLA which would trigger the requirement for environmental documentation. This has ranged from increased hours of operation encouraged through the Pier Pass program to increases in cruise line activity. We are disappointed that POLA has chosen to abdicate responsibility and accountability in these cases.

We note that the baseline utilized for CEQA analyses in this EIS/EIR is 2003. POLA throughput in 2003 was 7,178,940, increasing to 8,469,853.00 in 2006, an 18 percent increase. It is not clear how or if this increase was included in analyses of cumulative impacts. Failure to include the 1.3 million TEU increase between 2003 and 2006 in analyses of cumulative impacts in the EIS/EIR will increase the backlog of unmitigated impacts sustained by the community. Likewise, increases in cruise activity must be included in analyses of cumulative impacts as well.

Off Port Impacts

The committee has heard consistent repeating patterns of complaints about impacts occurring off port land that go far beyond issues of air quality and traffic congestion. It is clear that port related activities have cumulatively resulted in blight in communities such as Wilmington. Yet this DEIR is silent as to any analysis of how this project would contribute to blight or what needs to be done to prevent and mitigate this.

As an example of an off Port impact that is damaging to a neighborhood, a committee member, Mr Skip Baldwin brought to our attention documentation of a facility in Wilmington that generates negative impacts on a neighborhood, and is off port land but conducts Port related activity. It has been directly authorized by the Port of Los Angeles. The activities and thus the negative impacts of this facility can be reasonably expected to be intensified by the project that is envisioned in the DEIR.

This is the trucking container yard/warehousing operation at 1026 N. McFarland Ave, Wilmington CA, operating under a Foreign Trade Zone, under agreement with the City of L.A. , Harbor Dept. We attach the documentation for this as "Attachment A" (Includes map, Mr. Baldwin's letter, a copy of the agenda of Special Meeting of Los Angeles Board of Harbor Commissioners Sept 1 2004 to authorize this, and copies of 5 photographs showing piles of containers directly across the street from peoples homes.)

This is an example of a negative impact related to Port activity that has occurred off Port land , but sanctioned explicitly by the Board of Harbor Commissioners. Of course, there is much other similar activity occurring without explicit BOHC approval, but all this off Port land activity is a result of the presence of the Port.

Large trucks over 6000 lb gross weight must use prohibited City streets in a residential area to access this facility. (A fully loaded container may weigh up to 72,000 lbs.)

Ms. Lucy Mejia presented to the Committee photographs of a 40 foot shipping container being unloaded on a city street in Wilmington on July 14, 2007 with Port police standing by. She stated that the police did not insist on removing the truck nor did they take other actions despite the illegal presence of a tractor trailer with a shipping container on a neighborhood street.. See "Attachment B" copies of Ms. Mejia's photos.

Mr. Art Goodwin from ACTA mentioned another problem facility at a recent PCAC meeting. This is known as "Truckers Transit"

It is reasonable to assert that activities at these and other similar facilities located off port , but doing port related activities that contribute to blight, will be intensified by this project. We request formal analysis within this EIR as what are the present sites in the City of Los Angeles of this sort of off Port land Port related activity, the impacts of this activity and how the proposed project will affect that activity. Wilmington has been especially negatively impacted by this off Port land activity.

We request mitigation measures to reduce the impact of these off Port land activities that do

occur and will intensify as a result of Port operations at the proposed project.

We assert that off port impacts will worsen as a result of this project. These types of off port impacts that cumulatively result in blight need further analysis and meaningful mitigation.

Mitigation Measure MM-2 states: “Truck Traffic Enforcement. Port Police shall increase enforcement of prohibition against truck traffic within Wilmington.” In light of attachment A., Mitigation Measure MM LU-2 looks like an absurd example of “this time its going to be different,we promise!” Especially since said neighborhood truck traffic was essentially sanctioned by the Board of Harbor Commissioners.

Wilmington residents are demanding enforcement of existing laws now. This enforcement should not be offered as some future “Mitigation Measure”.

Project Description

We note that the text in the DEIR refers to extra lanes and unspecified modifications to the C-Street/I-110 Freeway on ramps. We were dismayed to not see these proposed modifications in the project description or diagrams. Instead they appear as alleged “mitigations”. We assert that any modifications to this freeway on-ramp should have been in the project description. This is not a mitigation it is a project element. We wonder if this is an example of hidden project elements or improper segmentation of this project?

Further, we note that since Interstate 110 seems to be a Federal Highway, any modification to an on ramp would logically be a Federal Action. This should be subject to an approval /permit process by some Federal agencies beyond the POLA’s and the Army Corps of Engineers jurisdiction such as the D.O.T. or the Federal Highway Administration. The DEIR is silent on this but should address this issue.

The project description also fails to mention the addition of one new Eastbound lane on Harry Bridges Blvd. This is found as a “mitigation measure”. This is a project element. It should have been included in the project description. This is an inaccuracy in the project description. The DEIR is silent as to when this lane would be added.

How does this extra lane affect traffic and noise impact assessments in this DEIR?

Referring to page 2-61 We note that this project does not “disconnect cargo growth from emission increases” and is therefore not consistent with the San Pedro Bay Clean Air Action Plan.

We assert that the City of Los Angeles needs a new General Plan before this project is attempted. Our understanding is that the City of L.A. General Plan is out of date/’expired” as of 2002. The City of Los Angeles General plan is an “applicable plan” in relation to this project.

Project Segmentation

As noted in the project description, placement of fill to create a five acre area integral to the proposed project is being examined under a different environmental document currently in process. We are concerned that analyses will minimize the full impact of the proposed project by chopping what is essentially one project into several pieces to be analyzed separately.

Section 2.4.4.1 Phase I Projects Completed by 2015 states in part regarding Dredging at Berth 144-147 “Clean material would be considered for disposal at the Pier 400 disposal site or at an EPA approved ocean disposal site...” The Committee wonders if disposal of dredging material at the Pier 400 site actually represents improper segmentation of another project? Is this a “running start” on another project to create more land near Pier 400? Is this the beginning of a “Pier 500” or some such similar project as has been repeatedly rumored in the community to take the place of the lost “Pier 400 Energy Island”?

We wonder if the Anchorage Road disposal site can handle all the material that is “unsuitable for uncontrolled ocean disposal”? If not, where will it go and how will it get there?

Project Operations

The project description indicates that throughput would reach its maximum in 2025, yet this does not appear to reflect actual maximum capacity of the built out facility. The project description indicates that throughput would be 1,747,500TEUs (twenty foot equivalents) in 2015 increasing to 2,389,000 by 2025. This throughput forms the basis for numerous analyses in the EIS/EIR including analyses of impacts on traffic, air quality, and noise. It is thus essential that the project be implemented in a way that insures that the estimate of ultimate throughput will ultimately be proven accurate.

While the Subcommittee had expressed concerns regarding the lack of information regarding project operations under the project description in environmental documents, the EIR for Berth 206-209 was a great step forward in this regard, providing such basic operational information such as anticipated use of rail and right up front work shifts. The Subcommittee is disappointed that this EIS/EIR appears to be a step back. These factors are critical in assessing future impacts and should be an inherent part of the approved project to be monitored and managed so that increased impacts due to any changes may be addressed.

The project description contains no information as to how activity will be split. It is not until well into the EIS/EIR, on page 23 of Section 3.10, that one finds that cargo will be split 80 percent day shift, 10 percent night shift, and 10 percent hoot shift in 2015; and 60 percent day shift, 20 percent night shift, and 20 percent hoot shift in 2038. It is not clear if this includes any weekend shifts. In any case, it would appear that the facility would not be operating at full

capacity full time. Even allowing down time for maintenance, it does not appear that maximum capacity would be reached with the shift split outlined in the EIS/EIR.

Does POLA intend to cap throughput at the projected 2025 level, even if demand exceeds the projected amount? POLA has repeatedly prepared environmental documents for projects with estimated throughputs that are repeatedly exceeded, leading to a backlog of unrecognized, unanalyzed and unmitigated impacts on the surrounding community. How will POLA ensure that throughput does not exceed EIS/EIR estimates? What steps will POLA take to ensure that any additional impacts are fully mitigated?

The Subcommittee has already grappled with the issue of increased cargo throughput in what had been considered the off hours. The Pier Pass program, for example, encourages greater activity in evenings and at night. While this can reduce peak hour traffic congestion, extended hours of operation also increase potential throughput and associated impacts. The increase in operations occurred without any formal BOHC action which would constitute a project under CEQA and was therefore not subject to environmental review.

It is possible and, based on past performance, highly likely that TEUs projected in the EIS/EIR would be exceeded. The EIS/EIR must examine actual maximum throughput that could physically occur absent any further action by the Board of Harbor Commissioners.

Potential Underestimation of Actual Maximum Throughput

Total capacity of the facility is likely to be seriously underestimated. Given the above mentioned projections to split the cargo throughput 80% on dayshift and 10% each on night and hoot shifts in 2015 and 60% on dayshift with 20% each on night and hoot shifts by 2038, it would appear that the facility would not be operating at anywhere near full capacity anywhere near fulltime. Yet the DEIR is peppered with references that anticipate a future full bore 24hour day/7day week/365 day year style of operation to meet projected demand at the port, such as “The analysis showed that all terminals are expected to be operating at maximum capacity.” (from the DEIR 2.1.2)

What might be the full capacity of this project ? Our analysis shows it would be possible to have a throughput of up to **4,194,000 Annual TEUs in 2015 versus only 1,747,500 anticipated in the DEIR!** Likewise, we estimate a possible **4,300,200 TUEs in 2025 to 2038 versus only 2,389,000 anticipated in the DEIR!**

These throughputs would be 4.7 to 4.8 times larger than the CEQA baseline of 891,976 TEUs . They would be 2.4 to 1.8 times larger than anticipated in the DEIR for 2015 and 2025-38 respectively.

How we got these numbers: **The key is the underutilized night and hoot shifts.**

For 2015: If we assume that the DEIR is correct and 80% of the total TEUs can be moved in one of the three eight hour periods of the day (dayshift) , that would represent the real 8 hour maximum potential throughput . It would mean that 1,398,000 TEU/year are moved on the day

shift. (0.80 X 1,747,500 Total DEIR Projected TEUs= 1,398,000 annual TEU moved on day shift) We have two more underutilized shifts. If their through puts were maximized to match day shift throughputs we would have 2 more shifts processing 1,398,000 TEU each per year. Thus: 1,398,000 TEU/shift X 3 shifts = 4,194,000 TEU

For 2025-2038: If we assume DEIR is correct and 60% of the total TEUs can be moved in the day shift, that would represent the real eight hour maximum throughput in that future era. It would mean that this max 8 hour throughput would be 1,433,400. (Interestingly this is very close to the max assumed annual 8 hour shift throughput noted for 2015.) (2,389,000 DEIR Projected Annual TEUs for 2025 to 2038 X 0.60= 1,433,400 annual TEU moved on the day shift) Thus : 1,433,400 TEU/shiftX 3 shifts = 4,300,200TEU

Even if dayshift through put is underestimated in this DEIR, the other 2 shifts offer huge potential for unanticipated and unmitigated increases in cargo volume. **Even if the estimates above are not reached, there is a very real potential for gross underestimation of throughput, impacts and needed mitigation.**

The Subcommittee is thus concerned that actual operating conditions at the Trapac facility may eventual evolve in a manner which results in unanticipated increased impacts to the surrounding community. Staff has offered reassurances that all assumptions regarding project operations up to thirty years in the future are reliable and that our concerns are unfounded. i.e. “This time it is different.”

However, past estimates of future throughput have consistently been exceeded. Indeed, the May 1997 West Basin Transportation Improvements Program EIR then states that “Actual increases have greatly exceeded forecasts,” when discussing the cargo increase forecast in the 2020 Plan (which was adopted in 1992-only 5 years earlier) which was based on extensive studies of anticipated cargo demand. Even the most recent forecasts for the Phase I China Shipping project were exceeded in only a few short years. History has way of repeating itself.

Throughput comparison vs other facilities also suggest throughput estimates may be low.

The DEIS/DEIR states that annual throughput at the facility will be 2,389,000 by 2038, or 9,831 TEUs per acre. This is well below the 19,070 annual TEUs per acre currently achieved at Kwai Tsing (Hong King) and 24,582 annual TEUs per acre achieved at Singapore. The China Shipping DEIS/EIR indicates that each crane would move 25 to 40 TEU per hour, equating to 2,628,000 to 4,204,800 TEU per year, exceeding estimates in the pending DEIS/EIR

We thus request that all operational assumptions regarding maximum cargo, number of ship calls, gate calls, truck trips, rail calls, and so forth be stipulated in POLA’s contract with Trapac.

Any increase in activity levels above that analyzed in the DEIS/EIR and stipulated in the contract would then be subject to further review. Due to staff’s high level of confidence in operating forecasts utilized in the DEIS/EIR, this should not be a problem. As maintained by staff, the activity levels forecast in the DEIS/EIR would never be exceeded, so including them in

the Trapac contract would merely reiterate a fact of life.

We further request that the DEIR analyze the full potential impact of running all 3 shifts at full capacity. Analysis should describe needed mitigation.

Potential for Underestimation of Ship Calls

Ship calls are known to contribute approximately 55% of all port related air pollution. (From POLA June 2004 Port-Wide Baseline Air Emissions Inventory -full text of this to be included in these comments by reference)) . Underestimation of ship calls would thus significantly underestimate the project's impacts on air pollution.

In the DEIR ship calls are estimated to increase by only 25% from 2003 to 2015 but TEU throughput is estimated to increase by 96% with number of containers per ship call will be 191% of 2003's numbers. How does this miraculous minimization of ship call numbers occur?

This is all based on the assumptions that planned larger ships that can carry more cargo will be built in the next 8 years and that these ships will frequently call at this facility. The ship size assumptions may be wildly overoptimistic, leading to a large underestimation of ship call numbers and a convenient underestimation of attendant ship call impacts.

What happens if these ships aren't built in the next 8 years, for whatever reason, say an economic downturn? What happens if these big ships don't call in the numbers assumed in the DEIR? Won't we have more ship calls if anticipated freight volume is achieved? The DEIR should analyze this possibility and its attendant impacts. Does the present analysis contain the implicit assumption the new large capacity ships-if they do get built- will somehow preferentially call at this facility?

The 2015 estimated number of ship calls is estimated at 279 in one area of the document but 309 in another area of the document- an 11% discrepancy. Which is the real number?

We assert that projected ship call number estimates are most likely low and this allows underestimation of potential impacts.

Potential Overestimation of Rail Capacity

Rail capacity appears to be overestimated. This would lead to an underestimation of the number of truck trips on our freeways that this facility will generate as well as an underestimation of the total air pollution. (Rail transport being less polluting per ton-mile than trucks.)

For example one area of the document says the rail yard will handle 374,551 containers annually whereas another area of the DEIR says max train capacity is 231,000 containers per year. (2 trains per day X 330 containers/train X 350 days per year=231,000). These contradictory assertions are contained in the same paragraph (!) [lines 25-33 page ES-15] Somehow we are missing 141,331 containers which would most likely have to leave the port by truck. This would give 410 more truck trips per day. Also, this does not figure in the inbound truck trips required to pickup these.

It appears that truck and train idling time estimates are unrealistically low, again minimizing anticipated operational impacts and needed mitigations.

Community Impacts

The Subcommittee is concerned that Wilmington will be further cut off from the water by the proposed berm. We are insulted that the EIS/EIR analyses address visual impacts with the cavalier attitude that views in the area have always been the degraded views of what is essentially a massive, multi-story industrial park and are therefore not important.

We submit that POLA activities over the past couple of decades have led to a significant, adverse impact on views from the surrounding community, as container freight has come to dominate port activities. Cranes have multiplied like hormone-enhanced rabbits. Cranes have also become larger and larger as have vessels. We note that while the proposed project would eliminate one crane, the new cranes would increase from 50 gauge to 100 gauge. Moderately sized, picturesque cruise ships have been replaced by floating high-rises. Cargo vessels have also dramatically increased in size, reaching Panamax and then Post Panamax proportions. Container stacking has also degraded views, both on and off port lands. This has led to a cumulative, significant, adverse impact that must not be dismissed.

The Draft EIR/EIS claims (ES.5.2.3) that the Project will have no significant impacts under both CEQA and NEPA in the area of Aesthetics and Visual Resources. The Subcommittee disagrees with this assessment. We note that this project will have substantial negative aesthetic and visual impacts and will further contribute to worsening of already severe cumulative impacts in this regard.

Air Quality

The Subcommittee concurs with the comments submitted by the Air Quality Subcommittee of the Port Community Advisory Committee.

We request that a document titled “Health Effects of Diesel Exhaust Air Pollution” August 28, 2003, prepared by the Air Quality Subcommittee of the Port of Los Angeles Port Community Advisory Committee (on file at POLA) be made a part of the public record on this matter.

Section 7 Socioeconomics and Environmental Quality

While it may be laudable to have included a section on the economics of this project, this section is entirely devoted to the possible positive benefits of the *project* with *no meaningful analysis of the actual costs to society of this project*. The issue of externalized costs that will be attributable to this project is avoided entirely. As it stands now this section reads as if it were written by a fervent advocate of the project. To achieve balance the socioeconomic costs-the downside- must also be recognized and analyzed. Thus this section requires major revision. At present this section is not informational, but merely conclusory through avoidance of inconvenient facts.

Dr. Jon Haveman , an economist, in a 2004 report for the Public Policy Institute of California concluded that when all externalized costs are considered ports are not necessarily an economic good. We request that this report titled “California’s Global Gateways’ be included in the public record on this matter.

We also request inclusion, by reference, in the Public Record on this matter the following additional documents pertinent to the issues of externalized costs and negative economic impacts of goods movement as well as health, safety and infrastructure damage issues,

1. “Externalized Costs of Shipping” article by Paul Rosenberg, Random Lengths News Sept 21-Oct. 4, 2007.
2. ‘Paying With Our Health, The Real Cost of Freight Transport in California” Pacific Institute, Natural Resources Defense Council, 2006, ISBN: 1-893790-14-2
3. “Sick of Soot, Reducing the Health Impacts of Diesel Pollution in California” D. Anair , P Monahan Union of Concerned Scientists , June 2004 www.ucusa.org
4. “Exhausted by Diesel” Gina Soloman, M.D. (lead author) Natural Resources Defense Council, May 1998

These amply demonstrate that a significant economic downside exists.

Another way to look at this downside is to consider a few facts presented in this DEIR in relation to what other public agencies have said about the costs of two project generated pollutants alone: We calculate that in 2015, NOX and PM10 pollution will cost California the deaths of 21 citizens that year at a monetary cost of \$157.5 million!

[From table 3.2-22 we note that the project will generate 17,691 lb NOX and 1243 lb. PM10 average per day in 2015.. Annualized, these are 3229 tons NOX and 227 tons PM10 respectively. During the process that generated the No Net Increase Task Force Report, we learned that CARB uses factors of 669 tons NOX per death and 227 tons PM10 . These factors yield 2015 project NOX and PM10 related deaths of 4.8 and 16.2 –total 21 deaths. We also learned that the US EPA values one such death at \$6 million 2000 dollars and \$8million 2020 dollars. Thus the interpolated value on one such death in 2015 would be \$7.5 million. 21 deaths X \$7.5 million per death gives \$157.5 million!]

Twenty one deaths due to operations of this project in one year!

How many deaths for the “lifetime” of this project? It would appear this will be several hundred deaths of California citizens. We do not envy the task of those who will ultimately approve this project, despite pretenses that alternatives have been meaningfully evaluated.

This of course is only one small piece of a much larger picture of massive externalized costs that go completely unacknowledged in this DEIR. We wonder if the decision makers realized

the true costs involved, would they be willing to sacrifice the lives of their fellow citizens for this project?

Additional Concerns

The Subcommittee is continuing to review the EIS/EIR and looks forward to submitting more comprehensive comments in the future. However, the EIS/EIR is a very large document, many years in the making. We note that notice regarding release of the document was made just prior to a holiday and many local residents are currently on vacation. The limited time available for public review limits the ability of the Subcommittee and the general public to adequately evaluate the document and the proposed project.

Port Staff has stated that they have met with small groups of “selected stakeholders” to review this project and DEIR. We remain concerned that this is the antithesis of the open and public process called for by CEQA.

The Subcommittee has had extensive input from the public on this EIR and others regarding the rather unique EIR process at work here in which the Port functions as the Developer, the Lead Agency, Reviewing Agency and ultimately the Approving Agency (via the Board of Harbor Commissioners) for its projects. We are concerned that there is a lack of meaningful outside oversight in this process.

We are gravely concerned over the possible use of Overriding Considerations by the BOHC to grant approval for this project.

Despite all the convenient falsely low numbers, incorrect assumptions favoring the Port and minimized or ignored impacts, especially off port impacts, at the end of the day the Board of Harbor Commissioners will still most likely have to use a Statement of Overriding Considerations to approve this massive expansion project. Such an action would seem to be in direct conflict with stated purpose number 2 of this project “to comply with the Mayor’s goal for the Port to increase growth *“while mitigating the impacts of that growth on the local communities and the Los Angeles region.”* (Italics ours)

Simply stated: Impacts that are unacknowledged and systematically underestimated will not be mitigated.

Thank you,

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Chairman EIR Subcommittee , Port of Los Angeles Community Advisory Committee.

Addendum X

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Cumulative Impacts

As the Port's public relations documents state, port volume is expected to grow substantially in the future. In light of the CEQA/NEPA environmental analysis as a basis for informed decision-making, the Port needs to include these future growth projects as "reasonably foreseeable future projects" in making assessments of cumulative impacts.

The EIR/EIS should establish a clear set of future growth projections, and provide a table indicating current port volume by terminal and total, port capacity by terminal and total, % of capacity currently used and, given projected future growth, a calculation of under/over terminal capacity and – therefore – projected future terminal expansion.

This "projected terminal expansion" should be used as a basis for evaluating cumulative impacts from past, present and reasonably foreseeable future projects.

Land Use Impacts

In addition to the visual impacts, land use impacts in San Pedro and Wilmington from Port operations have been individually and cumulatively significant. As the Port has expanded, Port functions have needed to expand beyond tidelands boundaries. These

functions – necessary to support daily port operations – include such land uses as truck service facilities and container storage yards.

The document does not analyze the individual and cumulative impacts on off-port land use from port industrial operations. It does not provide mitigation measures to address these individual and cumulative impacts.

The document should provide a parcel-by-parcel analysis of land uses in Wilmington, indicating the parcels that directly and indirectly support port activity. Special attention should be given to port-related land uses adjacent to residential neighborhoods and sensitive receptors such as schools and playgrounds.

Appropriate mitigation measures should be developed, including:

1. relocation of e port-related uses in Wilmington / San Pedro to appropriate areas
2. creation of a comprehensive system of greenbelts and port-community buffers
3. elimination of the McFarland line that divides Wilmington

In making this analysis, the document should make specific reference to land use mitigation measures identified in the California Air Resources Board April 2005 study “Air Quality and Land Use Handbook: A Community Perspective”.

We note that while the port has spent substantial money for off-port infrastructure, including for example the I-710 expansion project, the port has spent any money on off-port community mitigation measures.

Statement of Overriding Considerations

Port staff may rely on a “Statement of Overriding Considerations” in recommending this project to the Harbor Commission. If this is the case, then an analysis of project benefits – such as direct and indirect employment – will need to be balanced by an equally comprehensive analysis of project costs. These costs – to public health and to create and maintain public infrastructure – are necessary for the public and decision-makers to make an informed decision about the proposed project.

A complete analysis cannot include direct and indirect benefits (including benefits generated “off-port”), without also including direct and indirect (externalized) costs generated by port growth and port pollution.

The 2004 study “California’s Global Gateways: Trends & Issues” prepared by the Public Policy Institute of California, provides the framework methodology for the identifying and estimating goods movement costs and benefits.

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