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U. S. ARMY CORPS OF ENGINEERS, DOD
LOS ANGELES DISTRICT

PUBLIC SCOPING MEETING FOR INTENT TO PREPARE
A DRAFT ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT (EIS/EIR)
FOR A PERMIT APPLICATION FOR THE BERTHS 97-109
TERMINAL IMPROVEMENT PROJECT, ALSO KNOWN
AS THE CHINA SHIPPING LINE (CSL) PHASES I, II
AND III IN THE PORT OF LOS ANGELES,
LOS ANGELES COUNTY, CALIFORNIA

WILMINGTON, CALIFORNIA
THURSDAY, JULY 10, 2003

DORIEN SAITO, CSR 12568

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LOS ANGELES DISTRICT

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AND III IN THE PORT OF LOS ANGELES,
LOS ANGELES COUNTY, CALIFORNIA

LOCATION: Wilmington Recreation
Center
325 Neptune Avenue
Wilmington, California
90744

DATE: Thursday, July 10, 2003

TIME: 6:30 P.M.

1 A P P E A R A N C E S:

2

3 U. S. ARMY CORPS OF ENGINEERS Richard G. Thompson,
4 Colonel , U. S. Army
5 District Engineer

6

7 Dr. Ralph G. Appy,
8 Port of L. A.
9 Environmental
10 Management

11

12 Joshua Burnam,
13 Corps Regulatory

14

15 Dave Walsh,
16 Port of L. A.
17 Engineering

18

19 SPEAKERS:

20 Julie Masters

21 Tom Pl emys

22 Jesse N. Marquez

23 Arthur Hernandez

24 Carol Picenso

25 Augustin Eichwald

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6: 48 P. M.

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COLONEL THOMPSON: Good evening. My name is Colonel Richard Thompson. I'm the commander of the Los Angeles district of the U.S. Army Corps of Engineers. On behalf of the Corps of Engineers, I'd like to welcome you all to this meeting this evening.

As you know, the Port of Los Angeles has applied to my agency for permits to construct the local terminal improvements at the China Shipping terminal. As you also know, some of these improvements, namely those in Berth 100, have been previously completed. The current effort is intended to reevaluate the previous work at Berth 100 and continue the evaluation of the larger terminal project.

Under our federal permit program, the Corps of Engineers is responsible for regulating dredging and filling activities in the waters of the United States. The port's proposed activities are regulated under both Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

Federal actions, such as our permit decisions, are subject to compliance with a variety of federal

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1 environmental laws. Consequently, the Court has a
2 responsibility to evaluate the environmental impacts

3 that would be caused by the proposed permit decision
4 prior to making that permit decision.

5 In particular, the Natural Environmental Policy
6 Act requires that we prepare an environmental impact
7 statement to evaluate the direct, indirect, and
8 cumulative environmental effects of the proposed permit,
9 and to consider alternatives to the proposed permit.

10 The port will also prepare an Environmental
11 Impact Report, which is required by the California
12 Environmental Quality Act. The Corps and the port will
13 prepare a single Joint Environmental Impact Statement
14 and Environmental Impact Report to satisfy both the
15 National Environmental Policy Act and the California
16 Environmental Quality Act.

17 The purpose of tonight's meeting is to gather
18 advice from the public on what should be evaluated in
19 the planned EIS/EIR. We are interested in the public's
20 help to ensure that we establish the proper scope with
21 this analysis and environmental impacts, and that we
22 identify a proper range of alternatives, as well.

23 For the purposes of the testimony I will hear
24 tonight, I will concentrate on issues specifically
25 related to the port's proposed project at the China

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1 Shipping terminal, in the area known as Berths 97
2 through 109.

3 The meeting this evening is not for the purpose
4 of providing comments in support of or in opposition to

5 this project. There will be opportunities later in the
6 process for such comments. Tonight we are only seeking
7 comments on how to establish the proper scope for the
8 planned EIS/EIR document.

9 I would like to emphasize that my staff and I
10 will carefully consider all comments that we receive,
11 both orally and in writing. I hope and expect that you
12 will respect opposing views and allow speakers to make
13 their statements without interference.

14 Following this hearing, all parties will be
15 given until the end of July to provide any written
16 comments.

17 We will begin tonight with a presentation
18 from the port regarding their particular CEQA
19 responsibilities, following which they will give a
20 10-minute -- a 10- to 15-minute visual presentation
21 describing an overview of the project.

22 Following this presentation, we will take oral
23 testimony in two discrete sessions. The first session
24 will be devoted to hearing from the selected
25 representatives of the National Resources Defense

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1 Counsel; the Wilmington Coalition for a Safe
2 Environment; and the Coalition for Clean Air. Because
3 these speakers represent significant numbers of people,
4 they will be allowed up to ten minutes to make their
5 statements.

6 The second section will be members of the
7 general public who would like to present their views as
8 individuals. During this session, speakers will be
9 given three minutes to make their comments. If you
10 would like to speak during the second session, you must
11 fill out a speaker card and give it to one of the Corps
12 staff members that are identifiable.

13 We've got badges on, and they're -- will our
14 staff please raise their hands too. (Staff complies.)
15 Turn towards the back there. Turn it in to one of those
16 folks in the back. You must do this before the second
17 session begins, and then we will assign the order of
18 speakers for the second session randomly.

19 All oral and written testimony will become part
20 of the administrative record for this permit
21 applications. There are court reporters recording this
22 event here tonight. We ask that you speak slowly and
23 distinctly so that they can capture your words
24 correctly.

25 Once we have written transcripts of the

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1 testimony, those transcripts will be published at our
2 website, which is -- the location of our website is
3 available in the rear of the building also. And I think
4 most of you who have been involved in this project can
5 find that.

6 Again, if you want to present your testimony
7 directly to me, you must fill out a speaker card and
Page 8

8 hand it to one of my staff before we start the second
9 session of oral testimony.

10 As you make your comments, please note on this
11 table there's a speech timer. The light will be green
12 when you begin. When you have one minute left, the
13 light will turn yellow. When your time is up, the light
14 will turn red. Please respect these time limits so that
15 all who desire to speak may have an opportunity to do
16 so.

17 If you prefer to provide comments in writing,
18 they will be considered on an equal basis as spoken
19 comments, but you must provide it to us by the end of
20 July. If you need assistance from a Spanish-speaking
21 staff member, we have Debbie Salas from my public
22 affairs office, who is here with us tonight, as well as
23 Carlos Quintana from the port who can assist you with
24 anything that you might need.

25 I would like very briefly to introduce some of

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1 my key staff that are here at this location;
2 Mr. Dave Castanon is the acting chief of my regulatory
3 branch. And Mr. Josh Burnam is the regulatory project
4 manager for this project.

5 I will now ask the Corps to begin with their
6 comments.

7 MR. APPY: Thank you very much, Colonel.

8 As the Colonel indicated, this is going to be a

9 joint evaluation done under two different laws. One is
10 the federal law called NEPA, or National Environmental
11 Policy Act, and the other one is CEQA, the California
12 Environmental Quality Act, and that's the state law.

13 And so we're doing a combined document to
14 evaluate the effects on the environment of the China
15 Shipping Project which is also called Berth 97-101
16 Project.

17 Before I get started here, I would like to
18 introduce in the audience with us here today,
19 I have Mr. Bruce Secombe [phonetic], who is our chief
20 operating officer, is here to hear the testimony
21 tonight; a Wilmington resident of past.

22 So what I'm going to talk about a little bit
23 now, and Dave may have the first slide, is actually what
24 this process is, CEQA and NEPA are very similar.

25 The other day, we sent out a Notice of

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1 Preparation for this document, and that's really the
2 scoping document. It describes the project and has a
3 bunch of categories. And we are asking you to respond
4 to that information that we provided here tonight. So
5 that was sent out July 1st, and written comments to that
6 are due at the end of the month.

7 This is a public scoping meeting included in
8 that schedule -- and so that's where why we are here
9 tonight, this to hear your oral testimony on what you
10 think should be included in that assessment. This does

11 not limit you from giving written testimony at a later
12 date within this schedule here.

13 After this process, what we do is we take your
14 comments, and we go back, and we say okay, what are the
15 area of interest of the public, organizations and other
16 agencies? And we use that information then to draft a
17 very large public document. And it's called a "Draft
18 EIS/EIR."

19 And it really should be, the public, more
20 appropriately called a "public document" because this is
21 a document that you get and that you'll look at again to
22 see if we addressed those issues that you wanted us to.
23 And we anticipate that will come out this fall.

24 And so once that comes out, there is yet
25 another time when you can give public comment on that.

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1 We'll have another meeting much like this one, and we
2 will have a lot more detailed information then to
3 comment on. And there's a 45-day period associated with
4 that. We're going to time that so that we can do it so
5 that it doesn't occur over Christmas vacation for all of
6 our benefit. And then following that, we will take
7 whatever time it takes to finalize it.

8 So at that time you will provide comments to
9 us. We will number each one of those comments, and we
10 are going to respond individually to every one of your
11 comments so you will have a specific answer.

12 So tonight we are talking about it in general
13 terms, as to what the scope should be. Later on we're
14 going to get down to the details, and you can make sure
15 that we've got your comments and responded to them.

16 Following that, then, this document is
17 finalized. And there's two decision-making bodies we
18 have before us here. One is -- will be the Board of
19 Harbor Commissioners. I'm a staff person there, and we
20 make recommendations to our board, and they decide to
21 approve or not to approve. That's the decision-making
22 body, and they have to certify this project following
23 all of this.

24 At that point there will be a public hearing,
25 and you can come once again and speak to the harbor

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1 commissioners and let them know your feelings on the
2 project. And then also, as the Colonel mentioned, there
3 will be a record of decision from the Corps of
4 Engineers.

5 Okay. So what we are looking for here tonight
6 in terms of comment. What is fair game? Anything is
7 fair game tonight, but it would be particularly helpful
8 if you have looked at the document, and in a minute we
9 will go over exactly what the project consists of. But
10 what are the project elements?

11 If you have any curiosity about certain parts
12 of it, there's a report that describes them somewhere.
13 But if there's some additional things that you would

14 I like to have amplified about the project, or different
15 parts about it. That's all important information that
16 we should have when we're doing our assessment.

17 Second might be, well, what areas of
18 environmental interest are you interested in? Do you --
19 you want to be really be sure that they've looked at
20 air emissions. You know, that's a very important issue.
21 And so those types of things. We think you really need
22 to look at air toxins and their effect on the community
23 of Wilmington. So those are the types of things that we
24 want to hear from you.

25 For instance, tonight we were talking here in

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1 the audience, and some people mentioned that there is a
2 problem with trains coming through the rear, between
3 Wilmington and the marina, and that those trains block
4 off. If those trains are coming into China Shipping,
5 that's a good question for us to have, and we need to be
6 able to respond specifics on that, what that impact
7 exactly is.

8 Alternatives. Do you have some ideas about
9 what different things we should be doing at this
10 location? Generally, it would probably either be
11 alternatives associated with cargo handling. We
12 certainly would want to hear your ideas on what
13 alternatives should be looked at, because both CEQA and
14 NEPA -- especially NEPA -- requires a very good

15 alternative evaluation.

16 Also, you know, if you have -- if you think
17 that there's significant impacts on certain things, if
18 you have ideas for mitigation measures that we might
19 need in preparing that document, then we'd like to hear
20 about those, as well. If you have ideas about how the
21 train should run or should there be a grade separation
22 here or there. We'd like to hear about those so that we
23 can then have that discussion with you and respond to
24 you.

25 Finally, another interesting thing, also in

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1 terms of the trains was, well, if all the facilities in
2 this part of the port always have a train, then what is
3 the cumulative impact of those? And again, both NEPA
4 and CEQA require us to look at what those cumulative
5 effects might be.

6 So those are very valid -- so those are the
7 types of general issues that we're looking at here
8 tonight.

9 So without saying anything more, what I'd like
10 to do now is turn over the microphone to David Walsh,
11 who is in our engineering division, and our engineering
12 division are the ones responsible for the design
13 facilities, particularly infrastructure portions of
14 those facilities.

15 So, Dave.

16 MR. WALSH: Thank you, Ralph.

17 I just want to walk you guys through this
18 project. It's a three-phase project. So it's best to
19 start with an aerial photo of the area.

20 This (indicating) is what we call the "West
21 Basin area," Port of L.A. And the project area is right
22 here (indicating), at the former top shaped (inaudible).
23 This photo was dated back in June of 2001. And the
24 following areas in the site equals the Vincent Thomas
25 Bridge here (indicating), Front Street, and Pacific

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1 Avenue on the west.

2 Looking closely at this photo, you can see that
3 there's a lot of container cargo development in the area
4 to give people a sense of what we have, and the
5 Yang Ming facility here to the north; the TraPac
6 facility, Berth 136 to 147 to the northeast, the
7 communities of Wilmington and San Pedro over here
8 (indicating).

9 At the time of this photo of the project, our
10 site, was used primarily for construction staging.
11 Although, for a period of time it was about a 40-acre
12 parcel that was used by China Shipping for container
13 storage. Phase I of the Berth 97-109 Project or the
14 China Shipping Phase I project consists of a 75-acre
15 back (inaudible) here shown in yellow.

16 A 1200-foot berth, here (indicating), complete
17 with four cranes, that's a one-ship berth, and we built

18 it at -- or we are proposing an access bridge here at
19 the north end to connect the China Shipping terminal to
20 the Yang Ming terminal to the north.

21 As many of you know already, a portion of this
22 project is already complete. In fact, a significant
23 portion of this project is already complete. Shown here
24 is this project in June of '03. Most of the 1200-foot
25 work is completed. We have the four cranes from China

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1 Shipping shown here (indicating).

2 And we have a portion of work still under
3 construction in a portion of the back lot. But this
4 project is essentially finished now. It's unoccupied;
5 it is empty. So I'd like to point out a couple of fills
6 that are going on here.

7 This area here (indicating) is a new landfill.
8 The Port of Los Angeles has developed a lot of its
9 property by reclaiming land. We dredged throughout the
10 harbor. And you can actually see new dikes under
11 construction here (indicating) along this area over
12 there (indicating).

13 The Phase II project is a 35-acre expansion on
14 the area shown in green. Part of that is on new fill;
15 part of that is on existing land. Part of this phase is
16 adding 924 feet of wharf extension to the north end of
17 the wharf, which is already complete, and a 376-foot
18 extension.

19 When complete, this will be a 2500-foot-long
Page 16

20 wharf. It's a two-berth facility, and there will be a
21 total of ten cranes -- ten freighter cranes on this
22 terminal.

23 We will be building another bridge in this area
24 over here (indicating). That bridge will facilitate
25 traffic flow between the China Shipping terminal and the

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1 Yang Ming terminal as well.

2 Phase III of the project consists of three
3 parcels. We have an 8-acre expansion -- this is all
4 container traffic expansion here (indicating). We have
5 approximately 12 acres of redevelopment pack land
6 redevelopment just north the Vincent Thomas Bridge. And
7 another 12 acres adjacent to Knoll Hill, which is the
8 north side of Knoll Hill that is created by realigning
9 Front Street to the back side of Knoll Hill.

10 This last slide shows all three phases
11 complete. The colored area represent areas and bridges
12 for each terminal. The area in yellow is 75 acres. The
13 area in green is 35, and the Phase III area is 32. The
14 total terminal size of this is 142 acres.

15 Like I said before, we'll have a 2500-foot
16 berth, which is enough for two ships. There will be ten
17 cranes on the facility, and two access bridges, here
18 (indicating) and here (indicating), to allow traffic
19 flow between the two terminals.

20 At this stage, I'd like to turn it back over to

21 Colonel Thompson for closing remarks.

22 COLONEL THOMPSON: Let me emphasize once again,
23 if you would like to speak during the second session,
24 please fill out a speaker card so that we know your
25 intentions.

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1 I'd like to begin by calling up our
2 representatives or groups that are precoordinated for
3 speaking during Phase I.

4 The first is Julie Masters.

5 MS. MASTERS: Good evening. I'm Julie Masters.
6 I'm a senior project attorney with the Natural Resources
7 Defense Council. We are a national environmental
8 nonprofit organization with over one million members and
9 e-activists nationwide.

10 As you know, we are also one of the Plaintiffs
11 that brought suit against the port and the Army Corps
12 over the China Shipping project. And we are a party to
13 the stipulated judgment entered by the Superior Court of
14 California, which sets forth many of the elements that
15 are required in EIR.

16 I would like to thank you, first, for holding
17 this hearing and for the opportunity to speak today. We
18 have reviewed the Notice of Preparation, the Checklist,
19 and the Initial Study, and we have several serious
20 concerns that I'd like to bring to your attention today.
21 Also, you've been given a packet of documents, many of
22 which I'll be referencing to my comments.

23 First, we'd like to remind the Corps that it
24 cannot rely on the 1997 West Basin and Transportation
25 Improvement's EIR or the 2000 Channel EIR/EIS in

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1 preparing this EIR. The California Court of Appeal
2 makes this clear in its decision in the China Shipping
3 litigation. For example, on page 284 of its decision,
4 the Court stated, quote, "The China Shipping project
5 arose more than three years after the 1997 EIR
6 and was not specifically addressed in the 2000
7 SEIS/SEIR. It cannot be considered part of the
8 overall quote unquote "project" addressing
9 those documents."

10 And there are similar statements made
11 throughout the Decision. But despite the court's clear
12 mandate, there are several references in the NOP to the
13 prior EIRs. And these references comply with the
14 Court's intent to rely on its EIRs.

15 For example, on the first page of the NOP, the
16 port mentioned that it prepared the 1997 EIR and claims
17 in this EIR, quote, "Assessed the optimization of
18 terminal and infrastructure in the entire West Basin of
19 the port, including the berth 97-109 area."

20 Likewise, on page 3 of the NOP, the Court
21 refers to the 43-acre landfill that will be part of this
22 project in phase II, and claims that this was, quote,
23 "assessed in the channel-deepening project."

24 Unfortunat ely, the Court of Appeals di sagreed
25 wi th both of these statements, and we expect that the

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1 Corps wi ll comply wi th the court's deci sion and wi ll not
2 rely on ei ther of these documents in the EIR/EIS.

3 Second, the purpose of the Chi na Shi ppi ng
4 proj ect, we thi nk has been i ncorrectly defi ned in the
5 NOP. We complet ely di sagree that the purpose of thi s
6 proj ect is to, quote, "Opti mi ze contai ner-handl ing
7 effi ci ency," or to, quote, "i mprove transportati on
8 i nfrastructure."

9 First of all, from reading the NOP, it is
10 relat ively appa rent that thi s proj ect wi ll not i nclude
11 any i mprovements to transportati on i nfrastructure. So
12 we're not qui te sure why thi s is i ncluded in the
13 proj ect's purpose.

14 But even more basi cally, the purpose of thi s
15 proj ect, si mply put, is to i ncrease contai ner cargos to
16 the port. It is not to make existi ng cargos more
17 effi cient. I ndeed, all thi s proj ect wi ll do is create a
18 new 150-acre contai ner terminal at the port that does
19 not currentl y exist.

20 We also di sagree wi th the excuse that stuff
21 that i ncreases i n contai ners were put i n the port were
22 somehow i nevi table, and that all the court can do is
23 fi nd the most effi cient way to handl e thi s i n i ts
24 operations. The court clearl y is not to help parties.
25 It is a landl ord, whi ch al one has the power to deci de

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1 whether to allow more cargo through its terminals. The
2 court is making a conscious decision to increase its
3 business and its profits, and that's the real goal of
4 this project.

5 As we know, how you define the goals of this
6 project will have real implications in the EIR/EIS.
7 Importantly, it will affect what you view as a viable
8 alternative to this project.

9 If you leave the stated goal as is, in other
10 words, to increase efficiency and to handle the
11 inevitable increase in container traffic expected in the
12 coming decade, then you automatically and improperly
13 view any alternative views for the site for failure.
14 And CEQA and NEPA clearly do not allow for this.

15 This leads me to our third point, which is that
16 we don't see anything in the NOP in regard to its
17 analysis of alternatives to this turnoff. And I am glad
18 to see that the Board mentioned this tonight in its
19 presentation; and that, as it was stated, CEQA and NEPA
20 both require an assessment and consideration of
21 alternatives to this project.

22 In addition, the stipulated judgment explicitly
23 requires the court to assess, quote, "alternatives for
24 the China Shipping Project with reduced environmental
25 impacts," and that includes alternative uses and

1 alternatives to the size and configuration of this
2 project. We, therefore assume that this will be
3 included in the EIR/EIS.

4 Fourth, it appears that you intend to use the
5 wrong baseline in the EIR/EIS. The stipulated judgment
6 clearly defines the baseline that must be used in the
7 EIR. The judgment states, quote,

8 "The baseline for consideration of impacts in
9 the China Shipping program shall be either 0 or
10 the baseline for Berths 97 to 109 prior to
11 approval of the new fleets in March 2001."

12 I notice that there were pictures shown from
13 June 2001, and that's a little bit after the baseline
14 time of March.

15 And in your packet that I've given you, there's
16 a picture that we will submit that shows the condition
17 of the site in February 2001. And as you will see,
18 there's acres and acres of vacant property at the site
19 at that time, and a small portion of the site that was
20 being used at that time solely for low-impact storage
21 use, not as a container terminal. And we will submit
22 other documents in the packet today that make clear that
23 only about 20 acres were being used for low impact
24 storage at that time. So we are concerned there is a
25 statement in the NOP that implies that a different

1 baseline will be used in the EIR/EIS.

2 And specifically on page 3, the port describes
3 phase I as including 75 acres, but claims that, quote,
4 "40 acres were operating in 2001, 2002." Number 1, this
5 is irrelevant. Half the property was used after March
6 2001, which, again, is the proper baseline.

7 And number 2, no part of that site is being
8 operated as a terminal, as the statement implies.
9 Rather, only a small part of the site was being used,
10 and for access storage. So we assume that the EIR/EIS
11 will reflect this and employ the proper baseline.

12 Fifth, we are extremely concerned that the
13 initial study indicates that most of the increase in air
14 emissions from this project, at least in the short-term,
15 is simply, quote, "expected to be relocated from the
16 adjacent Yang Ming terminal." The port knows well this
17 is not the case, and we will submit several documents
18 that show that this is not true.

19 First, we will submit a report made to the
20 Board of Harbor Commissioners about this project in the
21 spring of 2001. That report makes clear that while,
22 quote, "China Shipping is presently" -- "Yang Ming, its
23 growth has justified its request for its own terminal."
24 So clearly the very purpose of this project from the
25 beginning is to allow China Shipping to increase its

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1 operations, not just move operations over from what they
2 are currently doing at Yang Ming.

3 Second, the lease with China Shipping itself
4 makes clear that China Shipping will retain secondary
5 berthing rights at Yang Ming terminal. Again, this
6 shows that China Shipping has no intention of simply
7 moving its operations from Yang Ming to the new
8 terminal, but rather, it fully intends to use both
9 terminals. And even if it doesn't intend to do so, it
10 clearly has the ability to do so under the lease China
11 Shipping considered in the EIR/ENS.

12 We will also submit a statement by port staff
13 in the port hearing of 2001 which makes clear that at
14 that time, China Shipping was handling only 200,000 TEUs
15 through the Yang Ming terminal. Yet, we will also
16 submit some of the port's own documents, which estimate
17 that this new terminal will handle as many as one and a
18 half million TEUs every year.

19 So it should now be clear that the new terminal
20 will exponentially increase cargo throughput,
21 operations, and air pollution at the port, not just move
22 it from one terminal to another.

23 We have a few additional points that we'd like
24 to make, but given our sparse time, we will make the
25 smaller points in our written comments. I'd like to

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1 mention for our panel that we are pleased to see that
Page 24

2 there will be an evaluation of diesel air toxics in the
3 EIR/EIS. And with the packet that I will give you, we
4 have included two studies that you should be using -- or
5 looking at in preparing your review.

6 First, the MATES II Study which was prepared by
7 the South Coast Air Quality Management District in 2001.
8 It's the most comprehensive air toxic study ever done.
9 And as you know, that identifies diesel exhaust as being
10 responsible for over 70 percent of the cancer risk from
11 breathing polluted air in Los Angeles.

12 And secondly, we've included a report by the
13 California Air Resources Board, who first looked at
14 diesel as a toxic air contaminant in 1998.

15 And finally, I just wanted to raise a question,
16 and I guess a new concern based on the Port's
17 presentation. I'm wondering, you were pointing at the
18 new landfill that has been -- or that is in the process
19 of being added. It looks like to the terminals.

20 Is that going on now? Is Phase II or Phase III
21 under construction currently?

22 COLONEL THOMPSON: (No audible response.)

23 MS. MASTERS: That's a problem because there is
24 an injunction against the Port from going forward with
25 Phase II or Phase III of the project until the EIR/EIS

26

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1 is done to the liking of Superior Court.

2 Thank you.

3 MR. PLEMYS: "Buenos noches." Good evening,
4 everyone. My name is Tom Plemys, representing the
5 Coalition for Clean Air. Thank you for giving me the
6 opportunity to speak on behalf of our organization
7 tonight. Before I go into a few specifics on the NOP,
8 let us remind ourselves why we are here tonight.

9 The port communities is well represented by
10 those here and simultaneously in San Pedro have suffered
11 from disproportionate exposures to a host of air
12 pollutants from the Ports of Los Angeles and Long Beach.
13 The Port's employees, employees that do business in the
14 port communities, and the residents of the South Coast
15 Air Basin as a whole, have suffered from air pollution
16 from the Ports of Los Angeles and Long Beach. To
17 reinforce this point, I want to quickly review a few
18 statistics that many of you have likely heard, but they
19 cannot be repeated enough.

20 Currently an estimated 40,000 diesel trucks per
21 day enter the Ports of Long Beach and Los Angeles. This
22 number is expected to triple, an increase of 300
23 percent, to around 120,000 trucks per day in the next 20
24 years.

25 Currently the cancer risk in Wilmington due to

27

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1 air pollution is approximately 1,500 people to one
2 million, much higher than the EPA accepted risk of one
3 in a million. This does not even mention the unstatable
4 frequency of chronic and acute illnesses in the

5 communi ties.

6 As you know from the South Coast Air Quality
7 Management District's Air Emission Study that Julie
8 mentioned, the MATES II Study, this area already suffers
9 from some of the worst air pollution in the region;
10 every project, every vehicle, every source of potential
11 air pollution, whether stationary or mobile, matters.
12 This is why we are here, to ensure protection for our
13 communi ties.

14 In the past we have had concerns regarding the
15 meaningful review of the environmental and health
16 effects due to construction projects of the ports.
17 Given circumstances leading up to this EIR and the China
18 Shipping settlement, we have high expectations for this
19 report. However, this NOP raises our concerns in the
20 review, which we have fought so hard for, will not be as
21 meaningful and comprehensive as it could be.

22 For now I want to summarize my comments on
23 three points. First, there is significant soft language
24 in the NOP which seems to minimize the potential impact
25 of certain aspects of this project before they have been

28

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1 reviewed, specifically in the transportation and traffic
2 sections of Attachment P, the initial study checklist.

3 My example language describing much less
4 significant impacts due to the increased traffic in and
5 out of the ports does not instill confidence that the

6 full weight of the congested problems and the
7 corresponding health effects of the Port are recognized.
8 We trust these issues will be addressed with great care.

9 A few other examples of minimizing language
10 which is under the Air Quality section describing
11 objectionable odors for the people as "short term," as
12 if they will be short term; language in 4B in the
13 Biological Resources section describing dredging
14 activities that will have a temporary impact on marine
15 life; language in 4C describing a temporary disruption
16 of marine habitat and wildlife.

17 The NOP even goes so far as to say they will
18 leave out a few self-described "potentially significant"
19 impacts from the EIR completely. The potentially
20 significant impact of soil erosion, loss of topsoil will
21 not be discussed in the EIR. Hopefully, this is a
22 mistake. The potentially significant impact on
23 recreation facilities and parks is not being discussed
24 in the EIR.

25 It is the responsibility of this EIR to

29

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1 properly address all of these potential impacts, and as
2 mandated by the courts in the settlement, no other
3 provider's EIRs can be used.

4 My second point is that there are areas
5 referenced in the NOP which are outside of the
6 Berth 97-109 area. These areas are not clearly
7 presented as to whether they will be comprehensively

8 addressed within the EIR itself. The redevelopment
9 of the Catalina terminal mentioned briefly in
10 attachment A of the NOP, but is not discussed in more
11 detail in the checklist of attachment B; and the Yang
12 Ming terminal, Berths 121 to 131, which apparently will
13 relocate some of the air emissions of the China Shipping
14 terminal.

15 These potential sources of air pollution must
16 be addressed cumulatively, as they are experienced in
17 these communities every day.

18 And finally, third and perhaps most important,
19 as pointed out by Julie, the purpose and need of this
20 project as defined in the NOP assumes that specific use
21 of the land has been predetermined without recognition
22 that a settlement with China Shipping with regard to the
23 port considered in the EIR, other port-related uses,
24 such as a storage site that could have far fewer
25 detrimental health and environmental impacts.

30

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1 Currently, the very narrow purpose of the
2 project design in the NOP could exclude consideration of
3 these low-impact alternatives. We recommend the goal of
4 the project simply be to increase the container-handling
5 capacity at the terminal, which would not rule out the
6 investigation of the full array of potentially less
7 harmful alternatives.

8 In summary, we feel the NOP currently leaves

9 out these alternatives and minimizes potential health
10 and environmental impacts before the actual review is
11 performed. The port communities already overwhelmed by
12 emissions largely generated by port operations.
13 Continuing without mitigation measures and meaningful
14 comprehensive review is unacceptable.

15 Thank you again for -- thank you again very
16 much for the chance to speak and giving this phase of
17 the project the attention that it deserves.

18 COLONEL THOMPSON: Jesse Marquez.

19 MR. MARQUEZ: Good evening. And I appreciate
20 this opportunity to come here on behalf of our
21 community, and I would like to take this opportunity to
22 speak with you and address our needs in the community.

23 I am the executive director of the Coalition
24 for a Safe Environment. We started humbly three years
25 ago at the need of the community to address

31

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1 environmental problems. In this past three years our
2 organization grew from a few hundred to several hundred
3 members. We've also grown outside to encompass members
4 from out of Southern California, from even out of state
5 now.

6 We've also learned to network various other
7 environmental organizations so that we can look into the
8 process of how to deal with the types of problems that
9 we are faced with here in our community with regard to
10 our health, welfare and safety.

11 As a result of teamwork and networking, we've
12 learned to develop solutions and recommendations. So
13 I'll be discussing some of our concerns. I'll also be
14 discussing some of our mitigation recommendations.

15 I did have an opportunity to review the NOP and
16 some of the prior documentation that was submitted to us
17 or mailed to me, and I would like to address some of
18 those issues specifically.

19 Number one, the China Shipping Container Line
20 is the Applicant. We want to know why they never attend
21 any public meetings or any public hearings. If they're
22 a client, they're a customer, they should be here. They
23 should be at all public meetings. We want to have a
24 public community liaison from China Shipping who will be
25 appointed to work with us and to work with the San Pedro

32

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1 communities to address the various issues that we've
2 been discussing for the last several years now.

3 The Corps document references the West Basin
4 and transportation improvement in the EIR, but as you
5 already heard, it cannot be referenced, and it cannot
6 even be used as a basis for this communication for
7 China Shipping because China Shipping did not even exist
8 during the time that past EIRs were written.

9 Under your purpose, the project purpose and
10 need, I have several points there.

11 A, regarding the goal: The goal is not to

12 optimize container-handling efficiency or capacity.
13 There is no new technology being used to optimize
14 anything. As an example, no new technology has been
15 introduced to automate any loading and unloading of any
16 containers. So how could somebody optimize something
17 that's never been optimized?

18 So there's been no presentation, no discussion,
19 no planning inference of any type of new technology
20 being used. In fact, they are using the same technology
21 that exists the last 20 years; nothing has changed.

22 You are not maximizing the use of existing
23 waterways. You are, in fact, filling in existing
24 waterways in the San Pedro Bay. Therefore, there's
25 going to be a net loss of existing waterways in the bay.

33

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1 There is no significant additional railroads
2 being planned or going to be built to optimize container
3 handling, either at the port or through existing
4 railroads that are outside the port area throughout the
5 various communities impacted.

6 The project's proposals and plans have never
7 been outlined or described in any type of new safety
8 features. They mentioned the word "safety." Well, I've
9 never read anything yet that describes any safety
10 program, any safety features, or any issue of technology
11 that's any different than exists.

12 In the documentation there is no plan or
13 document exhibit to be used in the Alameda Corridor.

14 The Alameda Corridor was sold to the community ten years
15 ago as being one of the main reasons -- or ways and
16 means to alleviate some of the congestion and impact in
17 the community; yet it's only being used about 30, 35
18 percent now. Nowhere in the planned shipping
19 documentation does it state that they will use this
20 Alameda Corridor. In addition, there is no other public
21 infrastructure to support it.

22 We are being told the truckers would like to
23 continue to use the Harbor Freeway, the Long Beach
24 Freeway. These were built at public expense, for the
25 public. The way we review the intent of China Shipping

34

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1 is that they would like to use these freeways, which are
2 public property.

3 If China Shipping would like to use the
4 freeways or any type of transit system way, then we
5 recommend that they finance and build their own private
6 freeway system to support their enterprise, or they
7 expand, or revise or modify the Alameda Corridor to
8 handle that truck traffic that they plan to do.

9 In terms of what other type of alternatives
10 could be used, never have we been told in the past that
11 there was an opportunity to propose other alternatives.
12 Well, the best way to solicit alternatives is to hold
13 public forums, or as the Court has done in the past,
14 they issue a request for proposals. Therefore proposals

15 come from various other businesses, enterprises, even in
16 private organization for that matter, to see what type
17 of clients are going to make a proposal for this
18 particular site location.

19 A year or two ago the port announced there was
20 going to be no net increase in air pollution. Well, it
21 is impossible for them to reach this goal for China
22 Shipping when they cannot even achieve that now without
23 China Shipping. That needs to be reviewed seriously.

24 The Port of L. A., as well as any of its tenants
25 and clients and users, have never conducted a more

35

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1 better study or a [inaudible] study to determine any
2 type of health impact in our community. And we believe
3 that these types of studies should be done as part of
4 the environmental impact -- or Environmental Impact
5 Statement process.

6 The Port of L. A., China Shipping, has never
7 conducted a public transportation study to determine
8 whether or not any existing public transportation way
9 can handle any expected increase in truck traffic.

10 In terms of mitigation, we have some specific
11 recommendations that we would like to see. Number one,
12 we would like to see the Port and China Shipping sponsor
13 a \$2 million, four-year health impact study in
14 Wilmington and San Pedro. This would be conducted by a
15 joint effort of USC, Cal State University of Long Beach,
16 and our Coalition for a Safe Environment. Basically

17 what it would do is conduct a complete health survey of
18 health in the public schools in our public school
19 children.

20 And there would be a second study of all
21 residents in San Pedro and Wilmington to determine what
22 are the health impacts of the port.

23 We would like to be a part of a \$10 million
24 public health mitigation trust fund that will be
25 established. The purpose of the trust fund will be to

36

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1 conduct these type of studies.

2 Another situation, we do have residents that
3 are impacted. A good example is Carol Piceno right
4 there with her son. She could not afford to purchase an
5 air purifier because her income doesn't allow it. She's
6 a single mother raising a child. Well, we have many
7 low-income parents and families in Wilmington and San
8 Pedro that can't afford a piece of equipment that is
9 critical to their health and that could benefit their
10 health. Well, this trust fund will allow parents to be
11 able to purchase those type of equipment.

12 I was at the home one time of a parent who
13 needed to change a filter in one of these air purifiers.
14 Now, I noticed something odd about it when she went into
15 the kitchen to get that air filter because when she came
16 back, it was a rectangular square-type filter, and the
17 machine is round. So I asked, "Well, why is the filter

18 square that you put inside the bottom of the machine?"
19 "Oh, I can't afford the expensive filters"; so she was
20 using a paper towel. I mean, we do have families of
21 this type, that they can't even afford the filters.
22 Well, with the trust fund established, they can do this.

23 Because of the health crisis, many of our,
24 quote, "hospitals" are now -- Martin Luther King and
25 others -- no longer have medical staff to be able to

37

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1 treat them or handle any emergency-type cases. Well, by
2 having this trust fund, these parents would have access
3 to money to be able to go to a private physician or to a
4 private hospital for medical care.

5 We would also like to have established another
6 \$10 million public environmental litigation trust fund.
7 Again, this would be for environmental organizations and
8 communities that can tap into this money on an annual
9 basis to use to offset various environmental problems or
10 impacts that China Shipping and the port have on their
11 communities.

12 We request that all nonroad construction
13 equipment, to the best of their ability, use alternative
14 fuels. I work in construction now. All your
15 bulldozers, all your tractors, all your trailers, all
16 your power generators, you know, all use diesel fuel.
17 I've seen the EIR reports where they put down that they
18 will retard the engine speed.

19 I've never seen anybody retard any engine speed

20 on any piece of equipment in my whole life of working in
21 construction, and I work on at least seven to ten
22 construction projects every year. That has not
23 happened. So we want to get a commitment to make sure
24 that they will use equipment that uses electricity or
25 uses LPG or LNG. And in the worst case, they could use

38

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1 biodiesel fuel or low-biodiesel fuel. Those are
2 alternatives.

3 We would like to see the Port of L.A., China
4 Shipping develop a green master plan. One of the
5 problems that we have is that there's not enough green
6 to reoxygenate the air in our community. So we ask that
7 they develop a green master plan of trees, bushes
8 flowers, to the maximum of their ability, that could
9 benefit our community.

10 And in case, Colonel, you have never seen an
11 air filter of our air from Wilmington, this was taken --
12 this is an example of a clean air filter. This is a
13 filter of four days of continuous running in Wilmington
14 at Wilmington Park Elementary School. This was done at
15 a California Air Resources Board test van site a year
16 ago, and this is only four days.

17 So if this is only four days, you could imagine
18 what 365 days in every year is about.

19 So I thank you very much for your time.

20 COLONEL THOMPSON: Thank you.

21 We'll now take a ten-minute break, collect up
22 any additional speaker request forms, and then we will
23 reconvene in ten minutes. Thank you.

24 (A brief recess was taken.)

25 COLONEL THOMPSON: The second portion of this

39

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1 meeting, what I'll do is to call the person who is up
2 speaking and then also the name of the person who will
3 follow them, just so you're prepared and be able to move
4 on more quickly.

5 Remind you also, again, that we've allocated
6 three minutes per person. The light will turn yellow
7 when you have one minute left.

8 The first speaker is Arthur Hernandez.

9 MR. HERNANDEZ: My name is Arthur Hernandez. I
10 represent the Wilmington Property Owners Association
11 Council of Wilmington. I come here to voice my opinion
12 on the Los Angeles development and what's going on in
13 the Port 97-109 container development.

14 The -- since the China Shipping has come into
15 San Pedro development there's been lot of controversy.
16 And I think there ought to be more alternatives. In
17 regards to these alternatives, there should be
18 consideration for electrical trains.

19 At present we have the diesel trains, and I
20 think the future design for transportation of
21 containers, which will come about in the making of trips
22 or in that capacity, each container station will have at

23 least a million truck trips. And this is what I
24 foresee.

25 I did a survey. In the next five years each

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1 container port terminal will have a million truck trips,
2 and that's considerable diesel -- at present, using
3 diesel trucks; and these diesel trucks contribute the
4 odors and pollutants, excessive -- and they produce a
5 lot of excessive noise.

6 And if we could more or less give a
7 recommendation to have electrical trains, where they can
8 come in and don't make too much noise, and haul these --
9 haul these 90 to 100 flat cars out to the Sierra Madre,
10 that would help to reduce excessive noise. At present,
11 there's no design, no ideas of that. Perhaps they could
12 utilize the diesel trains beyond the Sierra Madre to
13 take them to the East Coast.

14 Also, at present on these designs, I only see
15 two rail lines going, or possibly there might be three.
16 But I only see two at the most connecting Berth 97-109
17 in San Pedro. At present, Wilmington has three rail
18 lines along certain areas bordering the residents. But
19 in other areas we have 14 rail lines, and they have --
20 the railroad companies have expanded into the Wilmington
21 community, and particularly in north Wilmington.

22 Also, there's a Lomita station now under
23 construction and -- which will facilitate train

24 movement. And it will produce a lot of noise and
25 pollution.

41

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1 And so this is my concern. And I thank you.

2 COLONEL THOMPSON: Thank you very much.

3 Next will be Carol Piceno followed by

4 Augustin Eichwald.

5 MS. PICENO: Hi, my name is Carol Piceno.

6 Thank you for letting us talk.

7 We have enough diesel trucks in Wilmington.

8 Everywhere you go there are containers stored all over.

9 Right off the exit diesel trucks go down and store their
10 containers right across the street from my aunt's house.

11 The EIR should study the implications on health
12 for the surrounding communities that this project would
13 affect. The EIR should study the economic cost of a
14 house here that would result from pollution from the
15 project. Estimates could include health and cost for
16 Wilmington.

17 Thank you.

18 COLONEL THOMPSON: Thank you.

19 Augustin Eichwald, followed by Frank O'Brien.

20 MR. EICHWALD: Good evening. My name is
21 Augustin Eichwald. I'm with Communities For a Better
22 Environment. We're also part of the litigation in the
23 lawsuit.

24 The EIR should study and state clearly the
25 amount of diesel truck trips that will pass through

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1 Wilmington and the surrounding communities as a result
2 of this project. The EIR should study and state clearly
3 the amount of diesel emissions from trucks, trains and
4 ships that are used to transport cargo resulting from
5 this project.

6 The EIR should study, take into account, and
7 state clearly results from the AQMD's MATES II Study,
8 which I've mentioned before, which shows that Wilmington
9 already has a cancer risk of greater than 1,500 in a
10 million. The EIR should state clearly the estimated
11 effect of this project on these numbers.

12 The EIR should study, like Ms. Piceno said
13 earlier, the implications of health in the surrounding
14 communities that this project will affect. The EIR
15 should subsequently study the economic cost of
16 healthcare that would result from pollution from this
17 project, estimates that include healthcare costs per
18 resident of Wilmington.

19 The EIR should study and make clear the impacts
20 on traffic in the area. In addition, the EIR should
21 look into alternative forms of transporting cargo to and
22 from the port. Alternative transportation could include
23 zero or low-emissions transport.

24 The EIR should study and make clear a study of
25 the health impact of truck trips and trains that pass

1 through Wilmington and the surrounding communities
2 resulting from this project. The EIR should study and
3 make clear the aesthetic impact on Wilmington and the
4 surrounding communities resulting from stacked container
5 units in the area.

6 The EIR should study and make clear the impact
7 on local wildlife and ecology resulting from this
8 project. The EIR should study and make clear the
9 aesthetic impact on Wilmington and surrounding
10 communities of the cranes that are used to unload and
11 load cargo.

12 The EIR should study and make clear the effect
13 on coastal visibility that would result from this
14 project. Haze from air pollution should be taken into
15 account in terms of lowering visibility of the coast and
16 the Vincent Thomas Bridge. Also, cranes should be taken
17 into account in lowering visibility.

18 In short, Wilmington is an already overburdened
19 community. This needs to be studied. And if the people
20 who are making the decision on this project do not take
21 this into account, they might be facing potential
22 litigations in the future.

23 Also, I feel -- you talk about the economic
24 benefits from the China Shipping. Look at the benefits,
25 but weigh that with the healthcare cost. These are

1 millions and millions of dollars that go towards
2 healthcare. And if you're going to study things like
3 this, you should study each -- what the cost potentially
4 would be for each and every person who lives there.

5 Thank you.

6 COLONEL THOMPSON: Thank you.

7 Frank O'Brien followed by Ariel Serrano.

8 MR. O'BRIEN: All set? Thank you.

9 Good evening. My name is Frank O'Brien. I'm
10 the executive director of the Economic Development
11 Corporation that covers the area from Watts down here to
12 the harbor area.

13 I'd like to address the issues that would be
14 covered in the draft environmental document with the
15 focus on cumulative impacts from -- primarily from truck
16 traffic and on air quality.

17 And before I get into some of the specific
18 items that I think the draft environmental document
19 should cover, I would like to follow up briefly on a
20 line of thinking that Mr. Eichwald introduced, and that
21 is the relationship between the wealth that's generated
22 by the port industrial complex compared to the adverse
23 impacts that are experienced by San Pedro and
24 Wilmington.

25 And to the extent to which the draft document

45

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1 can quantify both the wealth that's generated and the
2 quantitative impacts on health, quality of life, and in
3 other measures here in the harbor area, I think that
4 would be the appropriate framework and consideration of
5 this specific impact.

6 Briefly, without an adequate data baseline, the
7 evaluation of individual cumulative impacts really can't
8 be properly evaluated. The moving target, which seems
9 to have been a pretty consistent feature of the many
10 environmental documents in the past, I think we have an
11 opportunity here to really fix a very clear data
12 baseline to quantify to the extent, if possible, such
13 things as level of service, parts per million in air
14 quality, for example; identify the harbor throughput in
15 terms of truck trips or train trips or cargo moves, for
16 example, that's associated with that data baseline.

17 Once the baseline is established, I would hope
18 the draft environmental documents could compare the
19 individual impacts associated with this proposed project
20 as well as the past, present, and reasonably anticipated
21 future projects, so that both the individual and
22 cumulative impacts can be compared both by the public
23 and by the decision makers.

24 Of particular interest are traffic and air
25 quality. At the same time, I have provided these

46

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1 comments in written form to the staff here as well. In
Page 44

2 addition to traffic and air quality, I think it is very
3 important that the draft environment -- draft
4 environmental documents look at individual and
5 cumulative impacts on land use and on natural habitat
6 areas within the harbor. My other concerns are
7 specified in other documents.

8 Thank you for this time.

9 COLONEL THOMPSON: Ariel Serrano. Is
10 Ariel Serrano here?

11 MR. SERRANO: I'm Ariel Serrano. I have no
12 comments.

13 COLONEL THOMPSON: No comments? Okay. Thank
14 you.

15 Donna Ethington, followed by Robert Peperl.

16 MR. PEREL: Perel.

17 COLONEL THOMPSON: Perel, excuse me.

18 MS. ETHINGTON: Okay. My name is
19 Donna Ethington, and I live in the Wilmington marina.

20 In the above referenced area -- in the NOP that
21 was prepared on June 26th under the category of
22 transportation-traffic impacts, there's no intended
23 evaluation of rail impacts in their operations as they
24 complete the terminal.

25 As part of the Alameda Corridor Project, a new

47

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1 rail line was built through Leeward Bay Marina that
2 effectively cuts off all access to the 11 Wilmington

3 marinas when trains use that track. This causes a
4 life-safety issue for approximately 500 marina residents
5 due to the cumulative rail traffic to and from the West
6 Basin, Terminal Island, and the Long Beach terminals.

7 The rail lines were completed in April 2002,
8 and in the last year there's been at least four
9 occasions that I'm aware of the paramedics were unable
10 to get through the intersection to access the marinas
11 because of all the cargo trains. On at least two of
12 these occasions the paramedics had to be patched through
13 to the engineers to have them move the train.

14 When the train trestle that links the mainland
15 to Terminal Island is in the up position to allow ships
16 to pass through the Cerritos channel, the trains can't
17 move. So what will happen if there's a refinery fire
18 and explosion in the harbor?

19 There are often three or four trains on several
20 of the at-grade rail crossings that go through that same
21 intersection, which is the entrance to the Long Beach
22 SSA Terminal and on/off ramp to the drawbridge and 103
23 Freeway; so all the traffic is backed up. What good is
24 a 30-minute rule at the terminals when trucks are idling
25 at this train crossing?

48

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1 As part of the portwide traffic study,
2 Meyer, Mohaddes prepared a Traffic Impact Analysis on
3 Berths 100 through 102, indicating that the China
4 Shipping terminal would only result in one additional
Page 46

5 8,760-foot-long unit train per day that would block any
6 given street for 5.6 minutes.

7 Any of us in the marinas can attest to waiting
8 at that intersection for up to an hour or more, whether
9 it's at 3:00 o'clock in the afternoon or 1:00 o'clock in
10 the morning. A recent estimate provided by the port
11 staff is three- to five-unit trains per day.

12 Most unit trains are assembled in pieces by
13 Pacific Cargo Line or Santa Fe and by truck ICTF yards.
14 So one-unit train consists of 24-hour-a-day
15 multiple-train movement. To say that the China Shipping
16 terminal will only add one- or even five-unit trains a
17 day is understating the actual impact.

18 In a June 30th notice of upcoming CEQA actions
19 provided by the port --

20 COLONEL THOMPSON: Okay. Thank you.

21 MS. ETHINGTON: -- there are NOPs for EIRs
22 being prepared for the expansion of the TraPac and Rio
23 Dolce Pasha terminals that are already in the West
24 Basin, and the relocation of the SSA Outer Harbor Fruit
25 Facility currently at Minor and 22nd in San Pedro to

49

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1 Berth 153 in the West Basin.

2 Yang Ming China Shipping already use these rail
3 lines for Borax, GATX and Tosco. These same tracks
4 cross the East Basin where the lines are used to build
5 parts of unit trains that tie up the Henry Ford

6 intersection going back and forth to hook up auto
7 carriers and DAS and Auto Warehouse.

8 All these intersections -- intersecting lines
9 that run through this intersection are part of a
10 critical hub in the movement of goods. The EIR has to
11 account for all train movements in and out of the China
12 Shipping terminal, evaluate the cumulative impact with
13 existing and proposed West Basin terminals and all other
14 L.A.-Long Beach port terminals including scenarios for
15 potential outlying distribution centers. Before this
16 terminal is developed there has to be a plan in place to
17 mitigate the impacts and the life-safety issues and all
18 it poses.

19 Thank you.

20 COLONEL THOMPSON: Thank you.

21 Robert Perel, followed by Juan Piceno Carlos.

22 MR. PEREL: I'm Bob Perel, and I operate a
23 couple of the marinas in the Wilmington area. My
24 family's been in the business maybe 50 years with
25 numerous marinas, and we've learned to live with the

50

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1 industrial traffic. Always gotten along, and I'm
2 perfectly well aware that the primary purpose of the
3 port is industry and shipping.

4 Unfortunately, there is an impossible
5 situation, I'm sure most of you people know what I was
6 going to say, but I can't figure how they ended up with
7 track laying across the [inaudible]. Obviously, they

8 have to get onto Terminal Island; that at a certain
9 point, every marina is totally blocked in when there's a
10 train going, and you have life-threatening issues.

11 At this present time, the marinas are doing --
12 I would say, quite well. The economy is strong in the
13 boating industry, and we're pretty full. So, anyway,
14 these trains, I mean they can obviously, but at this
15 point so that things are okay. I would think that the
16 problem is every train in the West Basin or other places
17 that are not on Terminal Island, use the Alameda
18 Corridor, must access this road to get on them. When
19 they do, they can't get out.

20 I can't believe this wasn't thought out, but
21 the problem is that it's life-threatening issues. So
22 from there, obviously I thought we're okay. There have
23 been times so far, however, where ambulances have been
24 blocked in. In fact, someone got blocked in in an
25 ambulance in the Leeward Bay Marina. They couldn't get

51

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1 out. Fortunately, the person didn't die. I hope the
2 next person that gets blocked in isn't me. I'll be
3 pretty mad if I expired trying to get out. I'll let my
4 wife worry about it.

5 If they increase the traffic, you're going to
6 have an insurmountable problem. The fact of the matter
7 is there's -- I don't want to say -- the port won't like
8 this, but you're putting everyone at risk. Is there

9 really criminal liability if you knowingly have an area
10 where people can't get in or out?

11 Fortunately, I think there's a very good way
12 out of it. They should build an overpass. They could
13 give the people -- about 1,700 boats, couple shipyards;
14 there's other businesses. So we're not talking about an
15 isolated area. And with a overhead overpass that would
16 go over the tracks, I think we'd be home free.

17 As far as I'm concerned, from my standpoint,
18 the trains could run morning, noon and night there.
19 They look beautiful when they're on the Alameda
20 Corridor. No problem whatsoever whether we could get
21 traffic in and out. And God bless them, they can run
22 morning, noon and night, but they can't block us in.

23 And for someone to make the decision, until
24 they have a way to resolve this so that more trains go,
25 with the risks that it imposed, someone better give this

52

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1 very serious thought. And if I were the port, I would
2 be starting tomorrow morning, the first thing, the most
3 important thing on the agenda to figure a way to get
4 people out of this situation. That should be your most
5 important project.

6 Thank you.

7 COLONEL THOMPSON: Thank you.

8 Juan Piceno Carlos, followed by Eddie
9 Greenwood.

10 MR. PICENO: Hi, my name is Juan Piceno.

11 Thanks for letting me talk.

12 I have asthma and other sinus problems. I
13 don't think we need no more diesel trucks going down on
14 our streets. We have enough pollution as it is. So
15 please keep our air clean.

16 I have a future. I want to be a fireman.
17 Expanding the port would be a disaster for sick kids. I
18 watched a lot of people die of cancer.

19 Thank you.

20 COLONEL THOMPSON: Thank you.

21 Eddie Greenwood, followed by Raul Orozco.

22 MR. GREENWOOD: Hi. Good evening.

23 You know, I commend the young man who just came
24 up here and spoke in front of this audience -- young
25 lady -- young man. Congratulations.

53

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1 He didn't use all his three minutes. The other
2 guy rendered his time. If you give grace, which is a
3 couple additional minutes, it'd be appreciated.

4 COLONEL THOMPSON: Okay.

5 MR. GREENWOOD: My name is Eddie Greenwood. I
6 live at 1220 West Cruces Street in Wilmington,
7 California. I'm married with five children, and I'm a
8 homeowner and a resident of the community. I was
9 recently put into the Wilmington Neighborhood Council as
10 labor representative.

11 I work in the Port of Los Angeles and Long

12 Beach as a longshoreman. I do not come here today to
13 this meeting representing the IAW or longshoremen. I
14 come here as a resident. However, there are issues on
15 both sides of the coin that I have concerns about.

16 In referencing the scope -- or the
17 consideration on page 1, I would like to see it put in
18 the EIR why the port is asking the courts -- because it
19 says in the paragraph "The court is considering the
20 Port's application for a Department of the Army permit
21 under Clean Water Act, Section 404." So I am just kind
22 of wondering, if there are other agencies that have done
23 this, what is the underlying reason for them?

24 On page 3, in reference to the project's
25 overall goals, optimizing container and cargo-handling

54

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1 efficiency, increasing the cargo-handling capacity,
2 create sufficient back land area. So that becomes --
3 creating the back land area to optimize container
4 terminal operations, including the storage, transport
5 off-loading container ships in a safe, efficient manner.

6 What I think is important as far as labor on
7 the waterfront are a couple of issues. One has to do
8 with the lighting. A lot of -- I drive a top-hammer on
9 the waterfront. It moves the containers so that it
10 stacks them four or five high.

11 In consideration for the lighting, when we're
12 raising containers three and four high, even though they
13 try to put some type of lighting that is less

14 reflective, we still got problems with the lighting.

15 Second is the ballards. They put on in the --
16 holding the ballards up. I don't know who made the
17 consideration -- but on the shipping terminal in Long
18 Beach, but the ballards stand straight up. The other
19 ballards, I don't know what's in place here at China
20 Shipping, but consideration for the ballards, the people
21 that put the lines that tie the ships up.

22 On page 6, impacts the water quality. I'm
23 particularly concerned, and I think that that should be
24 addressed. It's a major issue to me and my five
25 children and this community. The impacts of traffic in

55

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1 the marine navigation grounds transportation, I believe,
2 has been addressed or at least looked into by the
3 councilwoman's office of the 15th District to expand the
4 times of port employment, for longshoremen to work the
5 third shift more extensively.

6 So I think that could be considered to expand
7 and request -- I mean, you can't mandate China Shipping
8 to run a third shift, but you could put this request out
9 to them that they would okay that. The potholes, the
10 impacts of public utilities services, the potholes on
11 Harry Bridges, you know, I get a dispatcher come out
12 with a haul, and I drive down Harry Bridges, and you
13 pass in front of the TraPac, there are potholes there
14 that could cause an accident.

15 People dodge them. They move out of the way
16 for them, and, you know, they're going to cause a
17 serious problem there. And I believe that some people
18 there have already died, including law enforcement
19 personnel, in accidents there.

20 So I think, you know, that people in our
21 community -- I commend Jessie Marquez for doing the good
22 work that he does in the community, the people that look
23 into it from the different agencies, that look out for
24 our best interest, in humanity as a whole.

25 There are some things that I would like to see

56

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1 in the scope of the nexus and future mitigation -- or
2 mitigation.

3 (Static noise from microphone.)

4 I can probably speak loud enough without that.

5 Okay. The scope of the nexus of future
6 mitigation funds, that there be consideration for --
7 through either Thailand's Trust Act or any other
8 provisions of mitigation funds, that they open the
9 window to be able to say, for example, I would like to
10 see the facility open. But what happens is, there are a
11 lot of times when consideration isn't given to go beyond
12 the ability to -- they set certain strange criterias to
13 the nexus to only encompass to a very close location.

14 I would like to see them be able to expand that
15 so that it includes the community, so the community goes
16 into San Pedro, goes into Wilmington; if there's an area

17 in Wilmington that can be outreached anywhere it wants
18 in Wilmington, that those funds of mitigation must be
19 used for that.

20 Expand the ability of use of those funds. The
21 mailer was just mailed out. In this thing here, it says
22 sign up for the e-mail list, and I'll do that. But I
23 think it's important that when you put the mailer out
24 this time to the community, that you put it out a
25 minimum of two weeks prior so that people could submit

57

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1 that information; that it be bilingual, in English and
2 Spanish; that the stated improvements to our community
3 as a whole be seriously considered.

4 Expanding the port's guidelines will enable
5 more liberal support of either sponsorship, mitigation
6 funds, et cetera.

7 A health study done in the community; I think
8 that was an issue touched on by Jesse Marquez to support
9 that. A health study should be done by the port in this
10 community or through mitigation funds or added into the
11 EIR report.

12 Health study for noise emissions, port master
13 plan. I think that the port master plan should be a
14 disclosure and intent. I think that this meeting is
15 good; I think it's come a long ways. I think that the
16 port master plan of what plans are for the future should
17 also be in a forum like this to disclose to the

18 community what's ongoing, what's happening, what are its
19 greater plans.

20 Are they planning to go all the way down -- you
21 know, we hear speculated rumors. You know, the facts --
22 deliver the facts to us, allow us to have some input. I
23 think that that goes a long way for credibility instead
24 of doing a backward deal that we heard happened with
25 Phil Banshultz sold the Terminal Island EI 400, trying to

58

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1 get that expansion, if something happens.

2 That's the last thing we need is to have, you
3 know, a fast tracking through here without EIRs, without
4 considerations for the community and the residents who
5 live in this community.

6 A percentage of container taxation should be
7 set aside for the community -- for the immediate
8 community improvements. You know, I know that in this
9 community and the community of San Pedro, somehow, we
10 overlooked.

11 And I don't know how the whole scope of the
12 taxation of containers, you know, when the port leases
13 the property to those companies for a long period of
14 time, the containerized taxation comes in the steamship
15 companies charge.

16 Somewhere a small percentage should be put into
17 some sort of a trust fund for the immediate communities
18 that it affects. So that if there's, you know, a lack
19 of police officers in the area, if there's potholes in

20 the area that the city government can't cover, you know;
21 our state's in a crisis. You know, there's a lot of
22 money passing through this port. It's not -- we're not
23 talking millions of dollars. We're talking billions of
24 dollars.

25 Thank you for your extended time and courtesy.

59

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1 Appreciate your taking, you know, of this into serious
2 consideration.

3 COL. THOMPSON: Raul Orozco, followed by
4 Bill Shultz [sic].

5 MR. OROZCO: Yeah, my name is Raul Orozco. I
6 lived in Wilmington for 28 years. As far as I can
7 remember, Wilmington -- the port has been expanding
8 since I've moved here. And also, our community has been
9 growing. But a lot of the times, the port will expand,
10 and they'll make -- come up with the land to use or even
11 go out to the ocean.

12 Sometimes they were thinking about coming in,
13 but nothing has been really done for recreational in
14 Wilmington parks. Now that there's some money
15 available, I would like to see some baseball fields,
16 softball fields, soccer fields.

17 As you can see, driving here through this park,
18 there's a lots of kids out there, and we're practically
19 almost fighting for space on the fields, on the baseball
20 fields. Sometimes we have to go out of the community to

21 practice. And I think that's kind of wrong. But the
22 main thing is our health, our health here in Wilmington.

23 A lot of people, like you have heard, they have
24 asthma. My daughters, two of them were born with asthma
25 where nobody in my family or my wife's family has ever

60

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1 had asthma. But since we came to this country 28 years
2 ago, we developed not only asthma, but other sickness as
3 well.

4 It's the traffic -- the traffic you get on the
5 710, you better have a start early, get a head start on
6 it. Hopefully, you will have a job from 5:00 in the
7 morning, just to get out of here. Otherwise, it will
8 take you forever.

9 And I'd like to see something done about that,
10 like Jesse was bringing it up, having some kind of trust
11 fund, or whatever have you, have some kind of planning,
12 with trains or buildings, bridges or whatever have you.

13 But we definitely need -- we have a lot --
14 again, a lot of problems here. And lot of the times, it
15 almost seems that -- it seems like the port hears us
16 out, and nothing ever gets done. It's just like a deaf
17 ear, you know. They'll sit there, and they'll shake
18 their head, yes, we agree; yes, we agree. But we never
19 get nothing. Nothing's going to happen in back of their
20 heads. That's what goes on every time we attend
21 meetings. "Yes, yes"; but down the line, nothing gets
22 done.

23 Thank you for your time.

24 COLONEL THOMPSON: Bill Shultz -- Schwab.

25 MR. SCHWAB: My name is William Schwab, but you

61

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1 can call me Bill. I come here tonight to -- with a lot
2 of questions. First one would be when China Shipping
3 was going to have -- being built, there was a shipyard
4 there, Todd's Shipyard, legally Los Angeles Shipyard.

5 Must have been a good 70 years, and I know.
6 I've been in that shipyard, as I was a merchant seaman
7 for 44 years, and we'd dry-dock ships there. We
8 sandblasted ships. The paint came off, which had lead.
9 They had asbestos on those ships. And I'm just
10 wondering when they dredged there, if that soil was
11 checked out to see if it's still in the ground. And if
12 they did take it out, where did they take it? That's
13 one.

14 The other one is we know that China Shipping is
15 going to go in, and what I want to see -- a school is
16 going to be built off the Harry Bridges. And this
17 school will be maybe two blocks from that. I think it
18 should be soundproof, just like they soundproofed those
19 homes in Westchester. The noise will probably be
20 terrific, maybe not. I hope it isn't.

21 But I think they should have monitor -- monitor
22 the air for the people in this area. And let them be
23 notified that if the air is bad, well, we'll shut the

24 plant down. In other words, shut down the facility
25 until the air is clear.

62

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1 Also -- there's a few other things I wanted to
2 say, but when I get halfway home, it will probably come
3 to me.

4 Well, one of the things I wanted to say is that
5 in San Pedro, the people over there say they can't see
6 the view because the cranes are in the way.

7 Here in Wilmington we say we can't see the
8 cranes because the containers are in the way.

9 Thank you.

10 And there's something I forgot to say. I have
11 a report today. I have problems, and I finally found
12 out from a doctor what is the cause of it. Your legs
13 get numb, your feet get numb, and the report came out
14 that it is caused by chemicals or asbestosis or the
15 family has diabetes. I just want to -- maybe somebody
16 could go check up on it. That's what I heard today from
17 a doctor in Long Beach.

18 Thank you.

19 COLONEL THOMPSON: That concludes all people
20 who have signed up with speaker cards. Let me remind
21 you again that we are taking written comments through
22 the end of July, and we would like to thank you for your
23 participation tonight, and we look forward to your
24 continued participation as we proceed through this
25 process.

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1 Thank you.

2 UNIDENTIFIED SPEAKER: I just want to make one
3 quick comment. We didn't have enough time in this
4 presentation. I just wanted to say that I am 100
5 percent in favor of the translation, and I thank the
6 Army Corps for making the effort to have simultaneous
7 translation. And I think that the Corps should follow
8 suit, and I think that it should be something that is
9 permanent throughout this process.

10 Thank you.

11 COLONEL THOMPSON: And could I remind everybody
12 to please turn these in so that at the next hearing we
13 will have them available to use.

14 Thank you.

15 (The hearing adjourned at 8:26 p.m.)

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2 COUNTY OF LOS ANGELES) ss.

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I, DORIEN SAITO, CSR 12568, a Certified Shorthand Reporter in and for the State of California, County of Los Angeles, do hereby certify:

That the foregoing hearing held on Thursday, July 10, 2003, was taken down to the best of my ability in stenograph writing by me and thereafter transcribed into typewriting under my direction.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, California, this 27th day of July, 2003.

CERTIFIED SHORTHAND REPORTER
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LOS ANGELES, STATE OF CALIFORNIA