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BERTHS 136 - 147 CONTAINER TERMINAL
DRAFT ENVIRONMENTAL STATEMENT (EIS)
ENVIRONMENTAL IMPACT REPORT (EIR)
PUBLIC HEARING
TUESDAY, JULY 31, 2007
6:00 P.M.
REPORTER'S TRANSCRIPT OF PROCEEDINGS

REPORTED BY: NICOLE R. HARNISH, CSR No. 13101

1 JULY 31, 2007, WILMINGTON, CALIFORNIA

2

3 MS. KNATZ: Welcome everyone. My name is
4 Geraldine Knatz. I'm executive director of the Port
5 of Los Angeles. Welcome to the public meeting on the
6 draft EIR/EIS for TraPac Terminal. Thank you all for
7 coming. I do want to introduce our board president,
8 David Freeman. He is here. He may not be in the
9 room right now, but he should be here shortly. He's
10 in the building. And we may have another
11 commissioner joining us as well. And there she is in
12 the back. Our board vice president,
13 Geraldine Mendoza is in the back. So it is great to
14 have board members coming out for our public meeting.
15 I just want to start out by saying I appreciate you
16 all for coming. I know that the EIR that we put out
17 is a formidable document. And we have had some
18 requests for extending the review period. And we
19 have agreed that we are going to extend the public
20 review period. We are going to make it a 90-day
21 review period. So the public comment period will end
22 on September 26th. And we will be sending notices
23 out to our mailing list just so you have an official
24 notice of when the new public review period ends.

25 So what we are going to do this evening is

1 I am going to turn it over to Lieutenant Colonel
2 Blackburn from the U.S. Army Corps of Engineers.
3 He's got some opening remarks. Then we have a very
4 short presentation by staff. And then we will go
5 right to public comment.

6 So at this time I would like to introduce
7 Lieutenant Colonel Blackburn from the U.S. Army Corps
8 of Engineers.

9 LIEUTENANT COLONEL BLACKBURN: Good
10 evening, everyone. While it is dangerous to get a
11 guy up in uniform, especially a colonel with a
12 microphone because he could go on forever and ever.
13 So I'm going to keep this short. I have got a few
14 things to say up front. And I'm going to turn this
15 over to Dr. Appy who's going to go over the project.
16 And then he's going to turn it back over to me and we
17 are going to go over the mechanics of the public
18 hearing.

19 Like Dr. Knatz said, I'm Lieutenant Colonel
20 Mark Blackburn. I'm actually the deputy commander
21 for the Los Angeles district and U.S. Army Corps of
22 Engineers. On behalf of the Corps of Engineers, I
23 would like to welcome you all to this meeting, which
24 we are also conducting in Spanish as a courtesy to
25 you, the interested public. At this time I would

1 also ask that you either turn off your cell phones or
2 put your cell phones on vibrate so you don't disturb
3 the public hearing.

4 As you know the Port's of Los Angeles is
5 applying to our agency for a permit to construct
6 wharf and terminal improvement at the existing TraPac
7 container terminal. The current effort is the
8 expansion of this container terminal. Under our
9 federal permit program the Corps of Engineers is
10 responsible for regulating dredge and fill activities
11 in waters of the United States. The Port's proposed
12 activities are regulated under both Section 404 of
13 the Clean Water Act and Section 10 of the Rivers and
14 Harbor Act.

15 The port is also considering the transport
16 and dumping of the cleared dredge material at
17 approved ocean disposal sites, which would require
18 authorization pursuant to Section 103 of the Marine
19 Protection Research and Sanctuaries Act. Federal
20 actions such as Section 404 and Section 10 and
21 Section 103 permit decisions are subject to
22 compliance with a variety of federal environmental
23 laws. Consequently the Corps has a responsibility to
24 evaluate the environmental impacts that would be
25 caused by the proposed project prior to making

1 permanent decisions. Meeting its regulatory
2 responsibilities, the Corps is neither a project
3 proponent nor an opponent. In addition, to evaluate
4 the environmental direct, indirect, and cumulative
5 impacts of the port's proposed projects, the Corps
6 must determine whether the proposed project is the
7 least environmentally damaging practical alternative
8 that meets the overall project's purpose. Also no
9 permit can be granted if we find that the proposal is
10 contrary to public interest. The public's interest
11 determination requires careful weighing of those
12 factors relevant to a particular project. The
13 project's benefits must be balanced against its
14 reasonable foreseeable detriments.

15 For purposes of testimony you will hear
16 tonight, we will concentrate on the issues
17 specifically related to the port's proposed project,
18 the TraPac container terminal, berths 136 through
19 147. At this public hearing the Corps is requesting
20 input from the general public concerning specific
21 physical, biological, and human use factors that
22 should be evaluated in greater detail as part of the
23 final EIS and EIR and the proposed Corps permit
24 action for the proposed project. The Corps would
25 like to emphasize that we will carefully consider all

1 comments that we receive with the proposed project,
2 and that they will be given full consideration as
3 part of the final permit decision. Some speakers
4 will be opposed to the project while others will be
5 in favor of the project. I hope and expect that when
6 we speak we will respect each other's opposing views
7 and allow speakers to make their statements without
8 interference. Following this hearing all parties
9 will be given, like Dr. Knatz just specified, until
10 September 26th to provide any written testimony or
11 rebuttals.

12 With that, Dr. Ralph Appy from the Port of
13 Los Angeles will now provide a 10 to 15 minute
14 presentation on the project, following this
15 presentation I will come back up and I will go over
16 the mechanics of how we are going to address public
17 comments.

18 DR. APPY: Thank you very much and welcome.
19 Thank you all for coming tonight. I would also like
20 to make some introductions here. Sitting at the
21 table is Dr. Spencer MacNeil, who is the project
22 manager for the U.S. Army Corps of Engineers on this
23 project. So, we work daily with him on doing the
24 assessment. And also Lena Maun-Desantis, who is a
25 Port of Los Angeles project manager for this project.

1 So, we have now prepared an environmental
2 document, and we love acronyms, so EIR stands for
3 Environmental Impact Report. And that is the State
4 name for the document that has been prepared. I
5 mean, it is quite a large document. And so, the
6 purpose of the port being here is that we are what is
7 called the lead CEQA agency, California Environmental
8 Quality Act. So, under the State law we are the lead
9 preparing the environmental assessment for projects
10 that happen in the harbor district. So, we are kind
11 of -- we are on the same lines as the Corps is. So,
12 we actually get together and do these documents
13 jointly so that there is not a waste of paper and
14 time to get these assessments done. So, we combine
15 documents and you see the acronym EIR/EIS, or
16 EIS/EIR. And the EIS part is the Environmental
17 Impact Statement. That is the federal document. So,
18 we combine them. And they -- in most cases they are
19 more similar than they are unlike each other to laws.
20 So, we can do them quite easily together.

21 I would also like to state tonight that we
22 also have translation services.

23 (Spanish segment.)

24 So, we are the lead agency. It is our
25 responsibility really to then look at the

1 environmental substance of the project, which
2 identifies the impacts of that; looks at alternatives
3 to the project; looks at mitigation measures, and
4 perhaps most importantly of all its identified facts
5 so that when the decision makers eventually look at
6 the project and decide whether or not to approve that
7 project that they are well aware of the environmental
8 consequences associated with that action.

9 So, having said that I would like to just
10 briefly go over the presentation we have here. Kind
11 of give you some of the just general findings. I
12 would like to point out tonight that our purpose
13 tonight is not necessarily to engage in dialogue on
14 each of the issues, otherwise we could be here for
15 three or four days. It's really to get your input.
16 And we have another month of opportunities for you to
17 provide input and we will be telling you about those
18 later. So, next slide.

19 So, I think we've been through the
20 introduction here. We do have -- I mention here we
21 talk about mechanics a little later. We do have two
22 special commentators, NRDC and Los Angeles Chamber of
23 Commerce, here who especially asked for additional
24 time to speak at the beginning.

25 So the Berth 136 to 147 project is seen --

1 it is outlined there. You can see it has a black
2 line around it. And that is the project itself. And
3 there's actually four major components to this
4 project. The first is the terminal itself. And
5 that's where you see the dark line around the
6 project. And that is an existing terminal presently
7 run by TraPac. So, the project is going to involve
8 dredging, crane replacements. There will actually be
9 one less crane out there than was at the beginning
10 and onset of this assessment. If the project is
11 approved there will be a 30 year lease associated
12 with that. So TraPac can operate there for 30 years.

13 One of the really special parts of this
14 project is the application of a new on-dock rail
15 facility. This will be our last major container that
16 does not have its own -- have access to its own on
17 dock rail facility. So this is a really good project
18 benefit. There is going to be a new LEED certified
19 building, a green building, new lighting throughout,
20 and also a new truck entry gate to help with some of
21 the ingress and egress problems that occur at this
22 facility.

23 The second part of the project is a large
24 buffer area. A number of years ago there was a large
25 piece of land behind it. It was actually going to be

1 part of the terminal itself. Previous boards decided
2 that that buffer area -- or that area would serve
3 better as a buffer between the terminal and the
4 Wilmington community itself. So this project also,
5 as a separate item, looks at that 30-acre landscape
6 buffer area. And there has been some design work
7 done on that particular area. So that is included as
8 part of this project as well.

9 The third part of the project is the Harry
10 Bridges Boulevard. And that particular boulevard
11 runs just to the north of the project in between the
12 buffer area and terminal. And there is not a
13 relocation of that roadway. It stays generally in
14 place, although will be widened by about 30 feet.
15 So, that will be occurring on either side of the
16 road. So, the road will be two lanes both ways with
17 a median in the middle.

18 And the final part of the project that
19 resulted in basically a new dock -- new on dock rail
20 yard is the Pier A rail yard relocation. The Pier A
21 rail yard is an existing rail yard that presently is
22 on the back lands of the TraPac terminal. That
23 facility will be relocated up and to near the
24 consolidated slip back in rear. You can see up there
25 in the right-hand corner the area where that rail

1 yard will be located. So this document assesses all
2 those portions of the project.

3 Okay. Just to give you a little, brief
4 introduction of what the project really means, these
5 are some general numbers related to the project
6 itself. So, for instance, it talks about what
7 happened at the beginning of the project, which was
8 in 2003, what we called a baseline. So, this is the
9 area we start from. So, as you can see the terminal
10 acreage at the onset is 176 acres. And then as you
11 look at the end of the proposed project in 2038, the
12 terminal is 243 acres. I won't go through these in
13 detail, but you can see some of the differences.
14 One of the large ones to pay attention to here is
15 that you can see the annual -- which we measure -- we
16 call TEUs, or 20-foot equivalent units, which is a
17 measure of cargo or containers, is 891,000,
18 approximately in 2003. You can see it goes to about
19 2.4 million in 2038. So, this is a large increase
20 for this terminal. And that is achieved through the
21 physical changes that we talked about earlier, as
22 well as some operational changes. So, we will be
23 working longer days and things like that.

24 So, you can see down here as well, on-dock
25 rail under the CEQA baseline when we started there

1 wasn't one, so we will have a rail yard there. So
2 this is kind of the way you can compare the documents
3 and there is a table just like this in the
4 environmental document and also on the back wall.

5 So the step in the documents is also to
6 identify the impacts and this is the impacts for the
7 proposed project. I want to explain just briefly
8 what these different meanings are. An unavoidable
9 significant impact needs to be identified in an
10 environmental effect that we cannot apply
11 alternatives or mitigations to do to get it down to
12 so it is unavoidable. So, in this case we were
13 finding significant impacts in these areas: Air
14 quality, geology, noise, transportation, and water
15 quality. In some cases we identified a significant
16 effect and then we can reduce it after mitigation to
17 below significance. And then finally we have some
18 areas that we looked at where we have less than
19 significant impacts. So, these are all the technical
20 areas that we assessed in the project. And then in
21 addition to the assessment of the project itself,
22 here are the project alternatives. And by the way,
23 there are five different project alternatives that we
24 looked at in addition to the project. We also look
25 at cumulative impacts. So, what are -- how does this

1 project relate to other projects that have gone on in
2 the past, present, or reasonably foreseeable time
3 frame? So, these are the technical areas where we
4 found cumulative affects.

5 There is something very significant about
6 an unavoidable significant effect because it would
7 generally require from this document and this project
8 and our board for them to make findings, if they
9 elect to approve the project, to make findings in
10 regards to those impacts.

11 In other words, are there overriding
12 considerations that would lend their belief that this
13 project should be approved? And that occurs not now,
14 but that occurs later on. I will show you later a
15 little process diagram where that actually occurs.
16 Next slide.

17 So, to give you an example of one of the
18 technical areas and that is air quality, which is one
19 of the more significant areas, as you know, that we
20 are dealing with here in the part -- in the port,
21 dealing with the emissions from all the diesel
22 emissions that we have. And so, the analysis of
23 criteria includes, and those are like nitrogen oxide,
24 sulfur oxide particulates as examples, and it also
25 includes a health risk assessment. We looked at

1 cancer causing, acute risk. Also this document is
2 probably one of the first that actually looks at
3 green house gases. And it does an assessment of
4 that. And also we looked at morbidity and mortality
5 as it relates to environment effects for the project.

6 In the case of air quality we found
7 unvoidable significant impact for criteria for
8 construction and operations in 2007. We looked at
9 several different years.

10 We found significant unvoidable effects for
11 green house gases, construction and operations, and
12 cumulative effects for criteria for green house
13 gases, HRA, and also associated with some indirect
14 effects.

15 What is really probably a major effort on
16 perhaps -- on the behalf of fine mitigation for a lot
17 of these effects on air quality is that for one of
18 the first times, in any of our environmental
19 documents here we've actually identified enough
20 mitigation that will actually bring the operation of
21 this facility below significance in 2015, 2025, and
22 2038, for the operation of the terminal. So this is
23 a major benefit of this project that has actually
24 been able to reduce emissions below baseline level.
25 And also the HRA, we've actually -- going to be

1 meeting our threshold for significance for health
2 risk assessment that we carried out.

3 And finally this just gives you a list for
4 some of the mitigation pages. I'm not going to go
5 through all these. These include plugging in the
6 vessel that is amp using, low sulfur fuel in the
7 engines, speed reduction program and also some
8 technical things we can do on the ships, meeting
9 truck requirement reductions of emissions by trucks
10 by certain years, yard tractors, other equipment
11 within the terminal, all of these are included in
12 there as mitigation measures.

13 So we know the document is lengthy but it
14 also has some summary pages in there that also review
15 these impacts tables. And also you may want to some
16 time, start your review of it looking at those tables
17 perhaps before. They will be in individual chapters.

18 So as kind of an overview, what the process
19 is -- these are the generalized steps that I have --
20 we've put up here. And this is kind of the
21 generalized steps associated with both the EIR and
22 the EIS. And so, we have already released a notice
23 that we are going to prepare the EIR, back in 2003
24 and we gave a 45-day review period, got everybody's
25 comments. We used those comments then as a guideline

1 for scoping of preparation of the draft review, and
2 that is what you have before you now, is the draft
3 environmental impact report, draft environmental
4 impact statement. And so, now in this box right
5 here, it is a public comment and review period. And
6 we are actually right here, this is the public
7 comment meeting we are having tonight. So as Dr.
8 Knatz mentioned we have extended that 45-day period
9 until 90 days, until September 26th to provide
10 comments. So you can provide us written comments
11 before that period or up until that period of
12 September 26th.

13 And finally after this happens there's a
14 final document prepared. We do that by taking all
15 the comments we receive from everyone and we number
16 them and respond to them individually. So your
17 comments will be -- actually be responded to
18 individually. And then eventually that final
19 document goes to our board of harbor commissioners.
20 Prior to that happening, anybody -- the final EIR/EIS
21 will be made available so everybody can see how we
22 responded to your comments. And then for the port
23 there is a public hearing and a project decision on
24 this environmental document and on the project
25 itself. We anticipate that will happen in the fall

1 of this year. So it will take a little while for us
2 to get your comments and respond to all of them.

3 So, then finally after all of this there
4 are public notices issued. One is called notice of
5 determination or port issues. And the Corps of
6 Engineers will do their record of decision in regards
7 to their decision on the project. So this is the
8 generalized CEQA/NEPA process. And, again, if any of
9 you have questions about that you can certainly ask
10 us about that process later on. But we do have --
11 there's additional time between now and the end of
12 the comment period. We want to get your comments.
13 And then, again, we have an opportunity for the board
14 of harbor commissioners again to stand up and let
15 them know your feelings at the end of the project,
16 whether or not we have addressed your concerns in
17 that document.

18 So for tonight we are going to talk a
19 little bit more about how we are going to handle
20 comments, but also to just make sure you've filled
21 out a comment card. And later on we will have up on
22 the screen here some additional reminders for your
23 comments. So before you leave tonight we will have
24 up here on the screen identification how to respond.
25 There's a whole bunch of ways you can respond to us

1 on the draft document. So, with that I will turn the
2 microphone back to Lieutenant Colonel Blackburn.

3 LIEUTENANT COLONEL BLACKBURN: Okay. I am
4 going to go over some of the mechanics of how we will
5 hear public testimony or comments. We will be taking
6 oral testimony from the public in two sessions. The
7 first session will be devoted to hearing from
8 selected representatives from significant interest
9 groups. Because these speakers represent significant
10 numbers of people, they will be allowed up to 15
11 minutes to make their statements. In fairness, the
12 order of the speakers will be randomly determined.

13 The second session will be for members of
14 the public who would like to present their views as
15 individuals. During this session speakers will be
16 given three minutes to make their comments. If you
17 would like to speak during this second session, you
18 must fill out a speaker card and give it to one of
19 Corps staff or to one of the port staff.

20 All oral or written testimony will become
21 part of the administrative record for permanent
22 application. Once we have written transcripts of the
23 testimony they will be published on a regulatory
24 divisions web site and the ports web site which are
25 posted on the walls behind you, as well as up on the

1 screen to my left.

2 Again, if you want to present your
3 testimony to us directly, you will fill out a speaker
4 card and hand it to one of the staff that is around
5 the area and towards the back. We will make the
6 second session in order for folks to be able to
7 participate or contribute their comments in the
8 second session. As you make your comments, please
9 note that on the table right in front of me and in
10 front of you there's a speech giver's timer which is
11 down on the floor. The light will be green when you
12 begin. And then when you are about a half a minute
13 out, the light will turn yellow. When your time is
14 up, the light will turn red. Please respect these
15 time limits so all who desire to speak have an
16 ability to do so.

17 So having said that, Dr. Appy, who is our
18 first contestant?

19 DR. APPY: I think the lieutenant colonel
20 forgot also to mention that if the red light goes on
21 and you see this big trap door come out and open
22 up -- so we have two speakers initially that have
23 additional time. And so those are the National
24 Resource Defense Counsel and the L.A. Chamber of
25 Commerce.

1 So what I'm going to do is be calling
2 people up two at a time. So the first person comes
3 up and the second one can be waiting so that we can
4 move through the comments. Introduce yourself.

5 MR. MARTINEZ: Hello. My name is
6 Adriano Martinez and I'm an attorney for the National
7 Resources Defense Counsel, NRDC. First I want to
8 thank the port and Army Corps of Engineers for
9 accommodating the request for additional time to
10 present NRDC's testimony for the TraPac project.

11 NRDC will be submitting additional comments
12 before the end of the comment period, and comments
13 here tonight are based on a preliminary review of the
14 lengthy DEIR/DEIS and do not reflect the complete
15 thoughts of NRDC on the project and the accompanying
16 environmental documentation.

17 At the outset, let me put my comments in
18 context, it is important to note that the economic
19 benefits of the freight transport industry are
20 juxtaposed by a myriad of effects on the environment
21 including air quality, land use, noise, water
22 quality, aesthetics, traffic and health impacts. The
23 port is the crucial entity in dealing with these
24 impacts because of its intermediary role as holding
25 the lands in trust for residents, but also dealing

1 with the economic beneficiaries of the goods movement
2 industry such as TraPac. I understand navigating
3 this divide is difficult, so your board of harbor
4 commissioners has the incontrovertible commitment to
5 grow green. It is staff that is charged with making
6 this phrase a reality.

7 With a multitude of massive port and
8 freeway expansion projects fast approaching, there is
9 an acute need for a new vision for how the business
10 of freight transport is conducted at the port. As
11 Los Angeles leads the nation in poor air quality, it
12 is incumbent upon wise choices by our governmental
13 entities, especially the ports because they are the
14 major drivers of the air pollution crisis in Southern
15 California.

16 While several components of the TraPac
17 draft EIR/EIS show promise in attacking some of these
18 problems, there is still a lot of work to be done to
19 truly assess and mitigate the impacts from this
20 proposed project. My testimony today will focus on
21 five main points. First the alternatives analysis;
22 second, a minor public process issue; third, air
23 quality issues; fourth, the aesthetics analysis; and
24 fifth, the land use analysis.

25 The alternatives analysis is an area of

1 particular interest for environmentalists and other
2 advocates because the Board of Harbor Commissioners
3 for the Port of Los Angeles sent a strong and
4 explicit message to staff that it wants a new way for
5 goods to be moved in Southern California.
6 Specifically I point to the unanimous adoption of the
7 CAAP, which included a provision on a green container
8 transport system. In reading the alternatives
9 section, there was no mention of such technologies,
10 not even a consideration of any of these
11 technologies. To be frank, the alternatives analysis
12 seems stale in that it closely mirrored those
13 alternatives mentioned in the China Shipping DEIR.
14 Understanding alternatives and moving away from the
15 traditional needs of doing business is crucial. And
16 it is incomprehensible why the port has not elected
17 to analyze these alternatives in this EIR. The CAAP
18 notes that we will not make any progress in creating
19 an alternative way to transport goods unless we start
20 now, and this analysis needs to be part of the DEIR.

21 The second issue is public process.
22 Actually it is a -- I just want to say I appreciate
23 that the port and Army Corps are giving additional
24 time. It is quite a lengthy document. So it is much
25 appreciated to have the extra time to read, I think,

1 6,000 pages of EIR.

2 Now on to the air quality issues, and I am
3 going to focus mainly on mitigation and leave
4 comments on the emissions analysis to my written
5 comments. As such, I mentioned earlier, this is the
6 first DEIR since the board unanimously adopted CAAP.
7 Throughout that process, it was NRDC's understanding
8 that the CAAP served as the floor for air quality
9 mitigation -- or a launching off point -- because of
10 the intractable air qualities caused by port
11 operations. I must admit disappointment in analyzing
12 the mitigation section, which read as if CAAP was the
13 ceiling for air quality mitigation. As a global
14 comment, it is incumbent upon the port to provide for
15 more aggressive mitigation of the impacts from the
16 TraPac terminal. Today I'm going to focus on a few
17 select mitigation methods. First, for marine
18 vessels, as everyone knows this is a very important
19 source of emissions for diesel pollution. The marine
20 vessel mitigations are not nearly strong enough. Two
21 examples. The first is low sulfur diesel for marine
22 engines. The project does not require all ships to
23 use a .2 percent fuel until 2015, nine years from
24 now. This is unacceptable given Maersk's current use
25 of the fuel and the port's own feasibility findings.

1 In fact, we think the mitigation needs to be
2 strengthened. Ships should use .2 percent sulfur
3 fuel in the auxiliary and main engines as soon as
4 possible and phase in .1 percent sulfur fuel starting
5 in 2008, with 100 percent use by 2010. On
6 alternative marine power, mitigation measure AQ-6 has
7 too slow of a phase-in period. The DEIR has an
8 11-year phase-in period, 100 percent of total ship
9 calls to use alternative marine power. Given that
10 70 percent plus of the ships at the China Shipping
11 terminal have been cold ironing since 2005, this is
12 an excessively long phase-in period. This needs to
13 be greatly enhanced, and the phase-in period needs to
14 be accelerated.

15 On truck mitigation, we appreciate the
16 port's hard work on the Clean Trucks Program. We are
17 also pleased to see that this DEIR has corrected a
18 mistake from the China Shipping EIR in not including
19 mitigation for heavy-duty trucks, a major contributor
20 for harmful diesel pollution. With that said, it is
21 unclear why the mitigation solely speaks in terms of
22 model year 2007 trucks. While we understand that a
23 port-wide program is great, the ports need to use the
24 lease and CEQA process to push cleaner trucks.

25 On the rail mitigation, it is unclear why

1 Mitigation Measure AQ-14 does not extend to the
2 relocated Pier A rail yard. This relocated rail yard
3 clearly falls under the definition of new and
4 redeveloped rail yards. Thus, triggering Rail
5 measure three from CAAP. Thus, both rail yards that
6 are part of this project must, at a minimum, comply
7 with Rail measure three.

8 Now, I'm going to turn briefly to green
9 house gas emissions. We were happy to see that the
10 port and Army Corps has included an analysis of
11 greenhouse gases in the DEIR. As you know, it is one
12 of the more profound environmental issues that we
13 face today. I acknowledge the tremendous hurdles in
14 battling climate change in an industry that it -- so
15 heavily relies on diesel fuel. However, numerous
16 feasible options exist to mitigate the climate
17 impacts this project will impose.

18 In the EIR it is predicted that at full
19 build out, the project will more than double the
20 green house gas emissions. This is problematic in
21 the context of TraPac, but also cumulatively poses a
22 threat if all the major projects are combined in
23 these dramatic increases. The increase in greenhouse
24 gas emissions bolsters the need for a more robust
25 alternatives analysis. In addition, it provides more

1 fodder for mitigation measures such as alternative
2 rich in power, which in addition to green house gas
3 benefits -- gives a great public health benefit.

4 And then there is some other mitigation
5 that needs to be included. Like the China Shipping
6 DEIR, there is no mitigation for harborcraft within
7 the document. We find this troubling given CEQA's
8 mandate that all feasible mitigation measures must be
9 used, and there are several effective technologies to
10 reduce emissions from harborcraft.

11 The DEIR should also include a mitigation
12 fee for each container that exceeds the projections
13 for container throughput. This is necessary because
14 emissions from these containers will remain
15 unmitigated. Further, it is my understanding that
16 the port is touting its accuracy in predicting cargo
17 throughput. So it shouldn't be too much of a
18 problem.

19 I also remain concerned that the report
20 does not contain any sensitive site mitigation.
21 There are several schools and other facilities close
22 to the port that need respite from severe air quality
23 impact.

24 And one other thing on the air quality
25 analysis, it is important to note that while under

1 CEQA -- the document predicts that there is not
2 significant impacts, but under NEPA it does predict
3 significant air quality impacts out -- throughout the
4 various project years.

5 And now moving on to aesthetics just
6 briefly. NRDC is concerned that the project has
7 severely minimized and not truly analyzed the impacts
8 this expansion will have on the aesthetics. The DEIR
9 appears to brush aside the numerous visual impacts
10 that occur as a result of port operations, including
11 stacked containers, trucks, increased ship visits.
12 In addition, the DEIR includes greatly increased
13 operations at night, which greatly changes the
14 landscape of port operations.

15 Now, on to land use. Like in the
16 China Shipping EIR, we remain very concerned about
17 the ports apparent unwillingness to accept the fact
18 that dramatically increasing operations at TraPac
19 will have an impact on surrounding residents.

20 We found it incomprehensible how the port
21 has made a determination, quote, "proposed project
22 activities associated with truck/rail operations and
23 container storage activities would not significantly
24 impact surrounding communities." To the contrary,
25 the project will place thousands of more trucks each

1 day on the streets and freeways that serve not only
2 port, but also nearby communities. Trucks and rail
3 are part of the project's operations, and their
4 routes must be considered as part of the project's
5 land use. Accurately assessing this land use impact
6 is imperative because trucks and rail will impose
7 additional industrial impacts on existing residential
8 land uses. Such impacts include additional
9 industrial level-noise, traffic, and air pollution,
10 to name a few. These considerations are a crucial
11 factor in weighing the benefits and burdens of this
12 project.

13 On the mitigation measure in the land use
14 section related to trucks, we are concerned that it
15 severely lacks specificity. For Mitigation Measure
16 LU-1, the port does not denote how many signs it will
17 put up and where these will be placed and on what
18 schedule. On Mitigation Measure LU-2, the port
19 police -- states that the port police shall increase
20 enforcement of prohibition against truck traffic
21 within Wilmington. This must be much more specific
22 and include how many officers will be placed in
23 detail, how many more resources are need to ensure
24 that traffic laws are obeyed.

25 Finally the "Land use section" and the

1 "cumulative impacts section" appear to ignore the
2 associated impacts from massive levels of
3 construction predicted at TraPac and several
4 terminals that the port wants to build between 2008
5 and 2012. These ongoing construction activities will
6 undoubtedly have a huge effect on surrounding land
7 uses and aesthetics.

8 It's true that the project would be part of
9 one of the busiest port complexes in the country, but
10 the EIR cannot ignore that the port -- and this
11 proposed project -- are neighbors to established
12 residential communities.

13 Thank you for the opportunity to present
14 these comments tonight. And I look forward to
15 working with the port and other stakeholders on
16 reducing the impacts of these port operations, and
17 thank you.

18 DR. APPY: Thank you very much.

19 MR. PUGH: Good evening. My name is
20 Alexander Pugh. I am with the Los Angeles Chamber of
21 Commerce. We are here as part of a coalition of
22 businesses including ourselves, Future Ports, and the
23 Central City Association. And we thank the Port of
24 Los Angeles and the U.S. Army Corps of Engineers for
25 providing us an opportunity to make public comments

1 on the draft DEIR/DEIS for the TraPac terminal site
2 redevelopment.

3 The Los Angeles area Chamber of Commerce is
4 the largest business advocacy organization for the
5 Los Angeles region representing 1,600 member business
6 and over 600,000 employees. As a trustee for the
7 current and future welfare of the region, the Chamber
8 of Commerce promotes economic prosperity and quality
9 of life.

10 The Port of Los Angeles is standing at a
11 crossroads. This project represents a way to manage
12 expected increases in the container volume while
13 being sensitive to the environment in which it
14 exists.

15 At the very minimum the retrofits and
16 redesign of the TraPac terminal will fix existing
17 inefficiencies in the current configuration, and
18 allow the operator to incorporate environmental
19 features at an incremental cost instead of a
20 crippling one.

21 This project has a greater significance
22 portwide and to the region than just mitigation to
23 local air quality congestion concerns. The expected
24 growth in San Pedro ports is dramatic and we need to
25 effectively manage the expected container volume.

1 The ports of Los Angeles and Long Beach are
2 potentially facing major capacity crisis and
3 intermodal demand will exceed capacity by as early as
4 2010. And this assumes only modest growth at
5 6.4 percent. In their May forecast the Los Angeles
6 Economic Development Counsel predicted that the ports
7 would grow 9.2 percent this year, to 17.2 million
8 TEUs. The ports predicted a 6.4 percent increase to
9 16.8 million TEUs.

10 The ports handled 210.4 million tons of
11 cargo last year, or 58.3 percent of the West Coast
12 total. To put it in perspective, just last year's
13 increase over the previous years was more tonnage
14 than the total processed by the Port of Portland.

15 Indeed, congestion is already posing
16 problems for shippers and terminal operators. APL
17 recently reported that its customers were able to
18 take advantage of the alternative gateways, avoiding
19 pressured Southern California ports, with APL
20 offering increased capacity via Seattle and Oakland
21 and all-water services to the United States East
22 Coast. Similarly, OOIL recently stated that the
23 potential for congestion on the North American West
24 Coast is once again becoming a concern. A capacity
25 shortfall will also mean fewer jobs. The ports are

1 responsible for over half a million jobs in Southern
2 California. The Southern California Association of
3 Governments predicts an additional 1.3 million or
4 more direct and indirect jobs will be created as the
5 ports grow in construction.

6 People who tout diversion of traffic from
7 Los Angeles/Long Beach have recognized that most, if
8 not all of the ports, are struggling with capacity
9 issues. If the ports of Los Angeles and Long Beach
10 do not prepare for this very realistic possibility,
11 they will put themselves and their cities and their
12 communities at significant risk of economic, goods
13 movement, and environmental disaster. If containers
14 cannot move on trains, they will move on a truck,
15 which means more traffic, congestion, and pollution.
16 The ports can lessen this risk by encouraging green
17 growth projects that effectively manage the container
18 volume. Looking at the regional context, it is
19 important not to forget that the San Pedro Bay Ports
20 are the major economic engine for Southern California
21 and provide high quality jobs to the area.

22 The Port of Los Angeles and Long Beach
23 provide the second largest source of jobs in the five
24 county region, approximately 500,000 jobs. And
25 approximately 1 million jobs statewide and more than

1 3.3 million jobs nationwide are connected to the
2 movement of imported and exported goods throughout
3 L.A. county ports.

4 Port jobs represent 22.7 billion in
5 regional wages and 7 billion in state and local
6 taxes. The L.A. Times stated in January 2006 "With
7 thousands of freight filled containers hoisted on and
8 off ships each day, the L.A. Port is vital to the
9 region. The \$52 billion it injects into the economy
10 each year dwarfs the \$34 billion from the
11 entertainment industry."

12 And the Press Telegram quoted
13 Dr. Hasan Ikhata, Director of Planning and Policy
14 for the Southern California Association of
15 Governments, saying that "One out of every 12 jobs in
16 the Los Angeles area are related somehow to goods and
17 movement, with the average wage about \$45,300. And
18 with 26 million people in the region it is inevitable
19 that product manufacturers will continue to ship
20 goods to the area. The responsible thing to do is
21 prepare for the growth, not ignore it. This year the
22 total value of two-way trade handled by the
23 Los Angeles Customs District will increase by
24 13.3 percent to \$373.4 billion. The redevelopment of
25 the TraPac terminal is an effective and necessary way

1 to efficiently manage the expected growth in
2 container volume and to mitigate environmental
3 impacts. Without any changes in the current
4 facility, the container cargo volume at TraPac is
5 expected to nearly double without any environmental
6 benefits of redeveloping the site.

7 Terminal efficiency will significantly
8 increase to, from just over 5,000 TEUs per acre to
9 just under 10,000 TEUs per acre, by making use of
10 several new features including fewer, more efficient
11 gantry cranes; new truck gates to decrease surface
12 street congestion; improving Harry Bridges Boulevard;
13 maximizing gate time especially during off-peak
14 hours; implementing a computerized container tracking
15 system, and an appointment-based truck delivery is
16 important as well.

17 Even if the container volumes were frozen
18 at today's levels, no growth means more, not less
19 pollution and congestion in the San Pedro Bay
20 communities. The TraPac Draft EIR shows that by 2015
21 the proposed project will reduce emissions of green
22 house gases and criteria pollutants to below baseline
23 levels. And certain mitigations can only be provided
24 with a site design. 100 percent of the ships
25 berthing at TraPac will use alternative marine power

1 by 2018, but major infrastructure improvements will
2 be needed. Up to 30 percent of the cargo will be
3 loaded on to trains by way of an on-dock rail
4 facility which will utilize Tier 2 or better
5 locomotives.

6 Reduced truck congestion off Figueroa and
7 idling from improved traffic flow by adding a new
8 main truck gate, widening Harry Bridges Boulevard and
9 installing truck turn outs and pockets will be also
10 important too. Creating grade separations in the
11 northeastern corner of the terminal would resolve
12 current roadway delays caused by train movement. I
13 was actually blocked by a train on my way, so I know
14 where that is.

15 The proposed project will provide a 30-acre
16 landscaped buffer zone separating residential
17 neighborhoods from port operations. This will
18 provide a much needed green space to community
19 members with open space for recreation and enjoyment.
20 Previous community comments recorded during the
21 scoping process show a clear demand for such public
22 open space.

23 The proposed project also illustrates the
24 green growth strategy outlined in the Clean Air
25 Action Plan and significantly reduces health threats

1 to local communities through several stellar
2 environmental features, in addition to the on-dock
3 rail, new cranes, buffer strip, AMP congestion
4 mitigations previously mentioned. The project will
5 include a new LEED Gold certified administration
6 building, which will be used, as well as 100 percent
7 low-sulfur fuel by 2015, 100 percent of yard
8 equipment less than 750 horsepower will meet USEPA
9 Tier 4 standards, and new vessel -- all new vessels
10 will include NOx and PM controls.

11 Our coalition urges the timely completion
12 of the Draft EIR/EIS for the redevelopment of the
13 TraPac terminal site. The project is significant to
14 the Port of Los Angeles because of its strides to
15 meet the green growth goals put forward in the Clean
16 Air Action Plan and the environmental review process
17 will vet its achievements.

18 The Los Angeles business community applauds
19 the Port of Los Angeles and U.S. Army Corps of
20 Engineers for seeking out maximum public input in
21 this review process. We encourage the Port of
22 Los Angeles as the lead agency to continue working
23 with industry community stakeholders to achieve the
24 green growth we all desire.

25 DR. APPY. Thank you very much.

1 LIEUTENANT COLONEL BLACKBURN: Just a few
2 public service announcements. Don't get offended if
3 we stop you and slow you down. It is for our court
4 reporter to catch up.

5 Point number two, before we turn this over
6 to the second session of individuals are there any
7 other interest groups that are representing several
8 folks who would like to get up and talk?

9 MALE SPEAKER: I am representing the Sierra
10 Club and I only need about four minutes.

11 MALE SPEAKER: Audubon Society society, but
12 we will go to the second.

13 LIEUTENANT COLONEL BLACKBURN: Okay. So
14 with that we will transition into the second session
15 in which we will call up a series of individuals. I
16 will turn this back over to Dr. Appy who is going to
17 call up one and two people. One person will be going
18 up to the podium the other person will be standing on
19 the sidelines getting ready to speak. So with
20 that --

21 DR. APPY: Okay. The first speaker is
22 C. Thomas Williams with the Audubon Society. You
23 were here early, so -- all right. And Cecilia Mora
24 will be our second speaker.

25 MR. WILLIAMS: My name is

1 Clyde Thomas Williams. I live in El Cerrito in
2 Los Angeles. I am representing the conservation
3 chairperson chair person of the Los Angeles Audubon
4 Society. We are quite interested in the operations
5 of the ports. Many Audubon chapters that are
6 surrounding the port and that actually use the port
7 and the San Pedro water. However, we have also been
8 pushing slowly to --

9 LIEUTENANT COLONEL BLACKBURN: Sir, I'm
10 going to ask you to slow down.

11 THE REPORTER: The microphone -- can you
12 put his microphone -- thank you.

13 LIEUTENANT COLONEL BLACKBURN: She gave me
14 the high sign. I thought --

15 MR. WILLIAMS: Returning to the 6,000 page
16 document reminds me in the 1970s when similar Corps
17 of Engineer report's were usually about a yard long.
18 We found many inconsistencies, even tonight the
19 presentation on the screen and in the back, there's
20 no biological resources. Although in a section of
21 the report it says "That our invasive -- or
22 nonindigenous species are coming in, which we have
23 seemed to experience with birds and other organisms"
24 that that is not considered a significant impact as
25 to the presentation tonight.

1 So we are confused with the inconsistency
2 and how to react to each one of the inconsistencies
3 that we find.

4 There's also -- the basic element for the
5 Audubon Society is the lack of real surveys within
6 the northern parts of the Port of Los Angeles. These
7 are in the areas going -- leading up to Dominguez
8 Channel and eventually through the L.A. River. We
9 disagree with the assumption that there is no
10 corridor along which animals and special birds fly
11 between the Port of Los Angeles and the L.A. River,
12 which is also undergoing green through the
13 Los Angeles River project. And that's not in here.
14 Okay.

15 There's a total avoidance of the impacts of
16 the -- of the impacts upon the operational activities
17 of the port and the birds using the port. There is
18 mitigation for capital filling and bridging, however,
19 we also are looking for mitigation for the
20 operational aspects. In conjunction with this there
21 is the operations in "Acts" of the water quality,
22 which includes oil spills, illegal discharges, and
23 leechings coming from the fills. We are concerned
24 that these are getting into the ecosystem and
25 aquarium. So written comments have been submitted.

1 LIEUTENANT COLONEL BLACKBURN: Thank you
2 for your comments.

3 DR. APPY: Okay. Cecilia Mora followed by
4 Juan Carmony.

5 MS. MORA: Good evening. My name is
6 Cecilia Mora. I live at 613 North Alvacky,
7 Wilmington. It's four blocks from the Port of
8 Los Angeles. My husband and I -- our families have
9 lived in Wilmington all our lives. Our home has
10 existed prior to the TraPac container terminal being
11 built. The TraPac container terminal draft
12 environmental impact report, EIS, fails to address
13 and mitigate the many environmental health, public
14 safety, truck traffic, trade, economic, TraPac
15 container terminal and of course day-to-day business
16 activities.

17 I have attended many Port of Los Angeles
18 public hearings, public meetings, where I have, and
19 numerous other Wilmington residents and organizations
20 have stated our problems to submit them in written
21 public comments. The Draft EIR/EIS fails to
22 acknowledge our problems or include any numerous --
23 included numerous recommended mitigation measures.
24 The TraPac Draft EIR/EIS fails to address the
25 following specific problems that impact me, my

1 family, neighbors of the community. The Port of
2 Los Angeles fails to include the mitigation measures
3 that the public requested. One, the Port of
4 Los Angeles causes a specific amount of air pollution
5 in the harbor area -- causes specific public health
6 problems to me, my family, and Wilmington residents.

7 The Port of Los Angeles and the U.S. Army
8 Corps of Engineers know that the port and this
9 movement -- air pollution causes cancer and numerous
10 other public health problems. Wilmington's despair
11 of public health crisis caused by the Port of
12 Los Angeles and the TraPac Container Terminal that
13 borders us, almost every family that I know has
14 children suffering from asthma.

15 The Port of Los Angeles and the U.S. Army
16 Corps of Engineers was requested to purchase and
17 install free air purification systems in every
18 residential home, school, hospital, clinic,
19 convalescent home, community centers, library,
20 recreational facilities, and public use building.
21 They have done nothing except let the harbor
22 residents and children get sick and die. Promising
23 to clean-up the air in the future means nothing while
24 we are sick, suffering and dying now.

25 The proposal draft EIR mitigation will not

1 specifically stop all the air pollution or our health
2 problems. We the public want zero air pollution and
3 expect the port to use the best available
4 technologies. The truth is that they are not. The
5 port has failed to conduct any public health
6 interview or surveys of the Wilmington and harbor
7 residents to determine our health status or the kind
8 of health problems we have. As a public government
9 agency you are responsible for our well-being and
10 mitigating the public health problems you have
11 caused.

12 Two, the Port of Los Angeles has deprived
13 the right to live a normal and healthy life. The
14 port contributes to a significant amount of toxic
15 air, land, and water pollution, which have long
16 caused cancer and numerous other public health
17 problems. My husband has been in the hospital for
18 seven years now dying of --

19 LIEUTENANT COLONEL BLACKBURN: Ma'am, your
20 time is up.

21 MS. MORA: Oh, I'm sorry.

22 LIEUTENANT COLONEL BLACKBURN: Are you
23 going to wrap up here?

24 MS. MORA: Okay. Just a little bit more.

25 LIEUTENANT COLONEL BLACKBURN: Well, are

1 you going to --

2 MS. MORA: One line, about one line.

3 LIEUTENANT COLONEL BLACKBURN: One line?

4 MS. MORA: No, just one line, one or two
5 lines.

6 LIEUTENANT COLONEL BLACKBURN: Okay.

7 MS. MORA: Okay. Contributes to a specific
8 amount of air, toxic, land and water pollution, which
9 are known to cause cancer and numerous other
10 problems. And the port is -- particularly is not
11 100 percent responsible for the illness. The port
12 has failed for the treatment of air, water, and
13 health qualities.

14 Thank you.

15 LIEUTENANT COLONEL BLACKBURN: Thanks for
16 your comments.

17 DR. APPY: Juan Carmony followed by
18 Dr. John Miller.

19 MR. CARMONY: I would like to ask for an
20 additional two minutes, please, if possible?

21 LIEUTENANT COLONEL BLACKBURN: Two minutes?

22 MR. CARMONY: Yeah. So it is five minutes
23 in total.

24 LIEUTENANT COLONEL BLACKBURN: No. We are
25 going on three minutes.

1 MR. CARMONY: Okay. Well, then I will try
2 to read this as fast as possible.

3 LIEUTENANT COLONEL BLACKBURN: But we will
4 take your written comments afterwards.

5 THE WITNESS: Okay. My name is Juan
6 Carmony. I am here on behalf of Jesse Marquez for
7 Coalition for a Safe Environment. The TraPac
8 terminal Draft Environmental Impact Report fails to
9 address and mitigate the numerous negative
10 environmental and public health --

11 LIEUTENANT COLONEL BLACKBURN: I'm sorry,
12 sir. You are going to have to slow --

13 MR. CARMONY: Too fast?

14 LIEUTENANT COLONEL BLACKBURN: Yeah.

15 MR. CARMONY: Okay. The TraPac Terminal
16 Draft Environment Report fails to address and
17 mitigate the numerous negative environmental public
18 health, public safety, truck and train traffic,
19 aesthetics, economic and community effects of daily
20 business activities. The DEIR/DEIS fails to
21 acknowledge that the existing TraPac container
22 terminal was built illegally and the Port of Los
23 Angeles and U.S. Army Corps of Engineers
24 intentionally failed to prepare an EIR/EIS for the
25 terminal per the California Environmental Air Quality

1 and the National Environmental Protection Act. The
2 Port of Los Angeles and the U.S. Army Corps of
3 Engineers and California Coastal Commission illegally
4 approved the port project in violation of CEQA, NEPA,
5 and the California Public Trust Doctrine. The Port
6 of Los Angeles has failed to mitigate the past and
7 current date of environmental biological resources,
8 public health, public safety, traffic congestion,
9 aesthetics, community, economic cumulative impacts
10 that have been verbally stated and submitted in
11 writing at previous port public hearings and public
12 meetings. The proposed mitigation measures failed to
13 completely address or include all recommendations
14 that have been verbally stated and submitted in
15 writing by organizations and the public.

16 The DEIR states that the use of that --
17 they used the 2003 baseline when in fact it should be
18 using a 1991 or earlier baseline on planned area
19 pipes for construction of the TraPac Container
20 Terminal.

21 The coalition requested and requests that
22 the Port of Los Angeles immediately prepare an EIR
23 for the existing TraPac container terminal and
24 mitigate all past and current TraPac container
25 terminal negative impacts prior to requesting

1 approval for the current proposed DEIR.

2 The coalition recommends the Port of
3 Los Angeles immediately approve the construction of
4 the Wilmington Waterfront Development Buffer Project
5 both Phase 1 and Phase 2 as partial mitigation for
6 the TraPac Container Terminal.

7 The TraPac DEIR fails to adequately
8 mitigate the past, current, and proposed increased
9 air that impacts the southbay area. The Port of
10 Los Angeles contributes a minimum of 25 percent of
11 all toxic air pollution in the harbor causing
12 significant short-term and long-term public health
13 problems.

14 The Port of Los Angeles has deprived
15 numerous residents and children with the right to
16 live a normal and happy life. The port contributes
17 and causes a significant amount of toxic air -- is my
18 time up?

19 LIEUTENANT COLONEL BLACKBURN: Yes, sir, it
20 is we can catch your written comments -- everything
21 is right here.

22 MR. CARMONY: Do I give this to you guys
23 right now?

24 LIEUTENANT COLONEL BLACKBURN: Yes.

25 MR. CARMONY: Thank you for the opportunity

1 to speak today.

2 DR. APPY: Thank you very much.

3 Dr. John Miller followed by -- looks like Hud Warren.

4 DR. MILLER: I came to speak for the Port
5 Community Advisory Community EIR subcommittee and I
6 request two additional minutes.

7 LIEUTENANT COLONEL BLACKBURN: I think we
8 are going to hold -- unless you got previous
9 consideration, we are going to hold for three
10 minutes, otherwise we will be here --

11 DR. MILLER: Okay.

12 LIEUTENANT COLONEL BLACKBURN: Thank you,
13 John.

14 DR. MILLER: I am Dr. John C. Miller a
15 San Pedro resident and medical doctor, member of the
16 board for the Coalition for Safe Environment and a
17 member of NRPC.

18 Several things stand out in this large
19 document. There are many useful features in this
20 DEIR; however, the committee and myself view this
21 document as fundamentally flawed.

22 As in previous EIRs there emerges a picture
23 of systematic problematic effort to underestimate the
24 impacts of this project. Of course, with
25 systematically underestimated impacts, needed

1 mitigation is minimized. For example, ship calls are
2 estimated to increase by only 25 percent from 2003 to
3 2015, but TEUs throughput are estimated to increase
4 by 96 percent, and a number of containers per ship
5 call will be 191 percent of 2003s values over this
6 period. This minimizes the number of projected ship
7 calls which are a major driver for increases in local
8 air pollution. This is all based on the assumption
9 that the plan -- larger ships that can carry more
10 containers will be built, and will call a lot at this
11 facility. What happens if these ships aren't built
12 in the next 8 years? What happens if these ships
13 don't call at this facility and the numbers
14 projected -- we may get unanticipated extra ship
15 costs. A further example on -- in 2015 ship calls
16 were estimated at 279 in one area of the document,
17 but 309 in another area of document. What is up with
18 that?

19 Projected ship call numbers are most likely
20 low as a result, projected impacts will be low. For
21 rail capacity it appears to be over estimated, which
22 would lead to an underestimation of a number of truck
23 trips on our freeways that this facility will
24 generate. For example, one area of the document says
25 the rail yard will handle 374,331 containers

1 annually, whereas another area of DEIR says max train
2 capacity is 231,000 containers per year. We are
3 missing 143,000 some odd containers here, which these
4 will have to leave the port by truck giving us 410
5 more truck trips a day. And this doesn't figure on
6 the in-bound truck trips associated with these
7 containers. It appears these truck and train idling
8 times estimates are unreasonably low. This will also
9 underestimate the passing of this -- this project to
10 have a negative impact.

11 The total capacity of the facility is
12 likely to be seriously underestimated. I go through
13 all -- of how we reassert that this is true, but it
14 looks like the true capacity of this facility is
15 closer to 6 million TEUs per year as opposed to the
16 anticipated 2,400,000 TEUs per year.

17 I thank the port and the Army Corps for
18 this opportunity to speak. And I thank you for the
19 opportunity to have an extended comment period.
20 Thank you.

21 DR. APPY: Okay. Hud Warren followed by
22 William Lyte. Did I get that right? Did I pronounce
23 that --

24 THE WITNESS: Yes. Fine. My name is Hud,
25 H-u-d, Warren. I am having trouble with the cord

1 here. I am here today to represent the Board Trade
2 Association, for which I am vice president. And the
3 Propeller Club of Los Angeles/Long Beach, for which I
4 am president.

5 I'm here. I will keep it very brief. My
6 membership of both organizations combined is just
7 under 500 members. These are firms and individuals
8 that are present here in the Southern California
9 area.

10 We wish to comment that we are in favor of
11 the EIR process. We are glad to see it moving
12 forward. We see this as an opportunity to enhance
13 on-dock rail, as well as improve air quality while
14 allowing commerce to grow. We are in favor of the
15 EIR. Thank you very much. I appreciate the time.

16 DR. APPY: Thank you. William Lyte
17 followed by Richard Havenick.

18 MR. LYTE: Good evening. My name is
19 William Lyte. I'm the first vice president of the
20 Harbor Association and Business Commerce. Our
21 organization also has large and small business
22 members, all primarily local here in the area with
23 many local residents being employed by these firms.
24 We are very much in favor of this project. We fully
25 support it. In part based on the types of analyses

1 that were discussed by the representative of the L.A.
2 Chamber. We have studied the throughput numbers. We
3 believe this facility is vital to the carrying
4 capacity of the goods movement system here in
5 Southern California. And we think it is only one
6 component of a larger program that is absolutely
7 necessary. We would like to commend the staff for
8 their extraordinary efforts, not only in outreach or
9 meetings with our organization, but with all
10 organizations here, pro and con. We think that this
11 is probably one of the most detailed environmental
12 documents produced in the United States today. And
13 we are very, very pleased to be part of the review
14 process for this.

15 Finally, we are very supportive both of
16 on-dock rail component and also of the deployment of
17 new technologies. We recognize that these are early
18 stage technologies in many cases, but as a business
19 organization with experts in many of these fields, we
20 are committed to help make these technologies work
21 and are deployable. And frankly to making this --
22 these two ports, Port of L.A., Port of Long Beach, a
23 showpiece for deployment of environmental technology
24 on a global basis.

25 So in summary we fully support this project

1 and urge its approval. Thank you.

2 DR. APPY: Thank you very much.

3 Richard Havenick followed by Tom Politeo.

4 MR. HAVENICK: Good evening.

5 Richard Havenick. I am a San Pedro resident. I have
6 a share of the PCAC Air Qualities subcommittee.
7 Three points I am going to make briefly, the first
8 one is a statement regarding the Clean Air Action
9 Plan, the second one regarding some specific
10 mitigation measures within the EIR, and a third one
11 regarding some general plans -- comments --
12 statements in the EIR.

13 First off, did I tell you thanks for that
14 Clean Air Action Plan lately? You have made some
15 progress. Actually you have also given us a stick by
16 which to measure your progress, and I am grateful and
17 let's use the Clean Air Action Plan. Excellent.

18 We have a Clean Air Action Plan requirement
19 that we have been requesting that now we see the port
20 has planned. We are grateful to the ports, both
21 ports.

22 Specifically where the EIR, I believe,
23 needs to be changed or strengthened is in the
24 implementation of the low sulfur fuels, applicable
25 propulsion engines, and auxiliary engines --

1 surprise, I don't know how many times you've heard
2 this, but I have to do it again -- because here is an
3 opportunity, certainly with Clean Air Action Plan
4 mitigation by September of 2007 of the .2 percent
5 requirement to be the TraPac EIR would support --
6 would not undermine or fall short of the Clean Air
7 Action Plan, certainly a minimum requirement we would
8 expect. And we would also think that TraPac would be
9 happy to comply with a .2 percent in auxiliary and
10 mains.

11 And secondly, on the heavy duty vehicles.
12 I understand that TraPac is not going to be able to
13 control the trucks. However, implementation of a
14 2007 EPA or newer requirement through a pool of
15 trucks, through an organization of trucks, is within
16 the realm of possibility and the ports can do it.
17 The ports are doing big things, and certainly the
18 measure within the TraPac EIR applicable to heavy
19 duty trucks could be strengthened to implement '07
20 requirements sooner than is currently stated in the
21 plan, you know what it is.

22 The third item within these specific
23 changes applies to rail, where we would like
24 something more specific than is in the EI -- than is
25 in the CAAP, and that is similar to what you are

1 doing also in port rail.

2 Harbor craft absolutely needs to be
3 included in the TraPac with mitigation measures for
4 Tier 2 and Tier 3 when available. Certainly,
5 certainly -- I think there must be a mistake why that
6 wasn't included.

7 Lastly, the health risk standards for
8 the -- combined for the total port operation needs to
9 be established and verification of compliance prior
10 to opening up the project.

11 Lastly, the use of overriding
12 considerations must be withheld due -- and could
13 be -- could be unnecessary, no longer necessary.
14 Imagine that.

15 LIEUTENANT COLONEL BLACKBURN: Sir --

16 MR. HAVENICK: With the implementation of
17 the measures at an increased time schedule of more
18 rapid implementation of what you know you can do and
19 we hope you will do in the TraPac EIR. Thank you.

20 DR. APPY: Thank you. Tom Politeo followed
21 by Tracey Chavira.

22 MR. POLITEO: It is my understanding from
23 our little back and forth speaking that I will have
24 four minutes now?

25 LIEUTENANT COLONEL BLACKBURN: No. You

1 said that you can handle everything in three minutes.

2 MR. POLITEO: I said four.

3 LIEUTENANT COLONEL BLACKBURN: Sir, we are
4 going to stick to three minutes or we will be here
5 forever.

6 MR. POLITEO: You know what? I just won't
7 speak at all. The hell with you. You had agreed to
8 four. The hell with you.

9 MS. CHAVIRA: I guess I am up now.

10 DR. APPY: Tracey will be followed by
11 John Howland.

12 MS. CHAVIRA: Good evening. My name is
13 Tracey Chavira. I am with the Central City
14 Association of Los Angeles. Established in 1924 --

15 THE REPORTER: If you can talk a little bit
16 louder too, it would be great, but --

17 MR. CHAVIRA: CCA supports the TraPac draft
18 EIR. Container volume is expected to increase at the
19 ports of Los Angeles and Long Beach. This project is
20 a responsible means to manage that growth while being
21 mindful of the environment and community. The
22 proposed new gate will allow trucks to enter and exit
23 with less community impact and improve efficiency.

24 A new LEED certified building, energy
25 efficient lighting, a new 30-acre landscape buffer

1 area are all mitigations that will contribute to
2 reducing the health risks associated with port
3 operations.

4 Most importantly the project is consistent
5 with the port's Clean Air Action Plan and epitomizes
6 green growth. Again, CCA supports the TraPac Draft
7 EIR and EIS and thanks the Port of Los Angeles and
8 the U.S. Army Corps of Engineers for bringing us
9 together on this important issue. Thank you.

10 DR. APPY: Thank you. John Howland
11 followed by Donald Compton.

12 MR. HOWLAND: Good evening. My name is
13 John Howland. I am with the Cerrell Associates. I
14 am here to speak tonight on behalf of WSPA. The
15 Western States Petroleum Association, WSPA, were
16 encouraged to see the TraPac Container Terminal
17 Project EIR/EIS that is moving forward. WSPA has not
18 yet completed their review of the entire EIR/EIS
19 6,000 page document, but we will likely have more
20 comments at a later date and we will submit them in
21 writing.

22 The environmental review process is
23 critical to ensure that we continue upgrading and
24 expanding California waterfront infrastructure to
25 accommodate state and regional growth and consumer

1 demand, while protecting the environment of local
2 communities. WSPA believes in maintaining the
3 existing facilities and expanding infrastructure to
4 petroleum must be a priority. California ports play
5 a leading role in the delivery of affordable energy
6 to California's consumers. Petroleum industry
7 applauds the Port of Los Angeles and the Army Corps
8 of Engineers for seeking public input in this
9 critically important environmental process. We
10 encourage the port and the Corps as lead agencies to
11 continue working openly and collaboratively with all
12 communities and industry stakeholders. Thank you.

13 DR. APPY: Thank you. Don Compton followed
14 by Susan Nakamura.

15 MR. COMPTON: Yes. I am John Compton. I
16 am the outgoing chair of the Wilmington Counsel
17 Education Caucus. Like my parents before me I have
18 been an educator until my eyes went bad. I am moving
19 over to become the unofficial public advocate for
20 Wilmington with a law degree.

21 So I am here representing two different
22 groups here and we are wondering since this has been
23 an industrial area all my life, 65 years, we
24 seriously object to a project like a landscaped
25 hillside, AKA buffer, that is deliberately designed

1 to attract school children to climb to its top and
2 have a good time up there and gulping down what may
3 be toxic ultra fine diesel particulates. I am
4 speaking of children from Hawaiian Avenue and Benning
5 Elementary No. 1, because before and after school
6 that hillside is going to be like a magnet.

7 Now, please be reminded that one year ago
8 almost to the day on August 2nd in San Pedro, the
9 preeminent expert on diesel particulates,
10 Dr. John Froines, invited by Dr. Knatz herself, spoke
11 to this very issue that these ultra fine diesel
12 particulates are not cleaned up and cannot be cleaned
13 up inside existing diesel engines. There are not
14 such things as a scrubber or a particle trap that
15 will work. Because ironically when these vapors come
16 from the exhaust pipe, they begin to cool and rise
17 into these ultra fine diesel particulates that are so
18 minute they get through the membranes of the lungs
19 and the brains and the heart.

20 My questions then are two. Chapter 3.2 of
21 the TraPac EIR page 200, ironically it's apparently
22 the last two pages of this 6,000 page document or
23 whatever it -- this resume -- deals with a brief
24 mention of Harry Bridges Boulevard and these
25 particles. But this is the question: Are those

1 ultra fine diesel particulates safe enough to be
2 breathed by these children 18 feet above that Harry
3 Bridges, which is the hillside going -- setback only
4 45 feet?

5 Now, I think we should have Dr. Froym here
6 before the commission again perhaps to respond to
7 that question. The final question is page 201 of
8 chapter 3.2, I think it is the very last page of the
9 entire thing which talks about "Within five years
10 some 80 percent of this particle problem is going be
11 resolved through modification of these diesel
12 engines." That is a complete falsehood, if indeed
13 you go back and review that August 2nd, 2006, port
14 commission DVD or MP3 available upon request from
15 Mr. Brian Montgomery of the -- the ports own graphics
16 unit. Listen to that. Both Mr. Freeman and
17 Dr. Froym said there's no such thing as a safe diesel
18 fuel. That, in fact, the only thing that is
19 reasonably safe is electric or hydrogen power.
20 Nothing else.

21 So I think that page 201 should be cleansed
22 of any remarks "Within five years this thing will be
23 cut 80 percent." That is a complete falsehood, if
24 indeed Mr. Freeman and Dr. Froym were telling the
25 truth.

1 LIEUTENANT COLONEL BLACKBURN: Sir, your --

2 MR. COMPTON: My money is on the science.

3 DR. APPY: Thank you, Don. Susan Nakamura
4 with AQMD followed by Elizabeth Warren.

5 MS. NAKAMURA: Thank you for the
6 opportunity to comment. My name is Susan Nakamura.
7 I'm a planning manager at the south coast AQMD. AQMD
8 staff has not completed a review of the draft EIS/EIR
9 for the proposed TraPac Project. AQMD staff is
10 reviewing in detail the air quality analysis and HRA
11 to ensure impacts are appropriately quantified and
12 the project includes all feasible mitigation measures
13 where appropriate. Our comments tonight will focus
14 on alternatives and mitigation benefits. Upon
15 completion of our review AQMD staff will be providing
16 written comments to the lead agencies.

17 In regards to alternatives. The AQMD staff
18 is concerned that the percentage of TEUs transported
19 by truck increases while the percent of TEUs
20 transported by on-dock rail decreases between 2015
21 and 2038. At full implementation the percentage TEUs
22 transported by on-dock rail is less than 30 percent
23 while the percent of TEUs transported by truck is
24 greater than 60 percent. The AQMD staff recommends
25 that the lead agencies consider additional

1 alternatives that will minimize emissions such as
2 more on-dock rail, increasing the number of TEUs
3 moved by on-dock rail to reduce the number of truck
4 trips. And another alternative that would consider
5 moving unsorted containers by rail in a remote area
6 possibly outside of the basin.

7 In regards to mitigation measures, the AQMD
8 concludes that the lead agencies have incorporated
9 mitigation measures that are consistent with the
10 CAAP. It is imperative that the mitigation measures
11 represent the cleanest available technologies as this
12 project represent a 30-year lease agreement. To
13 ensure that long-term air quality impacts are
14 minimized and the basin can achieve state and federal
15 air quality standards, measures consistent with the
16 AQMD's 2007 standards should also be incorporated.

17 In regards to construction mitigation
18 measures AQMD staff recommends that the Mitigation
19 Measure AQ2 for all trucks and Mitigation Measure AQ3
20 for construction equipment be modified to include the
21 cleanest available trucks for use of model year 2004
22 or newer trucks. For construction equipment we
23 recommend the use of the cleanest available
24 equipment.

25 In regards to operational mitigation

1 measure for Mitigation Measure AQ9 we recommend that
2 the mitigation measure incorporate the CAAP HQV1.
3 And that trucks entering berths 136 through 147
4 will meet or be cleaner than EPA 2007 automobile
5 emission standards and the cleanest available NOx
6 technologies at the time of replacement.

7 In regards to mitigation measure AQ6, we
8 recommend that changing the target deadline from 2015
9 to 2014 is consistent with the 2007 AQMD.

10 In addition, lead agencies should commit to
11 100 percent AMP for all ships retrofitted with AMP.
12 To further mitigate emissions from cargo handling
13 equipment AQMD staff recommends the use of electric
14 rail mounted ampucurrents whenever possible.
15 Consistent with the 2007 AQMD it can be staffed with
16 a .1 percent sulfur content for main and auxillary
17 engines by 2010.

18 LIEUTENANT COLONEL BLACKBURN: Your time is
19 up.

20 THE WITNESS: Can I just -- I have like two
21 sentences.

22 LIEUTENANT COLONEL BLACKBURN: Two lines?

23 Okay.

24 MS. NAKAMURA: Yeah.

25 For rebuilds we recommend use of similar

1 technologies to the 2007 AQMD that would achieve a
2 50 percent reduction in retrofits and 80 percent for
3 rebuilds. And for harborcraft, we understand the
4 port's implementation of this as a port wide measure,
5 but we would still recommend that the lead agency
6 commit to using the cleanest available technologies
7 for harborcraft.

8 LIEUTENANT COLONEL BLACKBURN: Thanks.

9 MS. NAKAMURA: Thank you.

10 DR. APPY: Elizabeth Warren followed by
11 Arthur Hernandez.

12 THE WITNESS: Good evening, Lieutenant
13 Colonel, Dr. Appy. My name is Elizabeth Warren.
14 I am the executive director of Future Ports and a
15 resident of San Pedro. Thank you for the opportunity
16 to provide comments this evening.

17 For the record, Future Ports is a
18 membership based organization that represents
19 companies that depend on the ports to operate their
20 businesses. Our members have thousands of employees,
21 and most of them work in the harbor area. On behalf
22 of our members we advocate for balance between
23 growing and being green. We believe we can have
24 both, and we believe that quality of life begins with
25 a job. On behalf of Future Ports members we would

1 like to commend the Port of Los Angeles, staff and
2 the board for producing the draft EIR for the TraPac
3 Container Terminal Project. This is the first step
4 in ensuring that our ports can efficiently manage
5 expected growth while mitigating environmental
6 impacts. This project represents an important step
7 to insure green growth for the port. And we hope
8 that the port will continue this by moving forward
9 with draft EIRs for future projects that we expect to
10 follow swiftly on the heels of Trapac.

11 We firmly believe that port growth and the
12 appropriate accommodation of that growth is critical
13 not only to the Southern California economy, but --

14 LIEUTENANT COLONEL BLACKBURN: Ma'am, I'm
15 sorry. Can you slow down just a little bit.

16 MS. WARREN: That it is also important to
17 our national economy and to our air quality. The
18 redevelopment of the TraPac terminal is an important
19 step towards efficiently managing the expected growth
20 in container volume while mitigating environmental
21 impacts. Terminal efficiency will nearly double
22 while minimizing truck driving and increasing use of
23 rail. As a result, the EIR shows that the proposed
24 project will reduce emissions of green house gases
25 and criteria pollutants below baseline levels. The

1 proposed project also meets the green growth goals of
2 the Clean Air Action Plan and significantly reduces
3 health risks of local communities for numerous
4 environmental features. This project exceeds the
5 obligations and authority granted under CEQA. And if
6 TraPac agrees to additional mitigation that is fine,
7 but it should not be considered as a precedent for
8 other CEQA projects. Additional mitigation should be
9 considered outside the CEQA process and implemented
10 by voluntary agreement.

11 Conversely, the no project alternative
12 clearly shows that the failure to complete this
13 project is detrimental to air quality in the local
14 community and the region. Even if no changes are
15 made to the facility, the container cargo volume at
16 the TraPac Terminal is expected to nearly double
17 without any of the environmental benefits of the
18 redevelopment of the site.

19 And while we may not agree on every aspect
20 of the TraPac Project EIR, we do agree that we have a
21 common goal of green growth and we look forward to
22 continuing our work together to find solutions on how
23 to best accomplish our mutual interest in moving this
24 project forward.

25 We, therefore, support the project with

1 some exceptions to the mitigation measures and
2 encourage the port to continue moving the approval
3 process quickly forward -- quickly to completion by
4 following the fair CEQA process.

5 Thank you, again, for the opportunity to
6 speak. We look forward to more EIRs soon.

7 DR. APPY: Thanks, ma'am. Arthur Hernandez
8 followed by David Wright.

9 MR. HERNANDEZ: My name is Arthur
10 Hernandez. I am -- I thought it was important to
11 come down here today to speak about the Berths
12 136-147 TraPac Environmental Impact Statement/Report.
13 The importance of this meeting is that the community
14 of Wilmington will be impacted. The Watson yard is
15 being impacted to the point where there's --
16 everything is cumulative. There's noise, emissions,
17 horn noise, horn blowing noise over there, red label,
18 there's dehydrated coal being shipped, tank cars are
19 coming in, and there's a problem in the Wilmington
20 community with tank cars. There's a health and
21 safety factor in our community as a result. The
22 elimination of the United Line, the "A" area stated
23 as relocated in the "1A" area where the consolidated
24 slip is, we do not want to seek any elimination of
25 any yard, because if there's an elimination of that

1 yard it is going to impact Wilmington. As it is now
2 there's a crisis with tank car shipment. As you all
3 know there's been dehydrated coal being shipped from
4 the refineries -- northern -- adjacent to the Alameda
5 corridor. And the impact of that dehydrated coal is
6 being shipped -- and the reason in the Watson Yard --
7 and that -- that line south of -- north of -- north
8 is the industrial area, the south side of the PCH
9 bridge is residential and the environmental impact
10 factors are so great now that we can't even hardly
11 stand the -- I wrote up an EIR, I haven't submitted
12 it to the port yet, but it will be forthcoming on the
13 EIR development of the Watson Yard and the impact of
14 the BMSF Railroad. In San Pedro we have had over 25
15 railroad lines eliminated. And my representatioin is
16 not to eliminate anymore rail lines at the United
17 Food Line of Wilmington. The "A" area are relocated
18 over to the "1A" because the -- there will be more
19 impact coming into Wilmington, North Wilmington. And
20 some of those lines that are eliminated in San Pedro,
21 such as behind Knoll Hill, should be reconsidered to
22 relocate cars that come off of Amerigas and some of
23 those other ones. They have a fuel that can be
24 stored there and all the impacts coming to and from
25 Wilmington.

1 So there's more impact. There's other
2 areas. And some of these tank cars with dehydrated
3 coal and fuel can be sent over to Terminal I where
4 they once were. And between Ocean Boulevard and
5 Cerritos Channel, put three lines in there. And they
6 are a mile long and that would have to facilitate the
7 movement of tank cars.

8 LIEUTENANT COLONEL BLACKBURN: Okay.

9 MR. HERNANDEZ: That is my recommendation.

10 DR. APPY: Okay. At this point
11 David Wright, if you could hold one second, we would
12 like to have about a five-minute break so our court
13 reporter can allow her fingers to come back to their
14 normal shape. So we will reconvene then at
15 20 minutes until 8:00 and receive more comments.

16 Thank you.

17 (Recess.)

18 DR. APPY: Our next speaker is David Wright
19 followed by Patrick Wilson.

20 MR. WRIGHT: You guys ready?

21 DR. APPY: Go for it.

22 MR. WRIGHT: Okay. Most of what I was
23 going to say got said, so --

24 DR. APPY: Hold on one second. Could --
25 could we please have it quiet please. Thank you very

1 much. David.

2 MR. WRIGHT: I was going to say that I am
3 used to delays, so it doesn't bother me. Cheap shot.
4 No, actually a number of comments that I was going to
5 make have already been made. I do want to commend
6 the port and the harbor and the Corps of Engineers in
7 terms of the very comprehensive document, the EIR.
8 We, of course, have been working on a similar
9 document for a number of years. And as I was reading
10 about a third of this, I find that it is extremely
11 comprehensive and it is extremely conservative.

12 The other thing that I would like to echo
13 is one of the comments that was made by the
14 Southcoast Air Quality District. In looking at the
15 document, one of the areas that seems to stick out
16 quite a bit is the amount of truck driving and the
17 related emissions and the greenhouse gas impacts
18 involved with trucks. So I would encourage that as
19 much on-dock rail and as much post-in rail
20 activity -- truck to rail activity be accomplished as
21 quickly as possible minimizing the number of trucks
22 that are out on the freeways.

23 And I say that in particular when we
24 consider that the Alameda Port is only at about half
25 its capacity, about 10 million trucks a year going up

1 and down along the freeway. If there's anything that
2 can be done to accelerate the activities around that
3 area, I think it would be very helpful to put in the
4 entire basin.

5 The other thing I would say is that -- one
6 thing that is probably most important to everybody in
7 the whole region is a job. And I feel that there's a
8 number of projects that have been held up for many
9 years. There's many jobs that have been withheld
10 from the market. People that have jobs have the
11 ability to have a good income, have insurance to do a
12 number of things that can help for their health, the
13 livelihood of their families. Also, strong industry
14 here helps build a tax base that can be used to
15 accomplish infrastructure projects that are going to
16 improve the air quality in the entire region. So I
17 would strongly suggest and support that this is a
18 good project. And looking at the project
19 alternative, it looks very clear to me that this
20 project should go forward.

21 Thank you very much.

22 DR. APPY: Thank you very much.
23 Patrick Wilson, followed by Frank O'Brien.

24 MR. WILSON: Colonel Blackburn, Dr. Appy,
25 my name is Patrick Wilson. I am president of the

1 Wilmington Chamber of Commerce. It's been six years
2 since the last EIR was certified. The Clean Air
3 Action Plan is dependent on projects like the TraPac
4 expansion to implement pollution and mitigation
5 measures. No matter how hard we try we can't put the
6 genie back in the bottle. Americans are growing
7 accustomed to low priced high quality goods
8 manufactured overseas. And it is that demand that is
9 driving the increase in port activity. We have an
10 opportunity to aggressively address the pollution
11 impacts resulting from the increase in activity by
12 tying mitigation to growth. Doing nothing, as
13 indicated through the draft EIR, will result from
14 putting our collective heads in the sand and ignoring
15 all that is going on around us. We will not see a
16 decrease in traffic congestion. We will not see any
17 structure improvement. We will not see any reduction
18 in emissions. We will not see -- we will not see
19 terminal efficiency improved. While the Wilmington
20 Chamber of Commerce has not had the opportunity to go
21 over the entire draft EIR, we applaud the port's
22 courage to put this draft EIR out to the public
23 domain knowing full well that there will be criticism
24 from certain corners. But the Chamber has many
25 members who are also waiting for their EIRs to be

1 released and are anxious for the process to begin and
2 to have the opportunity to expand their operations
3 knowing -- even knowing full well that the cost
4 associated with their projects have increased
5 spectacularly since the projects were first
6 considered. Also, I can't emphasize the importance
7 of a buffer area for the community of Wilmington.
8 This has been promised for years and the residents
9 have been exceedingly patient, but now it is their
10 turn to benefit from port expansion. The Wilmington
11 Chamber will be following up with our formal comments
12 on the draft EIR before the end of the comment
13 period.

14 Thank you.

15 DR. APPY: Thank you. Frank O'Brien
16 followed by Andrew Mardesich.

17 MR. O'BRIEN: Thank you, Ralph.

18 I want to talk a little bit about the
19 proposed project and the CEQA document in the context
20 of the environmental review role of full disclosure
21 and as an information vehicle for helping the public
22 and the decision makers to value the project.

23 I want to talk about three elements, the
24 off board impacts, that is the impacts of the project
25 beyond the tidelands boundary, how will -- how will

1 you measure cumulative impacts. And also the role of
2 the statement of overriding considerations and how
3 that flows into these other elements.

4 In terms of the off port, it seems kind of
5 evident from a common sense point of view that a port
6 of this scale operates functionally beyond the
7 tidelands. The area of land within the tidelands is
8 not enough to do all the things the port needs it to
9 do. So there are land use and other impacts that go
10 beyond the tidelands that have to be evaluated.

11 Secondly, in terms of cumulative impacts,
12 the City right now uses a standard of projects that
13 are in the EIR queue and that is the outer outer
14 limit of reasonably foreseeable and has been
15 mentioned the projected growth rate of the port is in
16 the 5 to 10 percent annual range and to make a
17 meaningful assessment of future impacts you probably
18 want to have a standard of reasonably foreseeable,
19 that aligns with some sort of middle range of growth.
20 Otherwise you are always playing catch up trying to
21 catch up to the new mitigation measures.

22 And the last issue is the notion of
23 "Overriding considerations." And basically if I
24 understand it right, that says "The agency can say we
25 want do this project even though we know there are

1 impacts because there are benefits that are worth
2 capturing and we want to be able to get them." And
3 the -- if the calculation of benefits includes
4 benefits beyond the tidelines, such as jobs and other
5 economic positives, then the other side of the ledger
6 which is the negatives also has to include the
7 negatives that go beyond the tidelands if any exist.
8 And to that point I refer you guys to the "Public
9 policies study" on this issue.

10 So, here are the three things that I
11 specifically recommend that the port conduct and the
12 Corps conduct: A land use study of Wilmington that
13 you've calculated cumulative future impacts, to agree
14 on a growth rate of about 9 percent, 8 percent. And
15 that for a statement of overriding consideration
16 really do a comprehensive cost benefit analysis.

17 And finally I will say that the -- this EIR
18 which I think is the first industrial project EIR
19 that has come out since we put together a template
20 back under the leadership and administration of
21 Commission President Thompson, we look forward to see
22 how it works in practice. These are the unresolved
23 issues, and thank you for the opportunity to comment.

24 DR. APPY: Thanks. Thank you.
25 Andrew Mardesich followed by Janet Gunter.

1 MR. MARDESICH: Andrew Mardesich speaking
2 for the San Pedro Peninsula Home Owners Association.
3 We will be submitting written comment later.

4 I wanted to just limit it to aesthetics and
5 I hold in my hands the report dated August 2004 that
6 was submitted to the past EIR subcommittee. And
7 there was a common thread of the past EIRs that there
8 was a problematic omission of doing a true assessment
9 or revealing assess -- aesthetic impacts off of port
10 lands. And this is true to the current TraPac EIR.
11 There is a problematic omission of addressing, or
12 reviewing, or of CEQA making known to the public what
13 those negative impacts are. And that was even
14 mentioned by some of the earlier speakers with that
15 common thread.

16 I have got three photographs. One is a rig
17 that is parked in a Wilmington residential zone. It
18 happens on a daily basis. I have another giant
19 shipping rig in a Wilmington residential area, common
20 occurrence. And the third photograph is a rig,
21 C Line rig, in Wilmington that is being questioned or
22 briefed by port police and L.A.P.D., but was not
23 cited. And this is clearly a violation of code, but
24 the violators are not employees of the City, but the
25 port is responsible for creating these sets of

1 circumstances and is culpable. But yet, the City of
2 Los Angeles and the port as an agency, the City of
3 Los Angeles has a double standard. This would not be
4 tolerated in Bel Aire or Brentwood, but it is
5 tolerated by the City of Los Angeles vis-a-vis the
6 Port of Los Angeles in Wilmington. That is a double
7 standard. Could it be that there aren't any
8 millionaires down here?

9 We've asked that you address these issues.
10 We know as CEQA you don't have to litigate it, but
11 you do have to record them. So a part of our
12 comments is we will bring these facts forward for you
13 to address. In the entire history of the Port of
14 Los Angeles not one EIR has ever been rejected or
15 turned down projectwise. This project will go
16 forward, China Shipping will go forward, all the
17 projects will go forward, but in the past the port
18 has always avoided addressing those impacts off of
19 port land of the areas set in this.

20 Thank you.

21 LIUETENANT COLONEL BLACKBURN: Thank you
22 for your comments.

23 DR. APPY: Janet Gunter followed
24 Dan Hoffman.

25 MS. GUNTER: Hello. Although the TraPac

1 EIR represents a step up in reviewing a port
2 development project, it still fails to accurately and
3 honestly disclose the true impacts to the local
4 community presented by port expansion. By far,
5 greater attention is being paid to our critical issue
6 of air pollution, we find that the document is still
7 lacking in its analysis. It is a fallacy to conclude
8 that the port can, in fact, grow green, as it has so
9 ambitiously pronounced, in light of the fact that it
10 is so grossly out of attainment. Any growth at this
11 point is about increase, not reduction. And until we
12 have stringent regulations that are installed with --
13 that are, in fact, enforceable the very idea of
14 emission reduction over time continues to be an
15 elusive goal. Most important, this EIR is very
16 obvious in its denial regarding the negative impact
17 as to the aesthetics of the local areas of the port.
18 This issue of the aesthetics impact cannot and should
19 not be ignored or discounted. The continuing
20 accumulation of project after project, bringing more
21 and more landfill, cranes, trucks, and containers to
22 the waterfront has had and continues to have an
23 enormous impact on the visual vistas and tranquility
24 of the local communities and the residents. To say,
25 as in this report, that the filling in of ten to

1 twelve acres of blue water has no aesthetic impact is
2 absurd. To say that the replacement of the existing
3 cranes, which will be many, many feet higher has no
4 effect visually, is ludicrous. To ignore the fact
5 that cranes have already been replaced over the past
6 decade without an EIR to establish visual losses at
7 the time, and remark now that there is no discernible
8 visual loss is reprehensible. Why was it noted in
9 the EIR that views from the freeway onto San Pedro,
10 of Vincent Thomas Bridge have been seriously
11 obstructed by cranes of this terminal, the document
12 glosses over this as an already established condition
13 and minimizes it further since the freeway is not
14 designated as a scenic highway. How outrageous is
15 that in light of the fact that it is the only real
16 access way for most commuters into our community.
17 Does that lack of designation make it any less
18 important to establishes first impressions of our
19 community? I think not. There is no recognition of
20 the addition of more terminal lights, glare, and
21 their effect on the area. Surely if you -- the
22 accumulation of these lights can be seen from outer
23 space, you better bet that increase in those lights
24 will be recognizable here in our localized niche on
25 this earth. Whether you have better lighting aimed

1 more appropriately or not, it will not -- it will
2 still represent an increase in total lumines and an
3 increase in light to the area. This simply must be
4 addressed. There are a number of other issue, and I
5 know my time is up, so I will respond with my written
6 comments.

7 LIEUTENANT COLONEL BLACKBURN: Thank you,
8 ma'am.

9 DR. APPY: Dan Hoffman followed by
10 Colleen Callahan.

11 MR. HOFFMAN: As the -- good evening. As
12 the director of the Wilmington Chamber of Commerce I
13 applaud the port for moving forward with the EIR
14 process, along with them providing this opportunity
15 for the community and the industry to give its input.

16 I would also like to mention that we hope
17 that in the future we can see additional EIRs that
18 are crucial to our infrastructure released very soon.

19 As an individual and a member of the
20 Wilmington community I have been -- lived here for
21 30 years and my children have been raised here. And
22 I hope to live here for another 30 years. And if I
23 live that long, I will probably want some more,
24 because obviously I am older than 30 years old. The
25 redevelopment of the TraPac facility will prevent us

1 from losing additional business and -- to other ports
2 because of the increase of efficiency it will provide
3 for the goods movements. I think it is important. I
4 think a lot of people are under the misconception
5 that these businesses won't go somewhere else. And
6 if it is economically viable for them, they
7 absolutely will. I would also -- it will create an
8 additional -- create additional good paying jobs and
9 insure the port continues to be the economic engine
10 of Southern California. I have a lot of -- many of
11 my neighbors, probably a third of them, work for
12 port-related industry. And they are good paying
13 jobs. In the long run it will improve our
14 environment. And I know that in the short run that
15 is going to be tough. And if they're subject to some
16 of the other clean air actions that can be
17 implemented, certainly I am all for that. Like I
18 said, I would like to live for another 30 years, and
19 probably want more after that. But the on-dock rail
20 facility will improve the traffic flow -- and will
21 have improved the traffic flow for the trucks with
22 the new design and the out turns. It will improve
23 that and help out our quality. And with that I would
24 like to thank you very much for your time.

25 DR. APPY: Thank you. Colleen Callahan

1 followed by Gisele Fong.

2 MS. CALLAHAN: Good evening. Thank you for
3 the opportunity to comment. Colleen Callahan with
4 the American Lung Association of California. We will
5 be submitting comments in the future detailing our
6 concerns with the TraPac draft EIR including our
7 concern regarding what we believe is significant
8 underestimation of impact. Tonight I will focus on
9 the rail component of this draft environmental impact
10 report.

11 The American Lung Association agrees with
12 IPC that there is an acute need for a new vision for
13 freight transport. Unfortunately the draft EIR does
14 not provide this provision. We are concerned about
15 the lack of consideration of innovative technologies
16 for container transport. Locomotives are among the
17 oldest and dirtiest ethyl forces. Diesel pollutions
18 are responsible for thousands of premature deaths in
19 California per year. It is crucial that we limit
20 public exposure to diesel emissions and to that
21 effect make land use decisions that will separate
22 residential areas, establish communities away from
23 industrial areas.

24 Integrated on-dock rail container terminal
25 project is of great importance. At the -- at full

1 build out, the draft EIR estimates 29 percent of
2 cargo will be moved via on-dock rail. This is a
3 start, but more needs to be done. The Port of
4 Seattle has committed to utilizing 70 percent on-dock
5 rail. The port should commit to a similar percentage
6 of on-dock rail usage -- regarding all mitigation
7 measures, so not just rail, but that would be
8 included in that. There must be compliance with the
9 Clean Air Action Plan at the very minimum. CAAP
10 should be seen as a floor not as a ceiling. I am
11 concerned that some aspects of the project do not
12 even comply with the Clean Air Action Plan. For
13 example, the draft EIR does not require the relocated
14 Pier A rail yard to comply with Rail measure three
15 from the CAAP; clearly it falls within the parameters
16 so it's crucial that the mitigation measures extend
17 to the relocated -- through Pier A rail yard.

18 In conclusion, the ports are considering a
19 30 year lease. Let's get it right. Did you show me
20 an EIR that does not underestimate the considerable
21 impacts and also contains appropriate innovative and
22 health protection alternative mitigation measures?

23 Thank you.

24 DR. APPY: Thank you.

25 And sorry if I mispronounced your last

1 name. Gisele Fong followed by Kathy Woodfield.

2 MS. FONG: Good evening. My name a
3 Gisele Fong and I represent Communities for Clean
4 Ports, a nonprofit pollution campaign based in
5 Los Angeles. We are here -- environmental, public
6 health, and community groups, and residents because
7 the deadly multibillion health and economic costs of
8 port related pollution are very well established.
9 Dangerous smog, heart and lung disease, shockingly
10 high cancer risk rates, unconscionable numbers of
11 children with serious asthma.

12 The TraPac container terminal project is
13 part of the port's aggressive extension plans and it
14 does have serious public health and environmental
15 consequences. The draft EIR estimates that the
16 project will result in residential cancer risks of
17 272 new cases per million. The site of highest
18 impact will be C Street and Marvista here in
19 Wilmington. The TraPac project would increase
20 noncancer risks like asthma, respiratory, and cardio
21 vascular illnesses which are already sky high in
22 port communities. Indeed the polluted air will
23 affect the health of everyone in the south coast air
24 basin. This is why the Port of Los Angeles must
25 insist that the TraPac project be built and operated

1 under the cleanest available technology standards and
2 it must use the requirements in the Clean Air Actin
3 Plan as a floor and not a ceiling for environmental
4 standards.

5 Specifically the TraPac project should
6 require mitigation measures which expedite the
7 implementation of shore side power. This summer the
8 Port of Oakland successfully tested a mobile liquid
9 natural gas generator for coal, iron, and
10 electrification. The ports can and should electrify
11 diverse for the long-term, but in the meantime there
12 is no reason to continue allowing ships to burn dirty
13 diesel fuel while idling in the harbor.

14 Second, require that yard traffickers and
15 other cargo handling equipment meet the cleanest
16 available technology standards and remove the
17 existing diesel loophole in the cap that allows the
18 dirtier diesel equipment and places much cleaner
19 alternative fuel equipment. Require that the port
20 trucks also meet the cleanest available technology
21 standards. And while we recommend trucks meet EPA
22 2010 standards for the time being, the objective
23 really should be putting vehicles in service which
24 meet a clean truck standard. That is the cleanest
25 available individual truck at the time of purchase.

1 Based on that trucks toxic criteria pollutant and
2 green house gas emissions the port should not rely on
3 aggregate or other loopholes.

4 And finally explicit criteria that insures
5 50 percent of the trucks that service the TraPac
6 terminal are replaced with clean alternative fuel
7 trucks as the provision of the Clean Air Action Plan.

8 And the port is going to expand and as a
9 result needs to be responsible for the environmental
10 impacts of this. And for these reasons please
11 strengthen the environmental mitigation measures in
12 the project. Thank you.

13 LIEUTENANT COLONEL BLACKBURN: Thank you.

14 DR. APPY: Kathy Woodfield followed by
15 Pate Nave.

16 MS. WOODFIELD: Good evening. My name is
17 Kathleen Woodfield. I am a member of the San Pedro
18 Peninsula Homeowners Association also named PCAC. I
19 think this is the first EIR that has come through
20 since CARB has identified that 5,400 California
21 citizens die prematurely each year due to air
22 pollution. And I think they are also identifying
23 about 2,400 of those deaths are due to the ports.

24 So it is particularly concerning that this
25 EIR comes through without mitigating to a level of

1 insignificance for air quality impacts. As a matter
2 of fact it is unconscionable. Because we the public
3 have come to understand the problematic process here
4 at the Port of Los Angeles which is equipped for EIRs
5 then do not mitigate to levels of -- and then
6 approve them through the CARB Commission using a
7 statement of overriding considerations. It comes to
8 my mind that this is now an act of gross negligence,
9 reckless endangerment and conspiracy to do harm.

10 I did not have a chance to read the 6,000
11 page EIR. And I actually believe that having 6,000
12 pages undermines the public's ability to understand
13 the project and give comprehensive comments.

14 I personally take great offense to being
15 slowly poisoned by the State of California and the
16 City of Los Angeles -- the Port of Los Angeles. PCAC
17 put forward a motion, motion no. 67, that gave a
18 methodology for mitigating to a level of
19 insignificance any project, and that is to once you
20 exhaust project level mitigations to move on to port
21 fine level mitigations. This is absolutely feasible,
22 possible, and there's no reason in the world why this
23 should not be done. There is no reason why an EIR
24 should come forward at this time with the types of
25 technology we have available to us for air quality

1 mitigation, no EIR should be coming forward that does
2 not mitigate to a level of insignificance for air
3 quality.

4 I would also like to say that this EIR does
5 not evaluate air pollution as an aesthetic impact.
6 If you look to the skyline here, you can see that the
7 air pollution is so severe that it actually creates
8 an aesthetic impact. It is ugly. It is very
9 offensive when you look at it. And everybody knows
10 when they look at it that something is terribly
11 wrong. And I think when -- because we know that the
12 statement of overriding considerations will be
13 done -- we absolutely know this, because it has
14 always been done -- we ask that you evaluate how many
15 jobs are actually lost from this one sided trade that
16 goes on here at the Port of Los Angeles. We ask you
17 to evaluate the cost of the 2,400 deaths cumulatively
18 that are attributed to these ports. And not only the
19 deaths, but the lives that prevail even after
20 fighting cancer.

21 LIEUTENANT COLONEL BLACKBURN: Okay, ma'am.
22 Thank you for your comments.

23 MS. WOODFIELD: And thank you so much.

24 DR. APPY: Pat Nave followed by Tom Poe.

25 MR. NAVE: Good evening. It has been a lot

1 of very good comments tonight. But the bottom line
2 is that you are putting out on the street a
3 project -- it is going to have no curious impact on
4 the air and on the traffic. You have the project in
5 such a way that you don't have those kinds of things.
6 So when the rubber meets the road, you try and do
7 things to clean-up the air and put out a project that
8 has a zero net increase. You might have to expand
9 your vision a little bit. Frankly I am very
10 disappointed in a mayor that would allow an EIR to
11 come forward with an increase in air quality. Expand
12 your horizon a little bit. You know Frank O'Brien
13 had it right when he said you got impacts off of the
14 port property. It is no accident that property
15 values closer to the port are lower than the property
16 values when you get further away from the port. It
17 is just a matter of time before you are going to get
18 hit with a condemnation suit as long as you keep
19 doing this.

20 DR. APPY: Tom Poe followed by
21 John Schafer.

22 MR. POE: Good evening. Thank you for
23 allowing me to testify tonight. My name is Tom Poe
24 and I'm the western regional manager of Port Vision.
25 A high technology company that has recently been

1 created to look at ways to enhance commercial
2 vessel's safety, to enhance efficiency of vessels in
3 terminals, and so doing to mitigate environmental
4 concerns which we have here in the ports and
5 throughout the United States.

6 I think the Port of Los Angeles has done a
7 monumental job in addressing the environmental
8 concerns of the communities surrounding it, of the
9 ports, of the region, and its effect even in the
10 nation.

11 There are many, many new high technology
12 companies that are coming into being now that will
13 help to address the environmental concerns which the
14 individuals here have addressed tonight. And it is
15 happening very quickly.

16 Now, from a personal view point I have
17 lived in the San Pedro Bay port area and lived and
18 worked here for over 50 years. And I remember going
19 through the ports in the 50s, the 60s, and the 70s
20 when they were smelly, dirty, and toxic. And great
21 strides have been made since that time by both of the
22 ports in addressing those concerns. And now with the
23 Clean Air Action Plan and other efforts that are
24 being made by them, and with new technology coming to
25 the forefront each and every day, I have no doubt

1 that concerns which these residents and others have
2 expressed tonight will be mitigated and will be
3 well -- that we will all be well served and healthier
4 come tomorrow.

5 Thank you.

6 DR. APPY: Thank you. John Schafer.

7 MR. SCHAFER: Schafer.

8 DR. APPY: Sorry about that.

9 MR. SCHAFER: It's close enough.

10 DR. APPY: Your S was a little --

11 MR. SCHAFER: I know.

12 DR. APPY: Followed by Mary Lou Tryba.

13 MR. SCHAFER: Good evening. My name is
14 John Schafer and I am a life long resident of
15 San Pedro. I also work in -- my office is in
16 Wilmington. I represent about 1,000 pile drivers,
17 bridge, dock, and wharf builders, which most of our
18 members live in one zip code at the post office, it
19 is 90744, which is in the Wilmington area.

20 I just wanted to -- things come up and you
21 sort of change what you wanted to speak about. As
22 far as the extended effects of this project, I want
23 you to consider the extended effects that the port
24 brings in regards to the high number of people who
25 have benefits with pensions. For example, long

1 shoreman, I know, have retiree benefits that -- for
2 pharmaceutical -- for medicine, you know, that has
3 minimal effects. I want you to consider the job
4 opportunities for at risk use. I have a job
5 orientation that is going to be occurring tomorrow at
6 8:00 o'clock behind the lagoon. I want you to
7 consider the new environmental standards that you are
8 trying to implement and the attraction that will
9 bring to have high tech firms to participate in those
10 efforts. And I want you to also consider the fact
11 that what happens to communities that don't have
12 that -- that have low income that don't have those
13 type of job opportunities. I'm sure you've
14 considered the environmental impact of these people
15 who would not be working over here, who then have to
16 travel -- people living in the local area -- who then
17 have to try to find jobs like that.

18 I really want -- originally came up was I
19 wanted to discuss the fact that doing nothing is not
20 zero. The effect of doing nothing is not zero, and I
21 am glad that you put that into the EIR/EIS. But it
22 is really important -- I have a mother who passed
23 away from asthma. I have an eight-year-old who grew
24 up a child -- you know, had child asthma. And I was
25 born and raised in there too. I want the port to

1 improve. And if we continue to debate amongst the
2 engineers, the lawyers, the activists, everybody
3 else, for ten years or 20 years, you are going to
4 have more traffic, you are going to have
5 infrastructure that gets old just like our houses,
6 our cars, everything else, they break down. And you
7 are going to continue to have people who are going to
8 be suffering from these air quality effects. We want
9 to put the most modern technology to work for us.
10 And somewhere along the line my neighbors -- who I
11 have heard talk today -- have got to realize they
12 have got to put their money where their mouth is.
13 Because sooner or later these standards are not going
14 to be put into effect. Those projects, those jobs
15 are going to go Mexico. You are not going to have
16 those environmental standards put into effect. And
17 you can say, "Oh, well, those are just Mexicans.
18 They will suffer from cancer and everything else.
19 They deserve it because whatever." If you want the
20 one of worlds most important ports to set the
21 standard for the world, which is talking about an
22 inconvenient truth, you eventually have to agree to
23 something.

24 LIEUTENANT COLONEL BLACKBURN: Okay. Sir,
25 your time is up. Thank you.

1 MR. SCHAFER: Thank you.

2 DR. APPY: Mary Lou Tryba? Did I say that
3 right?

4 MS. TRYBA: That is fine.

5 DR. APPY: And followed by the last
6 speaker, Mike --

7 MS. TRYBA: Hi. I'm Mary Lou Tryba from
8 Harbor City. I would just like to go on the record
9 and say that I concur with everything everybody said
10 tonight, because I agree with all of it in regards to
11 being around here since the 60s and 70s. Reality at
12 Harbor College -- stay behind Randy McDonald and all
13 this kind of stuff. So I have been there, done that.
14 And my thing is who is going to deal with the reality
15 and pile up of the yellow sulfur out there in the
16 community? Besides the oil company, who's going to
17 handle it? Like they keep saying they are going to
18 put a tarp over it or whatever. So my thing is
19 things like that that people look at because we are
20 seniors and we are aware, and we are not afraid to
21 get up and say what we think. So that is my two
22 cents.

23 Thank you for having me. Take care.

24 LIEUTENANT COLONEL BLACKBURN: Thank you,
25 ma'am.

1 DR. APPY: And our final speaker

2 Mike Buckantz.

3 MR. BUCKANTZ: Close enough. Buckantz. I
4 have gotten way worse than that, way worse.

5 Since I am the last, do I get as much time
6 as I want? Just kidding.

7 My grandfather always told me know where
8 you stand, and I stand between everybody and going
9 home and having dinner or going to see their
10 families, so I will stay easily within my three
11 minutes.

12 Good evening. I am Mike Buckantz. I am
13 the president of the Long Beach based environmental
14 consulting firm Justice and Associates. I am also on
15 the board of directors of Future Ports. And I work
16 as an air quality technical representative for the
17 Construction Industry Air Quality Coalition. We
18 believe that we have common goals with the port,
19 simultaneously grow and clean the air. And we
20 believe that these concepts are not mutually
21 exclusive. Building on statements Elizabeth Warren
22 made earlier, we are in support of the green port
23 growth that this project clearly represents. The
24 TraPac project has many positive elements that will
25 enhance efficiency, decrease emissions and it is

1 clearly beneficial particularly when compared to the
2 no project alternative.

3 We do have concerns with some of the
4 mitigation measures outlined in the CAAP and draft
5 EIR. For example, we believe that some measures such
6 as the truck plan may be too aggressive and may not
7 represent the most efficient and cost effective ways
8 to clean the air.

9 However, while we may not agree on every
10 aspect of the TraPac project draft EIR, we do agree
11 that we have a common goal of green growth. And we
12 look forward to continuing our work together to find
13 solutions on how best to accomplish our mutual
14 interest and move these projects forward.

15 I thank you for your consideration. And I
16 will give back about a minute, and you can continue
17 the meeting. Thanks a lot.

18 LIEUTENANT COLONEL BLACKBURN: Thanks.

19 DR. APPY: Okay. I just want to make a few
20 comments in closing here. First of all, I want to
21 thank all of you that stuck through here, through to
22 the very end. I guess it is heartening to know a
23 number of years ago we used to do environmental
24 impact reports and we would hold hearings and no one
25 would come. And so I think there -- it is really a

1 positive thing to actually get a lot of community
2 involvement on these issues, and that makes the
3 document certainly better. And also perhaps a little
4 thicker than you would probably like.

5 I would like to summarize briefly some of
6 the things we heard tonight. I think a lot of the
7 comments -- I think are probably addressed in there,
8 but maybe not to the extent that we would like. So
9 we heard, for instance, that maybe we ought to be
10 looking at a system alternative and maybe an inland
11 terminal. Along the air quality lines I think we
12 heard about the more aggressive application of air
13 quality measures and -- particularly related to
14 harbor craft and rail.

15 The compliance of a Clean Air Action Plan
16 is a very important topic. As you know the Clean Air
17 Action Plan is going to rely on the EIRs to implement
18 that. So there is a relationship there and we need
19 to show compliance with the Clean Air Action Plan in
20 the document.

21 And we also heard that reduction of air
22 quality measures is also important. To implement
23 on-dock rail we need to maximize the use of the
24 on-dock rail facilities. We heard that the buffer --
25 some people thought the buffer was a benefit to the

1 community in terms of having opportunity for them.
2 On the other hand we heard that perhaps it's an
3 opportunity also as an attractant to people that
4 might come and be subjected to high levels of air
5 pollution.

6 We heard some comments about the baseline,
7 where we should begin the baseline. So we will be
8 looking at that. And also the relationship of the
9 project impacts to that baseline, and the estimates
10 we made. So we will be looking at all that.

11 We also heard some kind of positive things
12 about the benefits of cargo handling efficiencies and
13 the long term benefit of growing green and having the
14 projects available then that allows us to implement
15 some of these mitigation measures.

16 There were some comments about the process,
17 particularly in regards to overriding consideration
18 and the use of those by our Board of Harbor
19 Commission. Off port impacts was an item as well,
20 that we felt the document could perhaps have
21 additional assessment for off port impacts
22 particularly related to land use issues.

23 And finally, some comments we received
24 discuss the accuracy of the aesthetics findings of
25 the document.

1 So these are all comments that we are going
2 to then take back and take individual comments we
3 have received from everybody. If you do not respond
4 in writing, we will use the comments here that you
5 gave us tonight earlier. We will have a transcript.
6 And by the way, that transcript will be up on the web
7 site, the Corps web site that is shown up there at
8 the very bottom right. And so you will be able to
9 see the transcripts in due process. You will
10 probably need to give us a little time to get those
11 all up, but we will be taking everybody's comments
12 that we receive now until the end of the comment
13 period, which is September 26th. And we will be
14 assigning numbers to each of those and we will be
15 responding individually to all the comments that we
16 received.

17 Again, I appreciate you being here, and
18 look forward to receiving additional comments from
19 you. And with that I would like give it back to
20 Colonel Blackburn.

21 LIEUTENANT COLONEL BLACKBURN: So for the
22 next 30 minutes I am going to do a recap. No, I'm
23 just kidding. Ladies and gentlemen, I want to thank
24 you for your attendance, your comments, and your
25 counsel. This has all been very well documented, as

1 Dr. Appy just talked about. So having said that,
2 that concludes tonight's hearing. Thank you.

3 (Proceedings concluded at 8:31 p.m.)

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1 I, NICOLE R. HARNISH, Certified Shorthand Reporter

2 for the State of California, do hereby certify:

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4 That the public hearing was taken by me in machine

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10 at San Diego, California.

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