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September 26, 2007

Dr. Spencer D. MacNeil, Commander
U.S. Army Corps of Engineers, Los Angeles District
P.O. Box 532711
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Dr. Ralph G. Appy, Director of Environmental Management Port of Los Angeles
425 South Palos Verdes Street
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Re: Berths 136-147 [TraPac] Container Terminal Project (Corps File Number 2003-01142-SDM)

Dear Dr. MacNeil and Dr. Appy:

Thank you for this opportunity to provide comments on the Berths 136-147 Container Terminal Draft Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) ("DEIS/DEIR"). Although I am a signator on other comment letters, I would like to focus on the following points:

1. In reviewing the above-referenced EIS/EIR/DEIS/DEIR, it is clear to me that it does not conform with the Port of Los Angeles' Clean Air Action Plan (CAAP). Most specifically, it does not require full compliance with 2% low sulfur fuel in auxiliary engines in ships until 2015, whereas the CAAP clearly states that 100% compliance will be required with new leases effective 2007. The feasibility of the use of this fuel in ships has already been demonstrated by another Port of Los Angeles tenant, Maersk.

It is particularly concerning that currently feasible mitigations would be phased in over long periods of time, thus ensuring that old technology is used in the future. For instance, since 2% low sulfur fuel for auxiliary engines in ships is feasible now, in 2015 the industry standard may be to use 1% low sulfur fuel in auxiliary and main engines for ships. The lower standard required in this DEIR/DEIS acts as a permission slip for the tenant to use outdated technology in the future. This is unacceptable, especially considering the amount of air pollution the Port, and the industry it facilitates, is responsible for contributing to the environment.

2. I outlined an example above where the DEIR/DEIS does not comply with the CAAP; however, complying with the CAAP does not guarantee compliance with the California Environmental Quality Act (CEQA). CEQA has a higher standard than the CAAP, and is the law that sets the bar. The Port can not replace CEQA requirements with CAAP requirements. In accordance with CEQA, all applicable and feasible mitigations should be implemented to offset significant environmental impacts. This DEIR/DEIS does not make use of all of the currently available and feasible mitigations.

3. It is unconscionable that the Port would put forward an EIR/EIS to its commission for approval that does not mitigate air quality impacts to a level of insignificance. The California Air Resources Board (CARB) has estimated that 5,400 deaths per year in California are attributable to air pollution. It is widely understood that the Port is a major contributor to air pollution in this region and in the State. Therefore, the DEIR/DEIS should cure its air quality mitigation deficiencies until a level of insignificance is attained. Port-wide mitigations should be implemented if the use of all appropriate and feasible project-level mitigations still result in a level of significance.

Additionally, it is becoming more-and-more clear that the shipping industry and the goods movement industry is creating impacts around the globe. Agressive mitigations need to be put in place in order to address these global impacts.

In closing, I do not believe that the mitigations outlined in the DEIR/DEIS are sufficient. It is irresponsible for the Port to continue expanding its operations, and the operations of its tenants, if it can not do so without causing additional harm to human health and additional significant negative impacts to the environment. The Port has an obligation to evaluate its procedures and policies and reform its practices so that it does not destroy the natural resources of the State, the Nation and the globe. These resources belong to the people, and should not be squandered.

Sincerely,

Kathleen Woodfield
San Pedro Resident

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