

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">BOARD OF HARBOR COMMISSIONERS</p> <p style="text-align: center;">BOARD MEETING</p> <p style="text-align: center;">MONDAY, APRIL 13, 2009</p>	<p style="text-align: right;">Page 3</p> <p>1 public comment period. Speaker comments will be limited 2 to three minutes.</p> <p>3 Ordinarily, the Board of Harbor Commissioners 4 will not act on any matter which does not appear on the 5 published agenda. The Board, however, may act on any 6 item which is listed on the agenda.</p> <p>7 The Port of Long Beach intends to provide 8 reasonable accommodations in accordance with the 9 Americans with Disabilities Act of 1990. This agenda is 10 available in alternate format by request. If a special 11 accommodation is desired, please call (562) 590-4104, 12 preferably 48 hours prior to the meeting. Our office 13 hours are Monday through Friday, 7:30 a.m. to 4:30 p.m.</p> <p>14 We will begin today with the roll call because 15 we have no committee meetings. So Madame Secretary, 16 please call the roll.</p> <p>17 SECRETARY: Commissioner Cordero? 18 COMMISSIONER CORDERO: Here. 19 SECRETARY: Commissioner Walter? 20 COMMISSIONER WALTER: Here. 21 SECRETARY: President Hankla? 22 PRESIDENT HANKLA: Here. 23 SECRETARY: Commissioner Sramek? 24 COMMISSIONER SRAMEK: Here. 25 SECRETARY: Commissioner Wise?</p>
<p style="text-align: right;">Page 2</p> <p>1 Long Beach, California, April 13, 2009 2 -0- 3</p> <p>4 PRESIDENT HANKLA: I apologize for the delay. 5 We have a small technical problem. We need a small 6 technician to fix it. Three minutes. That means two 7 minutes.</p> <p>8 Testing. Is it on? We're live.</p> <p>9 Thanks everyone for your patience. We have a 10 lot of business to take care of today. There are a lot 11 of stakeholders here that want to be heard. We want to 12 assure you that everyone will get a chance to be heard 13 within the rules of the hearing.</p> <p>14 One of the things I'll say at the outset is 15 that we expect everyone to be courteous to everyone 16 else. Let's not have any demonstrations or applause or 17 any of that stuff because it just wastes time. Let's 18 hear what you have to say and be courteous about it.</p> <p>19 Persons in the audience who wish to address the 20 Board of Harbor Commissioners on any committee or board 21 agenda items are invited to identify themselves when 22 that agenda item is called. Persons wishing to address 23 the Board on an item not on the agenda but within the 24 subject matter jurisdiction of the Board, should sign in 25 at the podium, and they will be recognized during the</p>	<p style="text-align: right;">Page 4</p> <p>1 COMMISSIONER WISE: Here. 2 SECRETARY: Mr. President, you have a quorum. 3 PRESIDENT HANKLA: Thank you. We'll begin with 4 the approval of the minutes of the meeting of 5 March 23rd, 2009. Are there any additions or 6 corrections to the minutes?</p> <p>7 COMMISSIONER WALTER: Motion to approve. 8 COMMISSIONER SRAMEK: Second. 9 PRESIDENT HANKLA: Moved and seconded. No 10 additions or corrections. All in favor, say aye. 11 COMMISSIONERS: Aye (all). 12 PRESIDENT HANKLA: The minutes are approved. 13 We now move to the consent agenda, Items 1 14 through 5. Are there any items to be pulled from the 15 consent agenda?</p> <p>16 COMMISSIONER WALTER: Move to approve. 17 COMMISSIONER WISE: Second. 18 PRESIDENT HANKLA: Moved and seconded. Does 19 anyone in the audience wish to address Items 1 through 5 20 on the consent agenda? None appearing, all in favor, 21 say aye. 22 COMMISSIONERS: Aye (all). 23 PRESIDENT HANKLA: The consent agenda is 24 approved. 25 We're moving now to the regular agenda. This</p>

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1 is a communication from Managing Director of
 2 Environmental Affairs and Planning requesting adoption
 3 of a resolution certifying the Final EIR, making
 4 findings, adopting a statement of overriding
 5 considerations, adopting a mitigation monitoring and
 6 reporting program, approving the project, adopting the
 7 application summary report, and issuing a Level III
 8 Harbor Development Permit Number 03-121 for the Port of
 9 Long Beach Middle Harbor Redevelopment Project. We will
 10 begin by an introduction from our Executive Director,
 11 Mr. Dick Steinke. Thank you.

12 MR. STEINKE: Thank you, Mr. President. Good
 13 morning, Commissioners. In just a moment,
 14 Dr. Robert Kanter will present you the Middle Harbor
 15 Redevelopment Project for your consideration. Before I
 16 introduce Dr. Kanter, I would like to give some
 17 background on the project for the commission, staff, and
 18 audience in attendance here today. After Dr. Kanter's
 19 presentation, we will take public comment and then
 20 Commissioner consideration.

21 The Middle Harbor Redevelopment Project was
 22 first proposed conceptually about eight years ago. The
 23 Port's planners and its terminal partners recognized the
 24 need to redevelop these two older container terminals to
 25 improve their performance and efficiency. Even with

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1 today's slowdown, we foresee a long-term growth in trade
 2 and many more trade-related jobs in this region.

3 Over the past two decades, the Port and its
 4 terminals have experienced significant growth in
 5 international trade. During the 1990s trade volume
 6 tripled as China and other Asian nations boomed. But
 7 the trade also brought an increase in environmental
 8 impacts. In recent years community health risk studies
 9 have demonstrated the threat to public health that is
 10 associated with diesel particulate matter. Here at the
 11 Port that is produced by the ships, trucks, trains, and
 12 other diesel-powered vehicles carrying this
 13 international trade. These studies were a wake-up call
 14 for the Port and the surrounding community. It was
 15 clear that the Port could not operate as it had been.

16 We are a world leader in the goods movement,
 17 but with these studies we saw that we had to become a
 18 world leader in environmental sustainability as well.

19 In January 2005 the Long Beach Board of Harbor
 20 Commissioners adopted the landmark Green Port Policy.
 21 The Green Port Policy provided a set of guiding
 22 principles to address the negative impacts of Port
 23 operations in areas such as air quality, water quality,
 24 soils and sediments, wildlife and more.

25 In 2006 the Board adopted the Clean Air Action

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1 Plan. Developed in a historic collaboration with the
 2 U.S. EPA, the State Air Resources Board, the regional
 3 Air Quality Air Management District, and our neighboring
 4 Port of Los Angeles, this plan outlined detailed,
 5 wide-ranging strategies to reduce air pollution from
 6 port operations.

7 The Middle Harbor Project is the first major
 8 proposal to undergo a complete environmental review
 9 since the adoption of the Green Port Policy and the
 10 Clean Air Action Plan. We have a much improved
 11 environmental review process now, and you'll see that
 12 reflected in the Environmental Impact Report that we
 13 will present to you today. To ensure that our
 14 environmental documents would be sound and adhere to all
 15 legal standards under the California Environmental
 16 Quality Act, we assembled a quality assurance and
 17 quality control team of prominent technical and legal
 18 experts. We developed new EIR protocols and
 19 methodologies that included cutting-edge analytical
 20 techniques. Dr. Kanter will discuss those protocols
 21 with you.

22 In a moment you'll hear about the detailed
 23 analysis that went into preparing this project. But
 24 first I think it's important to summarize what this
 25 project will accomplish.

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1 This is a proposal for a facility that would be
 2 able to handle twice the existing volume of cargo but
 3 generate only half the existing levels of air pollution.
 4 Let me emphasize that important point: That even as our
 5 region gains jobs and economic benefits of this project,
 6 the operating changes will be cutting air pollution in
 7 half from current levels and reducing public health
 8 risks.

9 With greater efficiency and more cargo, this
 10 facility will be able to support 14,000 new permanent
 11 jobs in Southern California. Construction of the new
 12 terminal will generate as many as 1,000 temporary
 13 construction jobs a year during the next ten years.

14 A new facility and a new green lease would
 15 allow the Port to implement the aggressive environmental
 16 improvement measures contained in the Green Port Policy
 17 and the San Pedro Bay Ports Clean Air Action Plan.
 18 We'll be reducing traffic impacts through the increased
 19 use of on-dock rail.

20 Through this project we have the opportunity to
 21 upgrade and expand Long Beach Fire Department public
 22 safety facilities, and we will recommend funding to help
 23 our local schools and health-care institutions deal with
 24 potential residual impacts.

25 With that, I will hand the floor over to

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1 Dr. Kanter.
 2 DR. KANTER: Good morning, Commissioners. It
 3 is with great pride that I present to you the Final
 4 Environmental Impact Report and Environmental Impact
 5 Statement for the Middle Harbor redevelopment, a project
 6 nearly a decade in the making.
 7 Following my presentation we will ask the Board
 8 to act on this project in accordance with the
 9 requirements of the California Environmental Quality Act
 10 or CEQA and the Port's comprehensive guidelines for the
 11 implementation of CEQA.
 12 But before you take action today, I will
 13 outline to you the rigorous environmental review
 14 undertaken for this major project.
 15 The Middle Harbor Project proposes to redevelop
 16 and upgrade two of our older, outdated shipping
 17 terminals built 30 and 40 years ago and nearing the end
 18 of their long-term lease. As a public agency we at the
 19 Port are responsible under the State Tidelands Trust and
 20 the Coastal Act to manage the port for the good of
 21 California and the nation. Accordingly, we must keep
 22 the Port competitive to support the economy and the many
 23 thousands of jobs it creates, and we must also be
 24 responsible environmental stewards. Now I would like to
 25 discuss in more details the project analysis and

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1 evaluation that was conducted under CEQA and the
 2 National Environmental Policy Act.
 3 At all stages of the environmental review, we
 4 made sure that the proceedings were transparent. We
 5 sought broad community input and input and
 6 participation. First we held two public meetings to
 7 gather comments upon release of the Notice of
 8 Preparation in 2005. Then we conducted two more
 9 meetings to collect additional public comments after the
 10 release of the Draft Environmental Impact Report in
 11 2008. Finally, we circulated a draft environmental
 12 document for 60 days which included extra time beyond
 13 what was required so that the public would have ample
 14 time to submit comments and questions.
 15 Hundreds of people attended our meetings, and a
 16 great many of them submitted comments. Throughout the
 17 environmental review, we briefed regulatory agencies,
 18 City Council representatives, a wide variety of
 19 community, environmental, and business interests. In
 20 the Final EIR/EIS, we have responded in detail to nearly
 21 600 written and verbal comments, all of which were
 22 considered and which helped shape the document, this
 23 document that I bring to you today.
 24 When I say "we," let me clarify the Port's
 25 relationship with our partnering agency, the U.S. Army

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1 Corps of Engineers. The Port is the state lead agency
 2 for the California Environmental Quality Act and
 3 preparation of the Environmental Impact Report or EIR.
 4 The U.S. Army Corps of Engineers is the federal lead
 5 agency for the National Environmental Policy Act and the
 6 required Environmental Impact Statement or EIS. This
 7 document represents a joint EIR/EIS.
 8 The EIS portion of the document has been
 9 prepared in support of the Army Corps of Engineers
 10 permit decision on the Middle Harbor Project. The Army
 11 Corps is continuing to solicit comments on the Final EIS
 12 until May 4th. The final determination will be made by
 13 the Los Angeles District Commander.
 14 Now, let me present the details of the project
 15 itself. The middle harbor area of the port consists of
 16 California United Terminals or CUT and Long Beach
 17 Container Terminal or LBCT. CUT is a 170-acre facility
 18 on Piers D and E which handles container cargo such as
 19 consumer goods and break bulk cargo such as steel. LBCT
 20 is a container terminal that occupies 101 acres at Pier
 21 F.
 22 These are both outdated facilities. These two
 23 terminals are irregularly shaped with narrow vessel
 24 berthing areas. This configuration was suited to an
 25 older era of shipping with smaller ships. Now ships are

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1 much larger, and even larger ships are on the way.
 2 CUT has no on-dock rail facilities, and LBCT
 3 has only a small amount of track for moving cargo by
 4 trains. In today's world of cross-country cargo, an
 5 on-dock rail facility allows a high percentage of the
 6 containers to move directly from ships onto trains where
 7 they are moved more efficiently with less pollution and
 8 fewer truck trips. Therefore, having practically no
 9 on-dock rail is a major deficiency of the existing
 10 facilities.
 11 The Middle Harbor Project would redevelop the
 12 existing land and water in two phases, all the while
 13 keeping the existing terminals operational and
 14 conducting business.
 15 Phase one construction would include renovating
 16 the existing Pier E container terminal, widening and
 17 deepening Slip 3, and filling in 22 acres of water in
 18 Slip 1 creating new land.
 19 Phase two improvements would include renovating
 20 the existing Pier F container terminal, connecting the
 21 Pier E terminal to the Pier F terminal by adding an
 22 additional 40 acres of land, and finally expanding the
 23 on-dock rail from 10,000 feet of track today to
 24 75,000 feet of track at the project conclusion.
 25 From the existing 294 acres, the project would

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1 create one consolidated 345-acre terminal. This
 2 includes 54 acres of newly created land. A key part of
 3 the environmental analysis compared the proposed project
 4 to existing terminal operations or baseline conditions.
 5 For the purposes of our study, we used 2005 as our
 6 baseline year. Here we can see the conditions and
 7 activity of the combined facilities today, and here when
 8 the project is complete, the terminal is fully
 9 operational in 2025. The most significant improvements
 10 include adding 51 acres of land, more than doubling the
 11 cargo capacity, increasing rail capacity so that nearly
 12 one-third of all the shipments can move on trains,
 13 taking an equivalent number of trucks off the roadway,
 14 and, finally, adding 2,300 new jobs at the terminal.

15 The primary purpose of the EIR/EIS document is
 16 to evaluate both construction and operational impacts of
 17 the proposed project as well as to evaluate
 18 alternatives. When significant impacts are identified,
 19 it is the lead agency's responsibility to identify all
 20 feasible mitigation strategies that eliminate or
 21 minimize those impacts. Feasibility means that we take
 22 into consideration economic, environmental,
 23 jurisdictional, legal, social, technological elements,
 24 as well as timing factors.

25 Accordingly, for the preferred project and

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1 alternatives, the impacts for construction and operation
 2 are evaluated for the following resource areas:
 3 Geology, groundwater, and soils; air quality and health
 4 risk; hydrology and water quality; biota and habitats;
 5 ground transportation; vessel transportation; land use;
 6 public services; health and safety; noise; hazards and
 7 hazardous materials; recreation; utilities and service
 8 systems; cultural resources; environmental justice;
 9 aesthetics and visual resources.

10 For the preferred 345-acre project, significant
 11 construction impacts were identified in the following
 12 resource areas: Air quality; biota and habitats; ground
 13 transportation; public services, health and safety;
 14 noise; and cultural resources.

15 Mitigation measures were identified to
 16 eliminate or minimize many of these impacts. We are
 17 proposing air quality and noise reduction mitigation
 18 measures that include stringent emission controls for
 19 off-road construction equipment as well as tug boats,
 20 electric-powered dredging equipment, extensive dust
 21 control measures, and installation of noise barriers.

22 After the application of all feasible
 23 mitigation measures, however, significant and
 24 unavoidable impacts remain. The air quality impacts of
 25 construction will exceed some Air Quality Management

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1 District thresholds, both at the project site and
 2 off-site. And even though those construction impacts
 3 are temporary or short-term, there would be residual
 4 impacts.

5 Therefore, we are asking the Board to adopt a
 6 Statement of Overriding Considerations. This statement
 7 finds that the economic, legal, technological, and other
 8 benefits of the project outweigh its unavoidable
 9 environmental impacts.

10 With regard to operation of the 345-acre
 11 terminal, significant potential impacts were identified
 12 in the following resource areas: Air quality including
 13 greenhouse gases; biota and habitat; transportation; and
 14 public services, health, and safety. To eliminate or
 15 reduce the impacts, several mitigation measures are
 16 integrated into the proposed project requirements.
 17 These measures are what will make this terminal one of
 18 the greenest, most environmentally friendly shipping
 19 terminals in all the world. Here's what we will
 20 require.

21 All vessels calling at the terminal will plug
 22 into shoreside electricity and turn off their main and
 23 auxiliary engines for significant reductions in air
 24 pollution.

25 All vessels will adhere to our Vessel Speed

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1 Reduction Program which will cut fuel consumption and
 2 reduce exhaust from -- exhaust -- reduce exhaust
 3 emissions from 40 miles offshore.

4 All vessels will use clean-burning, low-sulfur
 5 fuels in their main and auxiliary engines.

6 All cargo-handling equipment at the terminal
 7 will be the cleanest available.

8 All trucks calling at the terminal will meet
 9 the toughest EPA standards.

10 And finally, rail yard operations will use
 11 alternative fuels and the cleanest equipment available.

12 With these required measures, all aimed at
 13 reducing air pollution, moving forward with this project
 14 will dramatically reduce the health risks to the
 15 community and surrounding areas. In fact, health risks
 16 will be reduced from its current level to well below the
 17 level that would result if no project were implemented.
 18 We project that in 2025 when the terminal is fully
 19 operational, the levels of pollution such as diesel
 20 particulates will be less than half of today's level --
 21 that's correct -- less than half.

22 Other environmental measures will include
 23 installation of solar panels for electricity generation
 24 for conserving energy and reduce greenhouse gases;
 25 construction of LEED-certified buildings to conserve

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1 energy, recycle materials, and again, reduce greenhouse
 2 gases; the Port's biological mitigation credits derived
 3 from participation in the Bolsa Chica Wetlands
 4 Restoration Project will be used to offset impacts of
 5 the proposed landfill on the marine habitat; we will
 6 also install traffic signals at impacted
 7 intersections -- many of those will be installed in
 8 advance of project construction; and finally, we commit
 9 to contribute our fair share when the I-710 project is
 10 approved so that we will minimize traffic congestion.

11 As I said, all of these environmental measures
 12 make this one of the greenest terminal facilities in all
 13 the world. In addition, we have given special
 14 consideration to public safety. This project includes
 15 rebuilding and modernizing two nearby fire stations,
 16 number 15 and number 20. Still, after including all
 17 feasible measures, we have been unable to mitigate every
 18 impact below the level of significance. The resource
 19 areas with residual impacts include air quality
 20 including greenhouse gases and transportation related to
 21 roadway impacts and congestion on the I-710 freeway.
 22 These impacts include cumulative impacts from the
 23 project's contribution to the already degraded air
 24 quality in the Los Angeles Basin, which is listed as in
 25 serious non-attainment of federal standards.

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1 To minimize the cumulative impacts to air
 2 quality, the Board recently adopted two CEQA mitigation
 3 programs. Through these programs, we will offer grant
 4 funding to the groups most sensitive to the impacts of
 5 air pollution -- children and seniors. We will also
 6 offer grants to health-care facilities. These programs
 7 are entitled Schools and Related Sites Guidelines for
 8 the Port of Long Beach Grant Program and Health Care and
 9 Seniors Facility Guidelines for the Port of Long Beach
 10 Grant Program. We are recommending that the Port
 11 consider \$5 million for each of these two grant programs
 12 based on our analysis in the environmental document.

13 A relatively new issue is greenhouse gas
 14 mitigation. Assembly Bill 32 or AB-32 sets ambitious
 15 goals for the state with regard to greenhouse gases.
 16 The Port has already embarked on an effort in concert
 17 with the City of Long Beach to reduce greenhouse gases.
 18 Consistent with that approach and with the need to
 19 address greenhouse gases in CEQA documents, the Board
 20 adopted a program entitled Greenhouse Gases Emission
 21 Reduction Guidelines for the Port of Long Beach. We are
 22 recommending that the Port contribute \$5 million to the
 23 greenhouse gas reduction program, again consistent with
 24 the calculations in the EIR/EIS. Through this program,
 25 we will fund projects such as solar power, wind power,

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1 and tree plantings. So for the three grant programs --
 2 school, health-care facilities, and greenhouse gases --
 3 we are recommending a total of \$15 million in funding.

4 Taken together, the project mitigation
 5 components and the proposed funding for the CEQA
 6 mitigation programs go a long way toward reducing the
 7 environmental impacts associated with the operation of
 8 the proposed project. However, there are several
 9 remaining impacts in both air quality and
 10 transportation. Accordingly, the Board will be asked to
 11 adopt a Statement of Overriding Considerations which
 12 finds that the economic, legal, social, technological,
 13 and other benefits of the project outweigh its
 14 unavoidable environmental impacts.

15 Commissioners, the Middle Harbor Project will
 16 create one of the greenest container terminals in the
 17 world. Construction of the project will help to
 18 implement the aggressive, sustainable strategies both of
 19 our Green Port Policy and our Clean Air Action Plan.

20 Through this project we can create an
 21 efficient, modern shipping terminal to boost the economy
 22 and help ensure that the Port of Long Beach remains
 23 competitive in the world of international trade. We can
 24 create 14,000 new permanent jobs for longshore workers,
 25 terminal operators, truck drivers, railroad and

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1 warehouse personnel, and others.

2 We can generate up to a thousand construction
 3 jobs immediately and a similar number of jobs per year
 4 for the 10 years that it will take to construct this
 5 project. We can add millions of dollars in state and
 6 local revenues, as well as federal customs revenues. We
 7 can upgrade our schools and health care facilities to
 8 better protect children and the general public from the
 9 threat of air pollutants. We can improve public safety
 10 by upgrading and modernizing our city fire department
 11 facilities, and we can do all this while reducing health
 12 risks and cutting air pollution by more than half.

13 We have before us a unique opportunity to move
 14 these two shipping terminals from the 20th Century roots
 15 into the 21st Century green port future. If you approve
 16 this project today, we can generate jobs and offer
 17 economic hope in these difficult times. We can keep
 18 this a great community in which to live and to work.

19 For all these reasons, I am recommending the
 20 approval of the Middle Harbor Redevelopment Project
 21 Final Environmental Impact Report.

22 Commissioners, in addition to making specific
 23 findings required by law, the resolution that you will
 24 vote on includes the following actions.
 25 Certification of the Final EIR and that has

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1 been completed in compliance with CEQA;
 2 Adoption of a Statement of Overriding
 3 Considerations for the residual construction and
 4 operational impacts;
 5 Adoption of a Mitigation Monitoring and
 6 Reporting Program;
 7 Approval of the project;
 8 Adoption of the Application Summary Report; and
 9 Approval of a Level III Harbor Development
 10 Plan.

11 Now, before I conclude my presentation, please
 12 allow me to recognize the many people that have been
 13 instrumental in completing this major environmental
 14 document. Let me introduce just a few of the
 15 individuals, and as I do, I would ask they stand and
 16 remain standing.

17 You've heard the expression, Commissioners,
 18 that it takes a village. Well, in today's world to
 19 write an EIR, it takes a village, and I'd like to honor
 20 some of the representatives of our large village for
 21 their great support -- Rick Cameron, Stacey Crouch,
 22 Thomas Jelenic, Larry Cottrill, Matt Plezia, Tom
 23 Baldwin, Eric Shen, and Jolene Hayes.

24 Our project consultants who have been just
 25 super during this whole effort from Science Applications

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1 International, Dr. Andrew Lissner, Jessica Degner, Adam
 2 Hasen, Chris Crabtree, Elizabeth Springer, Rod Fedder,
 3 Dr. Rosie Thompson, Andrew Nelson, and Perry Russell.
 4 From Environ, Dr. Julia Lester.
 5 From Interis, Gary Hamrick and Rob Olson.
 6 For Parsons Engineering, Mike Leue.
 7 From Starcrest, Arthur Walk (phonetic) and Mark
 8 Carlock.

9 Our independent consultant, Dr. Tom Johnson.
 10 From CH2Mhill, Lauren Bloomberg and Jim Hunter.
 11 And our super supportive legal team, our city
 12 attorney's office, Dominic Holzhaus, Barbara McTigue.
 13 And from our outside law firm, Kathy Jensen and
 14 Rob Bower of Rutan and Tucker.

15 And from our partner agency, the U.S. Army
 16 Corps of Engineers, Antal Szijj and Dr. Eric Allen.

17 Here is the expert team responsible for
 18 preparing this extremely comprehensive document, and I
 19 can't say enough good things about this terrific group
 20 that have worked night and day and endless hours.

21 President Hankla and Commissioners, that
 22 concludes my presentation.
 23 (Applause.)
 24 PRESIDENT HANKLA: That will be the last
 25 demonstration we allow.

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1 Let us begin. First of all, for those of you
 2 haven't seen it -- I can actually lift this in my
 3 younger days -- this is the -- this is the product of
 4 their combined efforts. And actually I have read it,
 5 which is why I'm going back to the eye doctor next week.

6 And in any event, what we'll have now today is
 7 an opportunity for the Board to move this recommendation
 8 by the staff, second it. Then we'll open the meeting
 9 for the public portion. So do I have a motion from the
 10 Board to approve the document as recommended by staff.

11 COMMISSIONER WALTER: So move.
 12 COMMISSIONER SRAMEK: Second.
 13 PRESIDENT HANKLA: It's been moved and
 14 seconded. We will not have discussion from the Board
 15 until we have heard from the public. What we're going
 16 to do today is we're going to have three proponents and
 17 then three opponents. I have a partial list of both.

18 We're going to start with Mr. Joe Cortez and
 19 Mike Juristics (phonetic) of the ILWU and Elizabeth
 20 Warren, Future Ports. Then we'll have Henry Hogo, AQMD;
 21 Susan Nakamura of the AQMD; and Anthony Beaumon of the
 22 City of Riverside. So basically that's how we're going
 23 to do.

24 So Mr. Cortez, if you're in the audience . . .
 25 MR. MITRE: Commissioners, my name is Mike

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1 Mitre. I'll be speaking for Local 13 for Joe Cortez --
 2 PRESIDENT HANKLA: Okay.
 3 MR. MITRE: -- and for the ILWU. My name is
 4 Mike Mitre. I've been a longshoreman for 25 years and
 5 have worked in the port for almost 36 years, everything
 6 from tugboats to Catalina ferries. I've been a
 7 longshoreman, crane operator for a pretty long time.

8 I would like to thank the Port of Long Beach,
 9 the Commissioners, and everyone that worked so hard on
 10 this project. This project is critical to the ILWU.
 11 Today in these economic times everyone knows that jobs
 12 are needed. Almost 600,000 jobs have been lost in a
 13 short amount of time in this country, and the jobs that
 14 will be created here are critical, not just for the
 15 union but for the community.

16 Personally, I am from Long Beach. I'm a
 17 community member. My kids were raised here, went to
 18 school here. I have a daughter that goes to Long Beach
 19 State. I graduated from Long Beach State. So I have a
 20 vested interest in this program to see the port works
 21 and projects like this go forward. Container terminals
 22 have become what our fishing industry, canneries,
 23 shipyard, and our fleets used to be all rolled into one.
 24 Now we have the imports that come into our port, and we
 25 have the longshore jobs and the foreign and the

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1 transportation change -- truck drivers, Teamsters.
 2 We have a number of different jobs, but most
 3 importantly for us in the ILWU, the longshore jobs. We
 4 are the front line workers within the port. Having been
 5 raised in San Pedro, I remember the winds that used to
 6 blow from the canneries, and we'd say, it smells
 7 terrible. Our dad just goes, yes, kid, that's money.
 8 That's just all money, and money is jobs. We were
 9 taught at an early age, if it's jobs in the port, it's
 10 what sustained all of our families. The towns around
 11 the Port of Long Beach, and the Port of Los Angeles --
 12 they are sustained by these jobs.

13 The Middle Harbor Project is the classic --
 14 classic project. It's taking two facilities, one of
 15 which I've worked at for 13 years, CUT, Cal United, and
 16 Long Beach Container. They're an older facility. One
 17 has old equipment and cranes. What they're going to do
 18 is a modernization effect, that is really going to
 19 benefit not just our local union and our local jobs, but
 20 jobs, like I said, all along the transportation chain.

21 Our infrastructure needs are obvious. We have
 22 old on-dock rail which is going to be addressed --
 23 analysis, development, improvement, and integration.
 24 Rebuilding the infrastructure in our container yard
 25 benefits everybody.

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1 Once again in America, jobs are created. This
 2 is the new America. The transportation changes in new
 3 America, and it starts right here in our Port of Long
 4 Beach.

5 Middle harbor -- it's going to do something
 6 that hasn't been done before. We see small
 7 developmental jobs -- I will be brief here -- but what
 8 we don't see is a massive project like this one, and
 9 this is the project that makes jobs and makes a better
 10 Long Beach and a better port community.

11 Thank you very much for giving me this
 12 opportunity to speak.

13 PRESIDENT HANKLA: Thank you, Mr. Mitre.
 14 Next Elizabeth Warren, Future Ports.

15 MS. WARREN: Good morning. My name is
 16 Elizabeth Warren. I'm the executive director of Future
 17 Ports. Thank you, President Hankla, Commissioners, Mr.
 18 Steinke, and port staff. We appreciate the opportunity
 19 to provide comments this morning on this important
 20 project.

21 The Middle Harbor Redevelopment Project is
 22 critical to grow Long Beach in economic stability.
 23 However, it is also important to the region as a whole.
 24 Future Ports is a membership-based advocacy group based
 25 in this area with over 60 member companies and partners,

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1 and I live five or six miles away from here as well.
 2 But combined, all our partners and members, we represent
 3 tens of thousands of employees involved in businesses
 4 and supply chains throughout Southern California. All
 5 of our members have at least two things in common: A
 6 vested interest in the economic performance of the Port
 7 of Long Beach and that we all agree and believe in the
 8 need for cleaner air.

9 Future Ports along with everyone else in this
 10 room wants to see positive change at the ports. We want
 11 to see balance. We want economic stability in the
 12 future that will support all of us with a good quality
 13 of life and good secure jobs, jobs with benefits like
 14 paid vacations and health insurance. And we want
 15 proactive and sustainable places in environmental issues
 16 through leadership, and this project demonstrates the
 17 proactive approach, and we applaud the Port's efforts.

18 There are so many great things about this
 19 project that I won't begin to list them all, but there a
 20 few simple facts that we would like to emphasize. Air
 21 pollution will be cut by 50 percent or more from
 22 existing levels, increased use of on-dock rail will
 23 reduce traffic impacts, and the combining the two
 24 outdated facilities into one modern facility will
 25 increase efficiency. But the biggest boost will be to

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1 our economy in these hard times with the jobs created by
 2 this project -- 14,000 new permanent jobs created in
 3 Southern California; 1,000 construction jobs per year
 4 for ten years. If we can keep over 15,000 families
 5 working from this project alone, that's going to be a
 6 huge contribution to our local economy towards recovery
 7 from this recession.

8 Doing nothing is really not an option any
 9 longer. We have had no significant construction for
 10 years. We've gotten six years of time and money spent
 11 on environmental documents, and still no major
 12 projects -- the other ports around the United States and
 13 even ports in Canada and Mexico are actively vying for
 14 our cargo and hedging their bets that we are not going
 15 to keep up with the needs of our customers -- these are
 16 not idle threats. Other ports are heavily marketing our
 17 customers to take their business -- take our business to
 18 their ports. Once that business leaves Southern
 19 California, it's going to be gone for 25 years. We
 20 cannot allow that to happen.

21 Future Ports urges this board to approve this
 22 Final EIR/EIS for the Middle Harbor Redevelopment
 23 Project and to get this and other projects in this
 24 underway so we can create thousands more construction
 25 jobs, logistics jobs, and other good jobs that will keep

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1 our people employed, our economy and our ports moving.
 2 Thank you for this opportunity.
 3 PRESIDENT HANKLA: Thank you, Ms. Warren.
 4 Next is L.A. Chamber representative, Gary
 5 Toeben. Are you in the audience?
 6 MR. TOEBEN: Chairman Hankla and members of the
 7 Commission and staff, my name is Gary Toeben. I'm
 8 president and CEO of the Los Angeles Area Chamber of
 9 Commerce, and we're here to encourage you to certify the
 10 Environmental Impact Report and the Environmental Impact
 11 Statement for the Middle Harbor Redevelopment Project.
 12 We want to applaud you. Businesses of this
 13 region wish to applaud you for your progress on this
 14 redevelopment of our older terminal facilities so that
 15 we can double the capacity of the port and at the same
 16 time reduce pollution by 50 percent. That's a pretty
 17 impressive statement: Double capacity and reduce
 18 pollution by 50 percent.
 19 I'm reminded of the Dodgers who at their
 20 opening game today at Dodger Stadium -- if somebody told
 21 the Dodgers that they could improve their output of runs
 22 and double it during the year and reduce the number of
 23 runs they allowed the other team to score by half,
 24 they'd say this is pretty good. And then if you could
 25 reduce the traffic around Dodger stadium at the same

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1 time, you'd have a win-win-win. Well, that's basically
 2 what you are doing with the Middle Harbor Project at the
 3 Port of Long Beach.
 4 As of February, one month ago, there were
 5 548,000 people unemployed in Los Angeles County, more
 6 than a half million. And we rely on engines of the
 7 economy like the Port of Long Beach to help put those
 8 people back to work. If we don't use this period of
 9 time right now, those people will be out of work, not
 10 just for the short term, but for the long term. We
 11 applaud you for your vision, and we ask you to act
 12 today. Thank you.
 13 PRESIDENT HANKLA: Thank you, Mr. Toeben.
 14 Next speaker is Henry Hogo, AQMD.
 15 You look not like Henry Hogo.
 16 MS. NAKAMURA: I'm not. I'm Susan Nakamura,
 17 planning manager for AQMD.
 18 PRESIDENT HANKLA: Okay.
 19 MS. NAKAMURA: I have a handout, too, for . . .
 20 Good morning. My name is Susan Nakamura. I'm
 21 a planning manager of the South Coast AQMD. South Coast
 22 AQMD appreciates the opportunity to comment on the
 23 Middle Harbor Project, and we appreciate the efforts of
 24 the Port of Long Beach to mitigate air quality impacts.
 25 We have provided written comments on the Draft EIR and

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1 the Final EIR. However, we still have three outstanding
 2 issues that we'd like to highlight today.
 3 The first comment in regard to marine vessels
 4 shore power equivalency measures, mitigation measure
 5 AQ5. Shore-to-ship power allows use of an alternative
 6 technology that can achieve 90 percent of emission
 7 reductions from cold ironing. AQMD staff recommends
 8 that the Port of Long Beach adopt language similar to
 9 the Port of L.A. for the TraPac project. That's to the
 10 extent that shore power is not used for 100 percent of
 11 the vessel calls, equivalent emission reduction means
 12 reduction would fully achieve the same amount of
 13 emission reductions as shore power.
 14 Regarding marine vessel emission reductions, as
 15 you are aware, international standards for ships under
 16 IMO in Annex 6 were amended in 2008, for these standards
 17 have an impact on the basic attainment goals for 2014
 18 and 2023. Mechanisms accelerate the introduction of
 19 ocean-going vessels, needing to revise IMO standards
 20 must occur. AQMD staff recommends that as part of the
 21 adoption resolution that the Port of Long Beach staff
 22 expedite new IMO standards by first having the port and
 23 terminal operators expeditiously contact engine
 24 manufacturers to identify the maximum technically
 25 achievable NOX and PM emission reduction strategy that

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1 can be implemented no later than 2014. AQMD staff
 2 recommends that the Port of Long Beach and prospective
 3 terminal operators work with CARB and AQMD with public
 4 input to develop an expeditious schedule to influence
 5 this strategy.
 6 AQMD staff recommends that the Port of Long
 7 Beach commit to adopting the standards in this incentive
 8 program or requirements to expedite implementation of
 9 new IMO standards.
 10 And lastly, in addition, AQMD staff recommends
 11 that the Port of Long Beach undertake projects to
 12 demonstrate early implementation of technologies to --
 13 that are needed to meet IMO 2023 standards.
 14 Last comment in regards to locomotives,
 15 locomotives emissions or the lack of mitigation remains
 16 a concern to the AQMD staff. Locomotives emission
 17 reductions are a critical component to achieving ambient
 18 air quality goals as well as reducing the health risks
 19 to communities throughout the port property. As part of
 20 the adoption measure, AQMD staff recommends that the
 21 Port of Long Beach staff utilize all available
 22 contractual provisions which may affect well operations
 23 to require ultra-low emission switchers and expedite use
 24 of (unintelligible) locomotives. Such actions will be
 25 coordinated with positions and actions of in CARB and

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1 AQMD.
 2 In regards to alternatives in electrification,
 3 AQMD staff recommends that as part of the adoption
 4 resolution, the port reaffirm its support for and take
 5 all feasible actions to implement alternative fuels,
 6 electrification, and electrification of port and
 7 cargo-handling equipment.
 8 Thank you for the opportunity to comment. AQMD
 9 staff will remain here for any additional questions or
 10 comments.
 11 PRESIDENT HANKLA: Thank you very much,
 12 Ms. Nakamura.
 13 Next up is Anthony Beaumon, City of Riverside.
 14 MR. BEAUMON: Good morning, Commissioners. I'm
 15 Anthony Beaumon, deputy city attorney for the City of
 16 Riverside. I'm here to deliver these comments in person
 17 at the direction of my City Council.
 18 We submitted comments for the draft reply to
 19 responses. We submitted comments to the EIR, and you
 20 responded to the comments. We received those nine days
 21 ago, close to ten days, and we object to not having
 22 adequate data in response to the comments.
 23 The requested mitigation to the rail impacts of
 24 this project -- the responses did not address all of our
 25 concerns. We are also concerned that the rail impact is

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1 not analyzed correctly, using faulty methodology that
 2 relied on faulty data, and we're here to request that
 3 you don't approve this project, but delay consideration
 4 of it until you have a better look at potential rail
 5 impacts.
 6 If you have any questions, I'd be glad to
 7 answer them.
 8 PRESIDENT HANKLA: Does anyone have any
 9 questions for Mr. Beaumon?
 10 COMMISSIONER CORDERO: I'll reserve my
 11 questions until . . .
 12 PRESIDENT HANKLA: Thank you very much.
 13 MR. BEAUMON: I submitted a copy of the reply
 14 this morning and assume that you all have copies.
 15 PRESIDENT HANKLA: Yes, we do. Thank you very
 16 much.
 17 Up next is Candice Kim from the Coalition for
 18 Clean Air. Miss Kim. Miss Kim is apparently not in the
 19 audience.
 20 So we'll go to Martin Schlageter. I don't see
 21 a hat in the audience, so I assume Martin's not here
 22 either.
 23 Jesse Marquez.
 24 Moving right along, Gisele Fong.
 25 UNIDENTIFIED SPEAKER: Jesse is here.

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1 PRESIDENT HANKLA: Oh, Jesse is here. Got to
 2 be quick on your feet here, Jesse.
 3 MR. MARQUEZ: I also have some handouts. You
 4 require how many?
 5 PRESIDENT HANKLA: You may begin.
 6 MR. MARQUEZ: My name is Jesse Marquez. I'm
 7 executive director for the Coalition for a Safe
 8 Environment. We are an environmental justice
 9 organization headquartered here in the harbor area in
 10 Wilmington. We have numerous members here in the city
 11 of Long Beach as well as Long Beach organizations. I'm
 12 speaking on behalf of the Coalition for a Safe
 13 Environment and our other sister organization, the Long
 14 Beach Coalition for Clean Air, who will also be
 15 speaking.
 16 I would like to specifically request that the
 17 public comment period be extended for another 60 days
 18 for this project. Having only 10 days to be able to
 19 respond to a 1500-page document does not benefit the
 20 public. Even the environmental justice paper that was
 21 presented -- white paper -- prepared by Joan Stokes
 22 (phonetic) has pointed out the benefits and the need to
 23 have a good public rapport, and by allowing only a
 24 10-day public comment period is not a measure toward
 25 public participation.

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1 Things that we are concerned with is that the
 2 project did not go into depth in some of the items that
 3 we identified. Port staff took a look at some of our
 4 organization recommendations such as the nomination or
 5 inclusion of a port community advisory committee, and
 6 they felt the community advisory committee was not
 7 necessary and did not recommend it. However, our
 8 organization has spoken with numerous homeowner groups,
 9 public health advocacy groups, senior citizen groups,
 10 faith-based groups who all have indicated they would
 11 like to have a port community advisory committee
 12 established.
 13 You have also proposed various -- two different
 14 types of mitigation programs. We would also like to
 15 recommend that there be public participation on that.
 16 We are dependent on the Board of Harbor Commissioners to
 17 make decisions for the public. While we recommend the
 18 public should be a participant in that type of a
 19 committee, we would recommend either a special task
 20 force, a committee, or even another separate
 21 organization be established to administer any type of
 22 mitigation that would impact public health as well as
 23 public welfare, public transportation-type impacts.
 24 One thing we had also recommended that in lieu
 25 of the rail transportation recommendations, that we are

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1 an advocate for maglev train technology. One thing that
 2 was not really identified clearly in the documentation
 3 that one company American Maglev, did volunteer to come
 4 forth with an unsolicited proposal to build a
 5 demonstration project at no expense to the public and no
 6 expense to the Port of Long Beach or any of its tenants,
 7 even though there was a criticism from the port that
 8 some of the costs might not have been included in that
 9 estimate. But the offer to do it still stands. We
 10 believe it would provide a benefit, the primary benefit
 11 being that there is no air pollution from a maglev
 12 train. A maglev train is also faster than a typical
 13 train, does not require 250, 300 cars to be connected
 14 together in order for it to operate. There would
 15 actually be an advantage for the public.

16 I did hand out handouts for you, and I'll stop
 17 at that point. Thank you.

18 PRESIDENT HANKLA: Thank you very much,
 19 Mr. Marquez.

20 We're going to move now to Randy Gordon, the
 21 Long Beach Chamber of Commerce.

22 UNIDENTIFIED SPEAKER: Mr. President, you
 23 called a couple names of --

24 PRESIDENT HANKLA: Martin, I understand. I
 25 understand. I'll get back to you. You don't have your

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1 hat on so I didn't recognize you.

2 UNIDENTIFIED SPEAKER: Okay. We just wanted to
 3 know where . . .

4 PRESIDENT HANKLA: I did recognize you.

5 UNIDENTIFIED SPEAKER: But we were down in the
 6 overflow room, so . . .

7 PRESIDENT HANKLA: We'll get both you and
 8 Miss Kim, be assured; okay?

9 UNIDENTIFIED SPEAKER: Thank you.

10 MR. GORDON: Good morning, President Hankla and
 11 members of the Harbor Commission. My name is Randy
 12 Gordon. I'm president and CEO of the Long Beach Area
 13 Chamber of Commerce. I'm here this morning on behalf of
 14 the Chamber to support -- to urge support of the Middle
 15 Harbor Development Project. The Chamber believes this
 16 project will create jobs, improve freight mobility, and
 17 help improve the quality of life here in Long Beach and
 18 the region.

19 Cargo volumes have decreased significantly over
 20 the last year impacting thousands of workers whose jobs
 21 are directly or indirectly related to port activities.
 22 This project is expected to increase 14,000 new
 23 permanent jobs in Southern California, most of which
 24 will be created right here in the Greater Long Beach
 25 area when times and jobs are really needed. It's also

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1 expected to create 1,000 temporary construction jobs for
 2 ten years. Preserving and creating maritime jobs in
 3 Long Beach means that additional dollars will be spent
 4 in the local Long Beach economy, thereby supporting Long
 5 Beach businesses and thereby strengthening our local
 6 economy. Furthermore, the project will keep cargo and
 7 business thriving in Long Beach, allowing goods to move
 8 in the cleanest fashion possible.

9 The project includes redevelopment of the
 10 California United Terminal and Long Beach Container
 11 Terminals, which are two of the oldest and most
 12 inefficient terminals in Long Beach. Redeveloping these
 13 terminals as part of this project will be a model for
 14 green seaport facilities in the world and will improve
 15 the port's ability to move cargo more efficiently. The
 16 project also supports the Green Port Policy and the
 17 Clean Air Action Plan's efforts to improve air quality.

18 The Chamber strongly supports responsible
 19 projects such as middle harbor that will reduce
 20 emissions from port operations. Some specific examples
 21 of how middle harbor will improve our region air quality
 22 through a variety of mitigation efforts includes cold
 23 ironing at the berth to dramatically reduce emissions
 24 from ongoing vessels. Just think that cold ironing one
 25 ship for one day is the equivalent of removing 33,000

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1 cars off of our roads. Electric, rail-mounted gantry
 2 cranes will provide significant health benefits for
 3 crane operators. Expanded on-dock rail will shift more
 4 than 30 percent of the cargo shipments from trucks to
 5 trains, thereby reducing emissions and improving
 6 regional traffic safety and efficiency. All of these
 7 measures will certainly improve the quality of life to
 8 the greater Long Beach community, especially for the
 9 neighborhoods closest to the port complex.

10 The Chamber urges your support for the Middle
 11 Harbor Redevelopment Project to bring desperately needed
 12 jobs and economic benefits to Long Beach while improving
 13 regional air quality. This project is a win-win for
 14 everyone because it will give the opportunity to
 15 continue to be a vital asset for local and national
 16 economy. Thank you so much.

17 PRESIDENT HANKLA: Thank you, Mr. Gordon.

18 Next up is Mr. Bill Lite, Harbor Association of
 19 Industry and Commerce. Mr. Lite, are you here?

20 Somebody speaking for the Harbor Association of
 21 Industry and Commerce? Okay. Please, name and address
 22 when ready.

23 MR. MISETICH: Harbor Commissioners, good
 24 morning. My name is Anthony Misetich. I'm the
 25 president of the Harbor Association of Industry and

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1 Commerce. I will be speaking in lieu of Mr. Bill Lite.
 2 PRESIDENT HANKLA: Thank you.
 3 MR. MISETICH: The Harbor Association
 4 represents a hundred companies that do business here in
 5 the twin port complex. Our association is very much in
 6 support of the Middle Harbor Project. It is a critical
 7 project that will create jobs, improve freight mobility
 8 and inner quality in the city of Long Beach and in the
 9 region. The Middle Harbor Project is expected to create
 10 14,000 new permanent jobs in Southern California. This
 11 project is also expected to create over a thousand
 12 temporary construction jobs over the next 10 years, and
 13 there is a good chance that these wages will be spent in
 14 the greater Los Angeles -- greater Long Beach economy.
 15 The Middle Harbor Project will keep cargo
 16 business thriving in Long Beach. Especially this
 17 project will allow goods to move cleanly, and it creates
 18 jobs. The project will redevelop the CUT and the Long
 19 Beach Container Terminal which are the oldest and most
 20 inefficient terminals in Long Beach.
 21 The Middle Harbor Redevelopment Project
 22 supports the Long Beach Green Port Policy and the Clean
 23 Air Action Plan. This is done again by cold ironing at
 24 the berth, electric-mounted gantry cranes, and expanded
 25 on-dock rail which will reduce traffic in and out of the

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1 ports. In addition, the other air quality improvement
 2 measures will include clean trucks as part of the clean
 3 truck program, lower emission switching locomotives,
 4 creating alternative fuel-powered cargo equipment, and
 5 the green flag vessel speed reduction program, and
 6 low-sulfur fuels for ships' main and auxiliary engines.
 7 Because of the environmental measures in place,
 8 the Middle Harbor Project will reduce emission levels by
 9 half at the end of construction, despite the increase in
 10 cargo volume. Therefore, the Harbor Association of
 11 Industry and Commerce requests your support for the
 12 Middle Harbor Redevelopment Project. This project will
 13 bring desperately needed jobs and economic benefits to
 14 Long Beach while improving the air -- regional air
 15 quality. This project is a win-win for everyone because
 16 it will give us the opportunity to continue -- for the
 17 port to be a vital asset to the local and the national
 18 economy. Thank you.
 19 PRESIDENT HANKLA: Thank you, Mr. Misetich.
 20 Ms. Kim.
 21 MS. KIM: Thank you for the opportunity to
 22 comment today. My name is Candice Kim. I'm here on
 23 behalf of the Coalition for Clean Air. I really wanted
 24 to stress the point that communities bordering the
 25 community of Long Beach have double the cancer risk from

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1 air pollution compared to the rest of our region. The
 2 toxic risks of air pollution around the port have risen
 3 17 percent while it has declined for residents
 4 elsewhere.
 5 The Port of Long Beach needs to recognize that
 6 the cost of safer alternative technology is worth the
 7 price because it saves lives. Instead of looser
 8 commitments to do things when feasible or saying that
 9 things are not feasible because of cost, the port should
 10 get it right from the start. Unfortunately, despite the
 11 PR about being green, the port has dismissed green
 12 technologies that could be used in the project like
 13 electric yard hostlers and alternative fuel trucks.
 14 The middle harbor expansion project will have
 15 major environmental consequences, and the port should
 16 take the time to ensure adequate protections are
 17 included in this project. As the first of many EIRs
 18 coming through the Port of Long Beach, the project will
 19 stop halfway. Our health, the health of workers on the
 20 front lines of exposure, and the health of children
 21 depends on setting the bar high enough to protect public
 22 health. And as it stands right now, this project does
 23 not do that.
 24 PRESIDENT HANKLA: Thank you, Miss Kim.
 25 Mr. Schlageter.

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1 MR. SCHLAGETER: Thank you, Mr. President.
 2 Martin Schlageter with the Coalition for Clean Air. I
 3 appreciate the opportunity for Coalition for Clean Air
 4 to provide some feedback to you at this important
 5 hearing.
 6 We and you want to get this project right from
 7 the beginning. And I think that that's true for all of
 8 the testifiers that you're going to hear from today. We
 9 know that Elizabeth Warren and Mike Mitre and Gary
 10 Toebe and others -- they want to have a green project.
 11 So do we. Most people want to have a green project.
 12 We actually have a lot of common ground here,
 13 but you have testimony set up in opposition and
 14 proponents. And why are we having this argument here in
 15 front of you today? Why is there still controversy when
 16 there is common ground of a green project?
 17 There are unresolved issues in this EIR. My
 18 colleague Candice Kim mentioned a couple. You heard
 19 AQMD mention a few. We've got some rail impacts that
 20 are still out there unresolved; electrification of some
 21 of the equipment to make it as green as possible so that
 22 this can truly be as green of a project as you want;
 23 alternative fuels -- there's a variety of items but a
 24 select number that are truly unresolved and yet
 25 resolvable.

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1 Are we going to resolve it today by having
 2 opponents speak and proponents speak, and we're going to
 3 do the back and forth in front of you? Is that going to
 4 resolve it today? How many workshops occurred since the
 5 Draft EIR was out that makes to resolve the problem?
 6 How many? I'm not talking about meetings for PR
 7 purposes or meetings where information was shared, and
 8 then we get feedback, and then everybody goes home. I'm
 9 talking about sleeves up.

10 Let's resolve the matter, how green we can be,
 11 so we get a green project. There's common ground on
 12 that. I believe, and Coalition for Clean Air believes,
 13 that's the quickest way to greening this port, the
 14 quickest way to having a green project hit the ground,
 15 the quickest way to allow some of the jobs to get put
 16 into place there because the quickest way is not in the
 17 courtroom. We know that.

18 So let's get it right from the start. Let's
 19 build up that common ground. I encourage you guys today
 20 to identify some of these unresolved issues that you'll
 21 hear about in testimony and work through to resolve
 22 them. Thank you.

23 PRESIDENT HANKLA: Thank you, Mr. Schlageter.
 24 Miss Jacobis, do we have other speakers?
 25 SECRETARY: Yes, I would call the next three

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1 speakers and ask that you state your name and who you
 2 support. John Hakel, Ron Thompson, and Tom Moxley.

3 MR. HAKEL: Good morning, Mr. President and
 4 Commissioners. I'm John Hakel. I'm a vice president
 5 for government relations for the AGC of California. We
 6 are the largest general contractor trade group in the
 7 country.

8 Our members were down here when the first port
 9 was built, we were here with the expansion, and we'll be
 10 here when this is actually approved. We thank you for
 11 the due diligence that the staff has used along with the
 12 Corps, and we look forward to working with the staff as
 13 we continue to build what I think will be the world's
 14 best port. Thank you.

15 PRESIDENT HANKLA: Thank you, sir.

16 MR. THOMPSON: Good morning. My name is Ron
 17 Thompson. I'm with CAVOTEC. I'm here today to voice my
 18 support of the Middle Harbor Project. This project will
 19 create many local jobs, as the former speakers have
 20 said, and it will also provide a lot of opportunities
 21 for manufacturing companies locally such as ours. Our
 22 company, CAVOTEC, manufactures green port technology
 23 products that would be dependent upon diesel-driven
 24 machinery, and some of the products are the cold ironing
 25 products, the shore-to-ship power systems that enable

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1 the ships to turn off their auxiliary generators while
 2 at berth which greatly reduces -- improves the air
 3 quality while reducing emissions.

4 While this technology may be relatively new to
 5 the Port of Long Beach, it's actually being supplied by
 6 our company as well as others since 1984. Also another
 7 product is CAVOTEC RTG products, which allows the
 8 electrification of the diesel-operated gantry cranes,
 9 which again eliminates emissions from the diesel
 10 engines. And also finally, there's a vacuum one system
 11 which also reduces the use of tugboats and other
 12 polluting equipment, thus helping the reduction of
 13 emissions.

14 This is a great opportunity to improve
 15 productivity and reduce cost to ship owners while also
 16 helping the local community, port workers, and wildlife
 17 live in a safer, cleaner environment. Thank you very
 18 much.

19 PRESIDENT HANKLA: Thank you, sir.
 20 Next speaker. And while he's approaching the
 21 podium, who are the next three?

22 SECRETARY: Anthony Otto, Mike Duree, and Dilip
 23 Keswani.

24 PRESIDENT HANKLA: Those folks get ready;
 25 you're going to be up next. Yes, sir.

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1 MR. MOXLEY: Yes. Thank you. My name is Tom
 2 Moxley. I'm president of the L.A. Orange County
 3 Building and Construction Trades Council with 140,000
 4 members that live in L.A. and Orange County. We've been
 5 building green for decades -- solar, wind power, and
 6 geothermal. Our members are trained and ready to go to
 7 work today.

8 I personally grew up in Long Beach on the west
 9 side right out Santa Fe and Anaheim. I know the effects
 10 of the Port of Long Beach. The port has been cleaning.
 11 I know about Piers E -- E and F. They are -- they
 12 filled their purpose over their life, but it's time to
 13 modernize them.

14 This is a great project. Dr. Kanter has done
 15 an excellent job in the EIR, and it's time to move
 16 forward, and we're ready to build this, and you have the
 17 support of the L.A. and Orange County Building and
 18 Construction Trades Council.

19 PRESIDENT HANKLA: Thank you, sir.

20 MS. FONG: You called my name before, and my
 21 name is Gisele Fong. I'm sorry. Do you have a card
 22 (unintelligible)?

23 PRESIDENT HANKLA: I haven't called you yet.
 24 MS. FONG: You actually did call me.
 25 PRESIDENT HANKLA: Okay.

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1 MS. FONG: Okay. Thank you. Apologize for the
 2 interruption.

3 Good morning, Commissioners. My name is Gisele
 4 Fong, and I represent Communities for Clean Ports, a
 5 nonprofit public education campaign based in Long Beach.

6 Long Beach is also where I call home and where
 7 I'm raising two small children. As you know, Long Beach
 8 along with other places there, are communities whose air
 9 quality and public health have been severely damaged by
 10 the port operations, and as our public education -- we
 11 do have a responsibility to protect the health of
 12 residents by ensuring strong, clean air policies and
 13 mitigation matters.

14 The Middle Harbor EIR is emblematic of the
 15 contradiction between the port's public presentation of
 16 itself as an environmental innovator and the policies
 17 and actions it continues to pursue. This EIR is the
 18 result of a backwards process in my opinion.

19 In 2006 the ports adopted the Clean Air Action
 20 Plan which, if fully implemented, will cut port
 21 pollution in half and will create a road map to ensure
 22 that all future port projects meet strict environmental
 23 standards. However, the port continues to miss major
 24 past benchmarks while it moves forward with this project
 25 that would handle 3.3 million PEU per year at full

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1 capacity, the same amount handled by the entire port.
 2 Specifically, the port has failed to deliver on its
 3 promise to deliver the San Pedro Bay standards by the
 4 spring of 2007. It is clearly stated in the CAAP that
 5 all projects must meet their, quote, "fair share" of
 6 regional emissions and health risk reduction as stated
 7 in the San Pedro Bay standards.

8 Without these standards the port cannot
 9 adequately evaluate any port expansion project, much
 10 less a \$750 million project of this size. As a result,
 11 we are asked to take on faith the port's promises that
 12 mitigation measures in this EIR will somehow result in
 13 the criteria pollutant reductions needed to
 14 significantly reduce health impacts so our region meets
 15 air quality standards. As a public agency this port has
 16 an obligation to ensure that the port expansion project
 17 such as the middle harbor include an ambitious,
 18 measurable and accountable mitigation measures that
 19 protect the public health for our community and regions.
 20 Given the extreme tardiness of the standards and the
 21 tendency of the port to back out of the commitment such
 22 as the 50 percent goals for the clean trucks program, it
 23 would be irresponsible for us to support this project as
 24 currently proposed. If the Commission approves this
 25 project today, it will indicate its willingness to

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1 gamble with the immediate and long-term health of our
 2 community for economic gain.

3 Long Beach residents and others in the business
 4 community cannot afford to further gamble with our
 5 health since we are already paying the price with the
 6 port pollution, with asthma, cancer, and millions of
 7 dollars in health-care costs. Ambitious, measurable,
 8 and enforceable port-wide standards projects mitigation
 9 measures will move us to promises to deal with real
 10 protection. Thank you very much for your time.

11 PRESIDENT HANKLA: Thank you, Miss Fond.
 12 Next speaker.

13 MR. OTTO: Good morning. My name is Anthony
 14 Otto, and I'm the president of Long Beach Container
 15 Terminal. Thank you for the opportunity to speak today.

16 LBCT and our neighbor across the way, CUT, are
 17 old and poorly designed container terminals and have
 18 very little in the way of on-dock rail capacity.
 19 Through the development of the middle harbor, it will
 20 allow these two facilities to become one modern and
 21 state-of-the-art facility CAPABLE OF moving the cargo
 22 more efficiently resulting in major reductions in
 23 airborne emissions.

24 I applaud the efforts of port staff in finally
 25 completing the Middle Harbor EIR. The work AND

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1 ATTENTION TO detail that went into 5800-plus pages of
 2 this document are a testimony to the port's commitment
 3 that the Middle Harbor Project's environmental goals are
 4 achieved.

5 While I may not have read the entire 5800
 6 pages, I am very familiar with the environmental
 7 mitigation measures that will become part of the
 8 requirement imposed on the leaseholder of this new
 9 terminal. The environmental mitigation requirements
 10 holds the tenant to the highest environmental standards
 11 of any container-handling facility in the world and will
 12 be considered the environmental model for many years to
 13 come.

14 In order for our industry to keep up with the
 15 projected growth in trade, we need a more modern
 16 facility to complete cargo moving while at the same time
 17 greatly reducing its impact on the local community. The
 18 Middle Harbor redevelopment does just that. And it's
 19 vital to the future of this port and to the city of Long
 20 Beach. Failure to approve this project would perpetuate
 21 the current inefficiencies and would kill on-dock rail
 22 project that would remove hundreds of thousands of
 23 containers a year from local streets and highways each
 24 year. Approval would mean cleaner operations and a huge
 25 economic boost for the city of Long Beach creating

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1 thousands of permanent, high-paying jobs for local
 2 economy. To me it's a no-brainer.

3 For these reasons, I support the redevelopment
 4 of the Middle Harbor, and I urge the Board to approve
 5 the EIR that's before you today. Thank you.

6 PRESIDENT HANKLA: Thank you, sir.
 7 Next speaker.

8 MR. DUREE: Good morning, president Hankla,
 9 Commission members, and port staff. I'm Mike Duree.
 10 I'm the vice president of the Long Beach Firefighters
 11 Association, and I'm also a local resident of the third
 12 council district. Thank you for the opportunity to
 13 speak on this very important issue that is currently
 14 before you.

15 For many months I have had the opportunity to
 16 closely watch and study the progress of this EIR. I've
 17 attended informational workshops, community meetings,
 18 spoken with leaders of the business community and senior
 19 management and staff in the City of Long Beach about
 20 this project. I have been very impressed with the
 21 transparent effort made by the Port of Long Beach to
 22 properly address the components of this project and
 23 answer questions about what the project will mean, not
 24 only to the city of Long Beach and the surrounding
 25 region, but our country.

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1 The Port of Long Beach is the gateway for our
 2 national commerce, and after carefully studying the
 3 facts concerning the project, I felt compelled to come
 4 before you today and lend my support to this project.
 5 This project will do many things to further solidify the
 6 Port of Long Beach as the premier shipping port in the
 7 United States and at the same time will create
 8 sustainable growth, not only for our regional economy,
 9 but the nation in the form of thousands of good-paying
 10 jobs, a benefit that in today's economy cannot come soon
 11 enough.

12 You have taken the bold steps to ensure that
 13 the Port of Long Beach is and will continue to be the
 14 greenest port in our country. On-dock rail, green
 15 trucks, cold ironing of ships at dock will further
 16 reduce the carbon footprint of this port and will
 17 minimize the impact of international trade on our
 18 region. This project has also taken a lead on updating
 19 the aged public infrastructure within our ports.

20 The Port's commitment to making sure that the
 21 public safety facilities and equipment in the port
 22 remain a priority is admirable. This shows clearly that
 23 this port is concerned, not only with the bottom line,
 24 but also with maintaining the best protection possible
 25 for residents, visitors, business partners, and people

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1 who live and work here on a daily basis. And not to be
 2 outdone, this project calls for those public safety
 3 facilities to also be among the greenest in the country.

4 In all access of the scope and the nature of
 5 this project the port has ensured the community has had
 6 their voices heard. During the process port employees
 7 have been responsive to questions and concerns expressed
 8 by the community, and I believe they have properly
 9 addressed those requests and concerns. This is
 10 responsible growth at a time that we need it the most.

11 As a resident of Long Beach, I see firsthand on
 12 a daily basis the partnerships the Port has with the
 13 residents of this city. With all the very important
 14 things going on in the port, it is encouraging to see
 15 the great deal of time, effort, and money is made to
 16 partner with our local community. Moving forward on
 17 this project will further ensure the ability of the port
 18 to remain an active participant in local issues and
 19 projects.

20 So on behalf of over 450 professional
 21 firefighters, many of which are in the back of the room
 22 today, I urge your yes vote in support of this EIR and
 23 EIS. Again, this is responsible growth that will
 24 benefit, not only the port, but the city of Long Beach,
 25 the region, and the country for years to come. And we

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1 stand ready to assist you in any way possible to make
 2 this project a reality. Thank you.

3 PRESIDENT HANKLA: Thank you.
 4 Next speaker.

5 MR. KESWANI: Good morning, Mr. President,
 6 Commissioners, Board of Harbor Commissioners, and
 7 executive staff. My name is Dilip Keswani. I'm the
 8 first vice president of the Foreign Trade Association,
 9 and accompanying me this morning is Marian Duntley who
 10 is the executive director of the Foreign Trade
 11 Association.

12 The Foreign Trade Association is the oldest
 13 international trade association in Southern California,
 14 having been founded in 1919. The FTA represents 250
 15 members involved in international trade. Our mission is
 16 to promote and foster and encourage international
 17 commerce and economic growth in Southern California and
 18 worldwide. The movement of growth and the facilitation
 19 of trade is the primary objective of the Foreign Trade
 20 Association. The members of Foreign Trade Association
 21 have long supported green growth, and the proposed Port
 22 of Long Beach Middle Harbor Redevelopment Project is a
 23 prime example of green growth.

24 Marian.
 25 MS. DUNTLEY: Thank you, Dilip.

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1 President Hankla and Commissioners, by
 2 modernizing these oldest terminals in the port with new
 3 technology to meet today's environmental standards not
 4 only makes good sense, but it is imperative. It's time
 5 to do this. It's been in study for a number of years.
 6 We've heard all of the details. Maybe it's not perfect,
 7 but we need to move forward, and we need to do this to
 8 protect our port. And our members -- our members of our
 9 community who use the port directly and indirectly
 10 represent everything from shippers to import/exporters
 11 to attorneys to custom brokers, freight forwarders, and
 12 terminal operators, and we need this, not only for our
 13 members for the use of the port, but also to generate
 14 good jobs here in our community and to improve our
 15 environment. So we strongly urge you to vote in favor
 16 of this project. Thank you very much for your time.

17 PRESIDENT HANKLA: Thank you for your comments.
 18 Thank you.

19 Next speakers.

20 SECRETARY: The next three are Elvis Ganda,
 21 Stacey Jones, and Deputy Fire Chief Jeff Reeb.

22 MR. GANDA: Good morning, President Hankla,
 23 members of the Commission, Mr. Steinke, and port staff.
 24 My name is Elvis Ganda, and I'm the President of
 25 California United Terminals.

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1 I'd like to encourage you today to approve the
 2 Middle Harbor EIR. The future of the Port of Long Beach
 3 depends on its ability to grow and to support the needs
 4 of its customers and to do so in an environmentally
 5 reasonable manner. The Middle Harbor EIR will
 6 accomplish these objectives as well as stimulate the
 7 local economy to create temporary jobs as well as
 8 permanent jobs.

9 We are at a pivotal position today. Your
 10 decision is extremely important. I'd like to encourage
 11 you to approve this project and move forward today.
 12 Thank you.

13 PRESIDENT HANKLA: Thank you, Mr. Ganda.

14 MS. JONES: Good morning, Commissioners and
 15 staff. My name is Stacey Jones. I'm a long, lifetime
 16 resident of the harbor area. I reside in San Pedro and
 17 am an employer here in Long Beach. I'm here to support
 18 the recommended project as proposed by staff and ask for
 19 the Board's approval of the project and certification of
 20 the Final EIR. This is a long time and much-needed
 21 project that would modernize two existing older shipping
 22 terminals, making way for unprecedented environmental
 23 improvements creating a state-of-the-art terminal that
 24 would increase efficiency, productivity while creating
 25 permanent jobs and cutting air pollution by 50 percent

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1 or more from existing levels.

2 Not only will there be extensive reductions in
 3 environmental impacts, the additional \$15 million
 4 proposed to further offset environmental impacts in the
 5 community demonstrate that the Port has gone beyond CEQA
 6 requirements. The mitigation measures proposed address
 7 the associated impacts of the project and demonstrate
 8 the Port's commitment to being a responsible steward of
 9 the environment.

10 But equally important while balancing its
 11 fiduciary responsibilities to ensure for future
 12 generations, the Port remains competitive,
 13 cost-effective, relevant, and it provides a foundation
 14 for sustainable ongoing operation for the economic
 15 vitality and provision for many more years to come.

16 I fully support and urge the Board to certify
 17 this document, that City Council join in support that we
 18 will start so that we can start to recognize the
 19 economic benefit that this project will provide to the
 20 community without any further delays. This project, as
 21 many have said before me, is a win-win as the greenest
 22 port in the country, for all, and it is clearly in the
 23 best interest of the state in conformance with the State
 24 Tidelands Trust. Thank you.

25 PRESIDENT HANKLA: Thank you, ma'am.

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1 Next speaker.

2 DEP. CHIEF REEB: Good morning, President
 3 Hankla, Commissioners, Mr. Steinke, and Port staff. I'm
 4 Deputy Fire Chief Jeff Reeb with the Long Beach Fire
 5 Department. The Long Beach Fire Department is dedicated
 6 to our mission priorities of life, safety, property
 7 conservation, and environmental protection. To
 8 accomplish this we conduct operations that protect,
 9 prevent, respond to, and recover from all sizes of
 10 natural and man-made disasters in the port, both large
 11 and small. And also we provide our service within the
 12 city of Long Beach as well.

13 To be successful with our mission requires
 14 modern, robust fire station facilities. The Middle
 15 Harbor is the location of two of our fire stations, 15
 16 and 20. These stations have a facility condition index
 17 of 98 where a score of zero is brand-new and 100 would
 18 be useless. The replacement of these existing
 19 facilities is critical to the continuation of our
 20 mission and to the accommodation of our work force.
 21 Thank you.

22 PRESIDENT HANKLA: Thank you, Chief.

23 Next three speakers.

24 SECRETARY: Michael Larison, Rich Dines, Bruce
 25 Russell.

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1 MR. LARISON: Good morning, President, staff,
 2 and Commissioners. It's a pleasure to be here this
 3 morning, and above all else I want to give my
 4 recommendation for passage of the EIR/EIS on this Middle
 5 Harbor Project. I have over 40 years of experience of
 6 marine construction work in this port. I was born here.
 7 I went to Long Beach Unified School District, and I
 8 still represent the industry of marine contractors here.
 9 Over that period of time, I have worked up through the
 10 ranks as a laborer, pile driver, operating engineer, and
 11 a work boat operator in this port and the port next door
 12 in L.A.

13 The economy notwithstanding, the renewal and
 14 expansion of the port facilities here is essential to
 15 the future growth of the combined ports. I understand
 16 just recently that there has actually been a little bit
 17 of an increase in the processed debt tonnage coming into
 18 the harbor. I can't say that with all authority, but
 19 that's what I've heard, so maybe it has bottomed out.
 20 When the economy rebounds, if we don't have the
 21 increased capacity to provide loading and unloading of
 22 containers in both commodities in this port, the
 23 producing nations of the world will find other places to
 24 offload it and to get it delivered -- not just on the
 25 West Coast of the United States but north and south of

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1 our borders.

2 There are already, that I know of personally,
 3 design concepts on the table for a huge port in Northern
 4 Baja. Some day it will probably happen, and we don't
 5 have to celebrate that action by standing back and not
 6 increasing our capacity here in this port.

7 Over the years that I've been here, I've worked
 8 with quite a few people in this port, some of you in
 9 this room, some of them are in this building in other
 10 offices. I know their commitment and their passion for
 11 this harbor and this work.

12 This is going to produce, what, a thousand jobs
 13 in the construction phase and over 14,000 overall as
 14 soon as the docks are built with boatmen, pile drivers,
 15 operating engineers, laborers, Teamsters, electricians,
 16 plumbers, carpenters, et cetera; then our other
 17 brothers, longshoreman, can move in with the clerks, the
 18 operators, the over-the-road transport whether it's by
 19 rail or wheel, and we can accelerate this process.

20 Just to conclude, we need this expansion to
 21 keep the Port of Long Beach in a position of dominance
 22 on the U.S. Pacific seacoast. It's imperative we start
 23 the middle harbor and that we start it now. Thanks.

24 PRESIDENT HANKLA: Thank you, sir.
 25 Next speaker.

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1 MR. DINES: Good morning, President Hankla,
 2 Commissioners, Port directors and staff. My name is
 3 Rich Dines. I'm the president of the ILWU Southern
 4 California District Council, and I have lived and worked
 5 in this community almost my entire life.

6 I speak in favor of approval of this EIR for
 7 the Middle Harbor Project. The Southern California
 8 District Council represents more than longshoremen. We
 9 represent office clerical workers, marine terminal
 10 guards. We represent warehousemen. We represent allied
 11 workers that work at Long Beach Berth 212 also known as
 12 the coat dock. We represent engineers, and we represent
 13 ladies auxiliary who work within the community outreach.
 14 All of them support families in the community. All of
 15 them -- I'm sorry -- all of them together, families,
 16 friends, supporters, represent a hundred thousand people
 17 living in the community.

18 So I ask you to approve this EIR to send the
 19 right message, the message to shippers and to the cargo
 20 owners that Long Beach is the place to come to bring
 21 their cargo. Long Beach is the place to come and create
 22 thousands of jobs, jobs for the community. Nobody
 23 understands the environmental impacts of the ports more
 24 than the workers in the ports. I work in the ports.
 25 But I ask that we consider what is the value of the job

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1 today? I place a very high value on those jobs that
 2 will be created. Thank you very much.

3 PRESIDENT HANKLA: Thank you, sir.
 4 Next speaker.

5 MR. RUSSELL: President Hankla and members of
 6 the Harbor Commission, Mr. Steinke, and your staff. My
 7 name is Bruce Russell, and I serve as the chairman of
 8 the Los Angeles Chamber Transportation Goods Movement
 9 Committee.

10 As we've heard earlier today from President
 11 Gary Toeben about from the chamber -- I'm also a member
 12 of Future Ports Mobility 21 -- each of these
 13 organizations recognize the importance of trade and
 14 goods movement for our region and for our economy, and
 15 we need to continue to improve our region's port and
 16 goods-movement network. I applaud the Commission and
 17 the Port in moving forward to create this Middle Harbor
 18 Redevelopment Project.

19 The Port of Long Beach is one of the key
 20 economic engines of our economy, providing thousands of
 21 good-paying jobs throughout our region. It is important
 22 that we continue to invest and modernize this port.
 23 This Middle Harbor Redevelopment Project will be a
 24 critical investment in our future and an important step
 25 in moving the Port of Long Beach forward as a nation in

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1 making a green port. It provides jobs, economic
 2 vitality, and environmental benefits. There have been
 3 many, many years of careful planning to make this
 4 project successful, and now is the time to move forward.
 5 I encourage you to vote to certify this EIR. Thank you.

6 PRESIDENT HANKLA: Thank you, sir.
 7 Now, in an interest of balance, is David Pettit
 8 in the audience? David, do you want do come up now?
 9 MR. PETTIT: Thank you very much. David
 10 Pettit, and I sincerely thank you for the opportunity to
 11 speak this morning.

12 I think there are some very good things about
 13 this project that I was very pleased to we see in the
 14 supporting documents, in particular, those being the
 15 increased use of on-dock rail in the project. I work
 16 over next door at the Port of L.A. -- they had that much
 17 vision to be able to do that for some of their
 18 projects -- and also cold ironing, which is something we
 19 definitely need on this project.

20 I was very surprised, though, to read this
 21 morning the memo to you under Mr. Cameron -- Dr.
 22 Cameron's name -- contained, as you know -- I should
 23 step back for a second. As you know, NRBC has
 24 intervened in the federal EPA litigation measures in
 25 support of the Port of Los Angeles -- the Port of Long

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1 Beach as well the Port of Los Angeles.
 2 So just to put it bluntly, we're on your side
 3 in this trying to keep the concession program alive. We
 4 and your outside counsel have agreed today in that
 5 matter. So I was very surprised to read on top of page
 6 9 where we read the port's concession agreement is not
 7 necessary for any of the port's environmental control
 8 mitigation measures. That's not what your outside
 9 counsel are telling the federal court. In fact, that is
 10 just the opposite of what counsel, supported in part by
 11 Dr. Steinke's declaration -- is telling the federal
 12 court. So someone needs to get their act together here
 13 quickly. Otherwise I think this document is going to be
 14 waved around by ATA counsel on the 27th in support of
 15 the argument that concession plans are useless and ought
 16 to be enjoined by Judge Snyder (phonetic).

17 And that leads me to a couple of other comments
 18 about the environmental documents we have before us.
 19 There's -- the main argument being presented today in
 20 the briefs and will be argued on the 27th is the
 21 relationship between public safety and the concession as
 22 planned, both at this port and the Port of Los Angeles.
 23 There's no analysis in the EIR of what happens to public
 24 safety if the concession plan, in fact, goes down. And
 25 I think we all agree that what's going to happen here at

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1 the port -- no matter, this is going to be built at some
 2 point -- of what it's going to be an attractive target
 3 for terrorists. Is there a security problem if the
 4 concession goes down? That's exactly what your lawyers
 5 are telling the court. I believe that is true, and that
 6 needs to be analyzed.

7 Secondly, in my view -- I know this is a matter
 8 of dispute and there's a lot of criticism of this view,
 9 but it is my view that if the concession plan goes down,
 10 then there's no funding mechanism to allow container fee
 11 revenue to get to the LNC and the IROs to buy the new
 12 trucks, because right now in this port as well as L.A.,
 13 you need to be a concessionnaire to get container fee
 14 money. So if there is no concession, there is no way
 15 for that money to flow. And where that comes home to
 16 me -- as you know, the end of December, both under your
 17 rules and under the CARB rules, roughly half the fleet,
 18 the truck fleet, is going to be banned from the port.
 19 And what's going to happen then to a progressive band if
 20 there is no one around to carry the containers? My fear
 21 is that it will get relaxed, and that will add a whole
 22 hassle of problems to what we already have. That fact,
 23 too, I think needs to be looked at and addressed in the
 24 EIR. Thank you very much.

25 PRESIDENT HANKLA: Thank you, Mr. Pettit.

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1 Okay. Is Ryan Wiggins in the audience? And
 2 here he comes.

3 MR. WIGGINS: Good morning. My name is Ryan
 4 Wiggins. I'm here in support of the Communities for
 5 Clean Ports and as a resident of Long Beach, to express
 6 deep disappointment in this EIR. As already mentioned,
 7 the failure to establish San Pedro Bay standards
 8 prevents a thorough evaluation of the risks of this
 9 project presents to the health of the community.
 10 Because of this, it is very surprising the Port does not
 11 dedicate substantial additional resources and assurances
 12 to aggressively mitigate emissions from the middle
 13 harbor.

14 Of significant additional concern to us is the
 15 Port's lack of significant inclusion of alternative
 16 technologies as a pathway to improving air quality,
 17 reducing greenhouse gases, and promoting green jobs.
 18 With a few notable exceptions such as shoreside power
 19 for ships, electric dredging equipment, and a
 20 requirement to introduce electric trains 11 years from
 21 now, the proposed project will not take advantage of
 22 innovative technologies that can loosen the stranglehold
 23 that diesel has on our goods movement system. The
 24 strength of alternative technologies as compared to
 25 diesel is to have the ability to reach an important

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1 goal -- L type (unintelligible) pollutants and
 2 greenhouse gases that would most effectively reduce the
 3 bulk of the health risks for the community and middle
 4 harbor's projected triple climate change in gases.
 5 In the Middle Harbor EIS there is absolutely no
 6 requirement for alternative fuel trucks to service the
 7 terminal, nor is there a single dime generated from the
 8 project directed -- dedicated towards promoting them on
 9 a port-wide basis.
 10 Additionally, at its meeting on March 23rd, the
 11 Port withdrew its commitment to spend \$72 million of its
 12 own money to fund alternative fuel trucks. Alternative
 13 fuel trucks provide reduction in toxic and smog-forming
 14 pollutants, a 20 percent reduction in greenhouse gases,
 15 and has the potential to reduce dependence on foreign
 16 oil and creates jobs. Given the Middle Harbor truck
 17 trips are expected to number over 10,000 per day at full
 18 capacity, the action to use trucks as mitigation
 19 measures is concerning. To demonstrate its commitment,
 20 we would ask the Board to restore the \$72 million and
 21 dedicate these funds to alternative fuel trucks as well
 22 as including them as a mitigation strategy in the Middle
 23 Harbor EIR.
 24 While we applaud the shoreside power
 25 requirement in this EIR, we'd like to point out to the

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1 staff that technologies, while it achieves significant
 2 reduction of criteria pollutants, it does not address
 3 greenhouse gases. The options to use alternatives to
 4 shoreside power technology should be changed to ensure
 5 both types of emissions are reduced.
 6 In concept we also support the creation of
 7 criteria pollutant in greenhouse gas mitigation funds,
 8 provided they are adequately funded. The proposed
 9 funding level of \$15 million, however, amounts to only 2
 10 percent of the \$750 million cost of the project. The
 11 Port has not indicated how they arrived at this funding
 12 level, nor engaged in any analysis to gauge the effects
 13 on public health that middle harbor will burden this
 14 community with. The significant levels of emissions,
 15 both in terms of criteria pollutants and greenhouse
 16 gases are likely to have much greater effect than \$15
 17 million. The path this port takes in developing the
 18 middle harbor will have major impacts on the community
 19 for many decades. There are technologies available now
 20 that can significantly reduce health impacts by climate
 21 changes that will drive us off the diesel highway.
 22 Thank you.
 23 PRESIDENT HANKLA: Thank you, Mr. Wiggins.
 24 Next three speakers.
 25 SECRETARY: Ken Fredrickson, Kevin Hageo, and

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1 Rich Brandt.
 2 MR. FREDRICKSON: I'm Ken Fredrickson. I'd
 3 like to speak in support of the certification of the
 4 EIR. I'm a port area resident and a long-time worker in
 5 the area of the port and around the harbor.
 6 The fact is the Port has done a tremendous job
 7 in addressing both the business and environmental issues
 8 associated with how we live and grow and work in this
 9 community. The Middle Harbor Development improves the
 10 efficiency of the existing ports. It allows us the
 11 opportunity to expand and grow intelligently and how we
 12 do the work in our area. And this planned growth allows
 13 money for both environmental and technological
 14 improvements that are needed to continue to grow and
 15 continue to improve the quality and the style of living
 16 that we enjoy.
 17 The project brings both construction and
 18 permanent jobs to the area, continues to allow the Long
 19 Beach economy to improve. The fact is the Port has done
 20 a tremendous -- regional asset, something we need to
 21 consider on how we're going to continue to grow, how
 22 we're going to continue to improve the quality of the
 23 work that we do, and I think this reflects some of the
 24 best work that can be done in terms of continuing to be
 25 a good neighbor and a viable business. Thank you.

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1 PRESIDENT HANKLA: Thank you, sir.
 2 Next speaker. Who was the next speaker?
 3 SECRETARY: Kevin Hageo, then Rich Brandt.
 4 PRESIDENT HANKLA: Yes, sir.
 5 MR. BRANDT: Rich Brandt. Good morning.
 6 PRESIDENT HANKLA: Good morning.
 7 MR. BRANDT: Rich Brandt, President, Long Beach
 8 Firefighters Association. I'd like to thank
 9 Mr. Steinke, Dr. Kanter, and the rest of the staff for
 10 this job of putting this EIR together. We do support it
 11 wholeheartedly. Mike said and exercised that point as
 12 well as Chief Reeb. There's just a couple other things
 13 that I wanted to add.
 14 We do have four fire stations that are down at
 15 the Port of Long Beach: One new green building that was
 16 recently built by the port, and which we thank you, and
 17 a few that are going to be rebuilt during this project
 18 that are going to be doing as well. But I want
 19 everybody to remember two of our assets down here are
 20 both the hazmat team which is a regional asset, as well
 21 as urban search and rescue team which is a regional
 22 asset as well. Not only do we serve the Port of Long
 23 Beach, but the city of Long Beach, all the cities
 24 surrounding this port as well, and we appreciate the
 25 port for all our support.

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1 Having said that, remember that we do work 24
 2 hours a day, 7 days a week, 365 days a year. My members
 3 are down here on a constant basis, subject to the air
 4 and all the hazards down here. This EIR addresses those
 5 issues before us, and we certainly appreciate what you
 6 have done to cut the emissions, cut the pollution, and
 7 keep the health of my members safe.

8 So I just want to emphasize that point that,
 9 not only do we work down here, we live down here
 10 probably half our lives, and emissions and pollutants
 11 are very important to us in putting a green port in
 12 place by this EIR, which, we agree, addresses those
 13 issues -- we appreciate that -- and keeps our members
 14 healthy and safe as well as the city of Long Beach.
 15 Thank you, and we urge your support of this project.

16 PRESIDENT HANKLA: Thank you, Mr. Brandt.
 17 Next speaker.

18 SECRETARY: The next three speakers, Patty
 19 Senecal, Michael Lightman, and Jill Morgan.

20 PRESIDENT HANKLA: Let me add, is Juan Carlos
 21 Garibay in the audience? I'd like him to be the fourth
 22 speaker.

23 Mr. Garibay, you'll be the fourth speaker.

24 MS. SENEAL: Thank you. My name is Patty
 25 Senecal. I represent the International Warehouse

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1 Logistic Association which are the third-party
 2 distribution centers and users for the other port -- we
 3 call it the other end of the port -- and Harbor Truckers
 4 for a Sustainable Future, which are L.A., Long Beach Bay
 5 motor carriers.

6 Commissioner Hankla, you said this a while ago:
 7 It's not easy being green, and I think it's taken us ten
 8 years to prove that point. It's not easy being green.
 9 And the other commissioners and President Hankla, I'd
 10 like to thank you for a decade in the making. This is a
 11 phenomenal project. It's taken us a long time to get
 12 here, but your leadership has been admirable.

13 The do-nothing strategy is not a good strategy.
 14 We actually pollute more if we do nothing. The Long
 15 Beach Container Terminal and the Cal United Terminals
 16 must be modernized for truck efficiency. And in my
 17 other hat as a company who runs trucks in the harbor for
 18 30-something years, truck efficiency is a critical
 19 component to our motor carrier industry. Updating these
 20 outdated piers and improving efficiency are imperative,
 21 long overdue, and demonstrate the Port's commitment to a
 22 green goods movement alliance.

23 The Port Director Steinke made the comment
 24 earlier about moving -- we'll move more cargo at a
 25 50 percent reduction. This is phenomenal. This is a

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1 win-win strategy for us to be competitive and move more
 2 cargo and do the right thing for the environment.

3 As far as engaging the community, the goods
 4 movement industry distribution center through trucks --
 5 we are part of that community. We live here, our
 6 companies are here, our children are here, and our
 7 commitment is here. Our quality of life starts with our
 8 jobs, and we support this project. We put up our
 9 support and our trust -- underline our trust -- behind
 10 the Harbor Commissioners and the Port staff for adequate
 11 protection and to meet the CEQA guidelines. After all,
 12 you live and work here too. Thank you for the project
 13 and these comments.

14 PRESIDENT HANKLA: Thank you, Ms. Senecal.
 15 Next speaker.

16 MR. LIGHTMAN: Good morning, Harbor
 17 Commissioners. My name is Michael Lightman, and I
 18 represent Harbor Truckers for a Sustainable Future.
 19 That organization is hoping that we can work with the
 20 staff as a resource for self-sufficiency and interface
 21 with this project.

22 We urge the passage of it. We want to be a
 23 proactive partner within the port. We'd also like
 24 everyone to stay focused on the cargo, stay focused on
 25 the job. Middle harbor redevelopment must include

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1 consideration of our customers. We want to be efficient
 2 and competitive with other ports. We need to make sure
 3 that the tenants use more acreage for wheel containers.
 4 This allows much faster turn time, saving our customers
 5 money and less time idling in lines for containers to be
 6 picked up out of the piles. This type of planning works
 7 for all. Thank you for your forward thinking.

8 And hearing one other speaker a few moments
 9 ago, I don't remember anything in our concession
 10 agreement saying anything about terrorists or
 11 exemptions. So the clean truck fee is working. We have
 12 clean trucks coming. They seem to be serving the port
 13 quite adequately. When we meet December, we'll have
 14 more clean trucks that move more freight. Thank you
 15 very much for your full attention. We appreciate it.

16 PRESIDENT HANKLA: Thank you, sir.
 17 Miss Morgan.

18 MS. MORGAN: President Hankla, Commissioners,
 19 and Port staff. Thank you very much for the opportunity
 20 to speak today. I'm Jill Morgan. I'm the president of
 21 the Long Beach Chamber of Commerce International
 22 Business Association, and IBA supports this project and
 23 encourages the Board of Harbor Commissioners to certify
 24 this EIR today.

25 The environmental benefits of this project are

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1 numerous, they're significant, and they're necessary.
 2 Without moving this project forward, these benefits will
 3 not be realized. Another important benefit, however, of
 4 this project are the 14,000 permanent jobs this project
 5 will create, and as just two speakers ago said --
 6 Patty -- quality of life begins with a good job. IBA
 7 supported the Draft EIR, and we support the
 8 certification of the Final EIR today. Thank you again
 9 for the opportunity to speak.

10 PRESIDENT HANKLA: Thank you, Miss Morgan.
 11 Mr. Garibay.

12 MR. GARIBAY: Good morning. I'm Juan Garibay,
 13 Coalition for a Safe Environment. I recently graduated
 14 from high mathematics. All my girl cousins including my
 15 sister have grown up with breathing problems, and I ask
 16 all of you, how many of your family members have grown
 17 up with breathing problems? And it is no secret why
 18 this is happening.

19 The fact is that it took ten days for me to
 20 read this document. I wonder if there is something
 21 they're trying to slip under our nose as part of the
 22 public. As part of your region and our region here, it
 23 is disheartening to me to see how many of us have not
 24 read the EIR that are supporting it just because it
 25 sounds great and green. Let's not lie to each other.

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1 We know it's not truly green, so let's take that label
 2 off it because it is misleading to us. If it's done
 3 right, this project can be green.

4 The Port staff response did not address the
 5 safety and public comments regarding use of the advance
 6 maritime emission controls among terminals and ships
 7 that have been retrofitted. The Port staff conclusion
 8 that the increase -- Alameda Corridor usage requirement
 9 studies would not provide information that could be used
 10 to increase the project use of the Alameda Corridor is
 11 not true. At this time the Port of Long Beach does not
 12 have a report or study that provides accurate
 13 information that discloses the number of trucks for
 14 traveling short distances, medium distances, or long
 15 distances, the age of trucks, the type or amount of
 16 cargo and containers, nor have they identified all
 17 destinations the port services. The Port staff
 18 statement that nonterminal cargo that must travel on the
 19 streets cannot be transported by rail, that there are no
 20 rail facilities in proximity to destination is not
 21 justified.

22 The Port staff claims that this is not
 23 economically feasible to use the AMECS is not true. The
 24 Port of Long Beach has not determined or calculated all
 25 the cost of public health care, environmental damage --

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1 damage to water resources, damage to wildlife habitat,
 2 global warming, and climate change impacts.

3 Port of Long Beach has conducted -- cannot
 4 conduct nor participate in any comprehensive public cost
 5 assessments studies of a significant public
 6 environmental impact. The Port staff claimed that it is
 7 not inappropriate to perform the C phase requested
 8 public health survey and that the health risk assessment
 9 are all that are needed is not true. Health risk
 10 assessments provide a limited amount of public health
 11 information and are significant -- not accurate.

12 No local public health data of the Port of Long
 13 Beach or surrounding communities nor transportation of
 14 core communities is included in the model. Therefore,
 15 there is no accurate data on local impacts. These are
 16 only a rough estimate which has significantly
 17 underestimated public health impacts. If done right,
 18 this project can be green. Thank you.

19 PRESIDENT HANKLA: Thank you, Mr. Garibay.
 20 We're going to take a quick break, just five
 21 minutes for our court reporter and for our signer.
 22 Please, if you can stay in your seat for five minutes,
 23 do so because otherwise it's going to take us a long
 24 time to get started back up. So five minutes by my
 25 watch.

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1 (A short recess was taken.)
 2 PRESIDENT HANKLA: If you would please take
 3 your seats, okay, everyone so we can get started. So
 4 everyone have a seat just like the airplane. Madame
 5 Executive Officer, our next three speakers.

6 SECRETARY: Joe Aguilar, Paul Conolly, and
 7 Michele Grubbs.

8 MR. AGUILAR: Good morning, Commissioners. My
 9 name is Joe Aguilar. I'm the mayor of the City of
 10 Commerce.

11 I'm here basically to state that we are in
 12 favor of the project. However, we do have some concerns
 13 over the 10-day period that will be allowed staff to
 14 evaluate your comments. The comments have not taken
 15 into account the noise, traffic, or air quality that we
 16 will have in the City of Commerce. I do have some
 17 copies of the letters that were submitted to you, and
 18 they have been circulated, and the only thing we are
 19 requesting is that consideration of the project and this
 20 certification of the FEIR is delayed to allow us time to
 21 properly evaluate and respond to the FEIR. I am right
 22 here, and the city administrator, if you have any
 23 questions. If none, thank you very much.

24 PRESIDENT HANKLA: Thank you very much,
 25 Mr. Mayor. We're going to hold questions for later, so

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1 we won't be doing those from the podium.
 2 MR. AGUILAR: Thank you very much.
 3 PRESIDENT HANKLA: Thank you.
 4 Ms. Grubbs.
 5 MS. GRUBBS: Good morning, Commissioners and
 6 President Hankla. My name is Michele Grubbs, vice
 7 president of PMSA. And our members support improving
 8 around the San Pedro Pay ports, and improving that
 9 infrastructure is critical to maintaining our position
 10 as a world class port. The Port of Long Beach, as we've
 11 heard all day today, is a vital economic engine, but
 12 this economic engine is being threatened by both the
 13 growing recession and shifting of cargo operations out
 14 of California.
 15 During the past several years, ports in the
 16 East Coast, Gulf Coast, Canada, and Mexico have been
 17 developing their infrastructure to compete against the
 18 dominant Southern California ports. Their investment is
 19 paying off, and the cargo is flowing there. In order to
 20 compete, we must improve our infrastructure, lower our
 21 costs, and move the cargo as efficiently as possible.
 22 This EIR offers a win-win solution for the
 23 community support, and we urge the Commission to approve
 24 it. Thank you.
 25 PRESIDENT HANKLA: Thank you, Miss Grubbs.

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1 MR. CONOLLY: President Hankla and the
 2 Commissioners, my name is Paul Conolly, and I'm here to
 3 represent OOCL USA. As you're aware, we're a major user
 4 of the LBCTI. I believe OOCL has demonstrated our
 5 environmental stewardship over the past few years. We
 6 have an outstanding 100 percent record with the green
 7 flag program, and we were the first company to utilize
 8 compliant trucks for the off belting to modal, and at
 9 the beginning of this year we also partnered with our
 10 trucking partners to utilize exempt clean trucks, so I
 11 urge you all to approve this EIR as I believe this is
 12 what's needed as a quantum leap in environmental
 13 protection and emission control. Without this type of
 14 commitment, we'll never be able to get to the standards
 15 that we need here at the port. So I thank you.
 16 PRESIDENT HANKLA: Thank you, sir, and thank
 17 you for your environmental stewardship.
 18 Next speaker.
 19 SECRETARY: The next three, Ron Merial, Dan
 20 Meylor, Clay Sandidge.
 21 MR. MERICAL: Good morning. My name is Ron
 22 Merial. I work for Pacific Maritime Association. PMA
 23 is an association whose membership consists of some of
 24 the major domestic and international carriers and
 25 stevedores that operate at 24 West Coast ports in

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1 California, Oregon, and Washington.
 2 I'm here today on behalf of our members to
 3 offer support of the Middle Harbor Redevelopment Project
 4 for the following reasons -- excuse me. The
 5 modernization and reconfiguration of the two older
 6 container terminals is imperative if we are to maintain
 7 our competitiveness and continue to maintain and attract
 8 new business to the ports.
 9 The project is expected to create thousands of
 10 temporary and permanent jobs, the expanded utilization
 11 of on-dock rail using lower emission switching
 12 locomotives, shoreside power for all ships, state of the
 13 art container-handling equipment utilizing alternative
 14 fuel. And once the project is completed, it's estimated
 15 that there will be a reduction of 50 percent of air
 16 pollution.
 17 We applaud the Port and its staff for its hard
 18 work and dedication to bring this project to fruition.
 19 We urge the Commission to approve the EIR/EIS. Thank
 20 you.
 21 PRESIDENT HANKLA: Thank you, sir.
 22 Next speaker.
 23 SECRETARY: The next three speakers, Bill
 24 Walles, Mr. McKenna, and Mr. Maldonal.
 25 MR. WALLEES: President, Commissioners, and Port

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1 of Long Beach staff, thank you for the opportunity to
 2 speak. My name is Bill Walles. I'm secretary/treasurer
 3 of the Harbor Association, but also a business person in
 4 the San Pedro Bay Ports area.
 5 The Harbor Association has been on record in
 6 support of this project since its inception. Our
 7 100-member organization representing several thousand
 8 local employees are counting on this project to be
 9 approved today. Many of these firms have been or will
 10 be involved in helping design and build the project, and
 11 it is vital for their economic success. The project
 12 also sends a message to the ports, that message that the
 13 Port of Long Beach is willing to make all improvements
 14 necessary to remain as one of the world's leading ports.
 15 The global goods movement community is watching
 16 this approval process today, and they commend the Port
 17 and its management for their vision and leadership of
 18 this vital project. I would also like to extend the
 19 support of our green port technology firm, Techno
 20 Flights Inc. (phonetic). My colleague, Bill Lite,
 21 former president of the Harbor Association and a friend,
 22 is a strong advocate of approval of this project. This
 23 project is particularly important to us because it helps
 24 to create a market for the green renewable technology
 25 which will be an economic cornerstone of Long Beach

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1 economy and its future.
 2 One final note, I wanted to say the HAIC and
 3 its members and all the folks that work in the port
 4 every day are human beings, and we all breathe the air.
 5 We work here; we're parents, grandparents, husbands, and
 6 wives. So we don't lightly say we support or not
 7 support a project. The environmental elements involved
 8 in this project have been thought out very competently
 9 and thoroughly, and I urge you to continue the forward
 10 momentum that this project represents. Thank you.
 11 PRESIDENT HANKLA: Thank you, sir.
 12 I think we've had Mr. Sandidge called prior.
 13 Is Mr. Sandidge in the audience?
 14 Next speaker.
 15 MR. MC KENNA: Good morning, Commissioners and
 16 staff. I'm Captain Dick McKenna, executive director of
 17 the Marine Exchange of Southern California and executive
 18 secretary for the Harbor Safety Committee here.
 19 Having heard the presentation on this project,
 20 I endorse it and recommend that it move forward. The
 21 only up side to the delays encountered thus far is that
 22 we have allowed -- that they've allowed more
 23 pollution-cutting features to be added to the plan. The
 24 down side is that as long as the plan is delayed,
 25 pollution issues of this part of the harbor are, with

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1 one or two notable exceptions, not being addressed.
 2 I think Mayor Foster who campaigned on a
 3 platform of improved air quality has it right when he
 4 says this project must start to happen if we are to see
 5 a notable improvement in the quality of our air. Delays
 6 of any kind only maintain the status quo.
 7 The Port's efforts on the Middle Harbor
 8 Redevelopment Project are a significant way to address
 9 the environmental justice. As I was reminded a few
 10 years ago, there is also a contest of economic justice,
 11 and that deserves to be considered in the
 12 reconsideration of the middle harbor -- in the middle
 13 harbor. Now that the Port has addressed the
 14 environmental concerns, the construction jobs, including
 15 the permanent jobs, and the economic well-being of the
 16 region that a vibrant port of Long Beach will ensure
 17 needs to be also considered in the decision process. It
 18 is time for this long-standing project to be positively
 19 addressed. Thank you for your time.
 20 PRESIDENT HANKLA: Thank you, Captain McKenna.
 21 Next speaker.
 22 SECRETARY: Peter Peyton, Gabrielle Weeks, and
 23 Elena Rodriguez.
 24 MR. PEYTON: Good morning, Commissioners. In
 25 trying to change it up a little bit and not go with the

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1 standard statement, I thought I'd talk about something
 2 that a lot of people have forgotten here, and that
 3 really going green in a green port all started here in
 4 Long Beach. And it's been a long road to get where
 5 we're at right now. And as a speaker and ex-officer of
 6 the ILWU, marine clerk, we've watched the progress
 7 that's taken place, but again, it started here in Long
 8 Beach.
 9 The one problem that's taking place, though, is
 10 that we're now how many years down the road, and we
 11 haven't built anything to reduce emissions. Now we
 12 finally have a project, that we know we have old
 13 terminals that need help, that we can reduce emissions
 14 by embracing new technology, and we're at this point
 15 where we're actually debating something that really
 16 should have been done sooner, but it took this long to
 17 get here.
 18 So on behalf of the ILWU, I'm saying please
 19 let's move; let's move quickly. There's going to be new
 20 things that come along the way; we can implement them as
 21 they come along, but let's approve this, and get on our
 22 way because we're sitting with two very dirty terminals
 23 for a very long time, and it's time to move. Thank you.
 24 PRESIDENT HANKLA: Thank you, Mr. Peyton.
 25 Next speaker.

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1 MISS WEEKS: Hi, there, my name is Gabrielle
 2 Weeks. I live here in Long Beach. I own a home here,
 3 so I'm emotionally and financially invested in this
 4 city. I have two questions in my public comments.
 5 First one being, what's the hurry? For eight
 6 years that you guys have been planning this, eight years
 7 is a long time. I want more than ten days to glance
 8 over the EIR. Evidently I'm one of the few people here
 9 in the audience that doesn't have a staff that can read
 10 all those thousands of pages for me. I did my best; I
 11 plowed through a lot of it. But I've still got some
 12 questions.
 13 Mostly I'm concerned that the City of Long
 14 Beach will lose yet another lawsuit if we try to rush
 15 through something. Surely we all remember the loss we
 16 all took on that wetland development thing where a judge
 17 overturned it because of the EIR. It was about a year
 18 ago. So I'd rather take 60 days, slow down, allow some
 19 public comments so that this whole thing doesn't get
 20 tied up in court. Eight years of planning is too much
 21 to throw away on rushing it through now.
 22 We all want clean air; we all want better jobs
 23 that can't be outsourced to another nation. We all want
 24 to improve our local economy. But I think we need to
 25 allow some public comment in to look at a few things so

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1 we get the best plan to move forward, a plan that will
 2 hold up in court.

3 Also, my second question is, Why are we
 4 improving wetlands down in Orange County. This is the
 5 Port of Long Beach. You're talking about Long Beach
 6 residents, Long Beach air quality. We have a lot of
 7 opportunities like the one I just mentioned which the
 8 City had lost part of the lawsuit, which was expensive.
 9 There's a lot of opportunities here for the remediation
 10 of parks, wetlands habitat. There is a lot of stuff
 11 that could be done within the city of Long Beach to, you
 12 know, help those of us who put up with the slow trucks,
 13 the air pollution, the clogged freeways.

14 We would appreciate having our community
 15 improved. Orange County is nice, but you are not the
 16 port of Orange County. This is the Port of Long Beach,
 17 so I hope to see some of those improvements happen here
 18 within the city of Long Beach. And there's some council
 19 members I know that can help you find some opportunities
 20 for park or remediation of habitat improvement if you're
 21 looking for things like that. Thank you so much.

22 PRESIDENT HANKLA: Thank you, Miss Weeks.
 23 Ordinarily, I wouldn't respond, but I think
 24 it's important to clarify a misconception that you have.
 25 This port has assisted restoration efforts to the

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1 Colorado Lagoon. The reason we haven't been able to
 2 find a project here in Long Beach is these projects are
 3 assigned mitigation credits by a committee that's made
 4 up of U.S. EPA and the National -- U.S. Fish and
 5 Wildlife, and several other environmental agencies. And
 6 I must remind you all that the Port of Long Beach is
 7 operated in trust for all the people in the state of
 8 California, and we do serve all the residents of the
 9 state. But thank you for your question, ma'am.

10 Next speaker.

11 SECRETARY: Elena Rodriguez, Erica Adero, and
 12 Theral Golden.

13 MS. RODRIGUEZ: Hi, my name is Elena Rodriguez,
 14 and I'm a resident of Long Beach. In 2006 you guys
 15 adopted a CAAP in terms of reducing the contamination.
 16 But regardless you are planning another project when you
 17 haven't done what was promised in that. How can we as
 18 the community trust that you're going to -- that you're
 19 doing this project if you haven't completed the promises
 20 that you made before? We as a community have a right to
 21 be respected and not to be lied to before starting on
 22 the other project.

23 Please take into account that we as a community
 24 with children with asthma are the ones that suffer the
 25 most. We're in agreement with green growth as well as

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1 with jobs creation, but we don't want a 50 percent
 2 reduction in terms of pollution. We want a hundred
 3 percent reduction. Thank you.

4 PRESIDENT HANKLA: Thank you.
 5 Next speaker.

6 MR. GOLDEN: Good morning. My name is Theral,
 7 T-h-e-r-a-l; last name is Golden, G-o-l-d-e-n. I'm here
 8 as a spokesperson for the West Long Beach Association.
 9 We're asking that you do not approve the EIR today
 10 because we have not had sufficient time to go through
 11 the extensive work that the staff has done. The work
 12 seems to be very professionally done, and everybody here
 13 put a large number of hours into the task, but we still
 14 haven't had time to go through it completely.

15 Within the document the mitigation for the
 16 community -- I am a resident of the West Side, which is
 17 in close proximity to the harbor -- and we do not feel
 18 that the mitigation process is giving the residents
 19 adequate mitigation, in fact, that the time spent far --
 20 the children and the residents should be compiled at
 21 100 percent and not at 15 or 25 percent. And for these
 22 reasons, at this time we are asking that you do not go
 23 forward on it. Thank you for your time.

24 PRESIDENT HANKLA: Thank you, sir.
 25 Next speaker.

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1 SECRETARY: D.C. Chavez, Ben Rockwell, and
 2 Silvia Martinez.

3 PRESIDENT HANKLA: Mr. Chavez. I believe
 4 Mr. Chavez is next.

5 MR. CHAVEZ: Sorry. Good morning,
 6 Commissioners. I'm here to support the project. I'm a
 7 lifelong harbor area resident. I'm also a worker in the
 8 port.

9 The terminal is very old and needs to be
 10 modernized. The ships that are coming in are very
 11 large, and the terminals cannot accommodate them, and we
 12 will be losing work. The ships will be going to other
 13 ports if we do not modernize our port.

14 I'm really happy about the 50 percent reduction
 15 of pollution. I believe I breathe these trucks. I
 16 drive out the UTRs out there, and I breathe in
 17 pollution, but that reduction is going to help my health
 18 and my coworkers' health and our community. I'm
 19 supporting this project, and I hope you go forward.
 20 Thank you.

21 PRESIDENT HANKLA: Thank you.
 22 Mr. Rockwell.

23 MR. ROCKWELL: Hello.

24 PRESIDENT HANKLA: You're on.

25 MR. ROCKWELL: I'm on. Okay. My name is Ben

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1 Rockwell. I live at Sixth and Magnolia, less than a
 2 mile from where this project is going on.
 3 In my reading I see that during the
 4 construction of the Middle Harbor Project, there will be
 5 increased particulate levels, levels of particulates
 6 that make it difficult for me to breathe. My lung
 7 function is at less than 60 percent of norm. To top
 8 that off because I'm on SSI, I got a notice just
 9 yesterday -- or rather just Friday -- that my pay is
 10 being cut by \$444 every year. I'm already on SSI at the
 11 lowest level of income.
 12 I cannot afford the particulate filters that
 13 would help me to breathe better to be able to sleep
 14 better at night. I would like to see the port provide
 15 for those of us that have breathing functions of less
 16 than 75 percent of norm air filters for our houses and
 17 apartments so that we can continue to live while all
 18 this is going on. Five years is a long time to have to
 19 live with further increased particulate level.
 20 There are over 2400 people dying prematurely
 21 each year. I do not want to be counted amongst those
 22 2400 people that are dying prematurely this next year or
 23 within the next five years. Thank you.
 24 PRESIDENT HANKLA: Thank you, Mr. Rockwell.
 25 Miss Martinez, I believe.

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1 MS. MARTINEZ: Good morning. Thank you for
 2 allowing us to speak. My name is Silvia Martinez. I
 3 live in the Wrigley area of Long Beach down by the 710
 4 freeway.
 5 I come here as a member of the community, and I
 6 have four issues to address. Basically, my first issue
 7 would be that there be an extension of the public
 8 comment period just because there are a lot of questions
 9 that still need to be answered.
 10 I also ask for more transparency in this
 11 process. Having a meeting at 8:30 in the morning is
 12 really difficult for people who are at work right now,
 13 especially the working members of this community. I
 14 know they're all concerned about jobs and things like
 15 that, and a lot of members of the community can't miss
 16 their jobs to come to a meeting like this because they
 17 would be fired. So it would be very helpful to have
 18 these kind of meetings later in the evening.
 19 I have a 18-month-old daughter, so I'm really
 20 concerned about one of the speaker's comments that where
 21 they have a 50 percent -- 50 percent reduction on
 22 health -- 2025 or when the project is finished -- but
 23 meanwhile during the construction period, what's going
 24 to happen? Talk about, you know, higher pollution
 25 during that time. You know, what am I going to tell my

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1 daughter? You should have been born 15 years from now
 2 or something like that? There are a lot of, you know,
 3 small children in our community that we will need to
 4 protect the air that they breathe during that
 5 construction period.
 6 And then the other thing that I'm concerned
 7 about, you talk about there are going to be these great
 8 jobs coming with benefits and stuff and vacation pay and
 9 things like that, and I'm wondering, What is being done
 10 to assure those things? As we are right now, I know for
 11 the independent truck drivers, even the employee truck
 12 drivers in the Port of Long Beach, really don't have
 13 those kind of benefits. So what is to assure that
 14 employees like them and others will have the good-paying
 15 jobs and the vacation that is better and the promises
 16 that are being made today? Thank you.
 17 PRESIDENT HANKLA: Thank you.
 18 Next three speakers.
 19 SECRETARY: Martha Cota, Bilal Chaka, Joan
 20 Greenwood.
 21 MS. COTA: Good morning, everybody. My name is
 22 Martha Cota. I'm a resident of Long Beach. And
 23 undoubtedly, pollution that I know this expansion will
 24 have a great impact on the community in every single
 25 aspect, I know, in every way possible -- socially,

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1 economically, and every other aspect as well. But the
 2 most -- biggest impact but the most critical impact for
 3 me is the fact that you guys are providing only ten days
 4 for the community to take a look at such a big report.
 5 It's a very big report, about 6,000 pages. That's one
 6 point.
 7 The second point is the fact that this meeting
 8 was called the day right after Easter. And the meeting
 9 was called to order at 8:30 in the morning, and of
 10 course, who can be present? But for we as a community,
 11 it is impossible for us to attend since most of us are
 12 at work. Maybe we can utilize a different technique to
 13 provide more people in the community with comments, that
 14 I know for yours are very important. Maybe we can do
 15 something similar as was done in the Port of
 16 Los Angeles. Maybe we can alternate the meetings --
 17 some in the morning and some in the evening.
 18 Because just as I spoke in Spanish, it is
 19 impossible for me to read a 6,000-page report that is in
 20 English and for somebody to translate it for me word for
 21 word. And if you provide some more time and some more
 22 information, maybe we will be in support of this
 23 project. Thank you.
 24 PRESIDENT HANKLA: Thank you.
 25 Next speaker.

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1 UNIDENTIFIED SPEAKER: Someone has already
 2 spoken from our group.
 3 PRESIDENT HANKLA: Thank you.
 4 Next, Miss Greenwood.
 5 MS. GREENWOOD: Good morning, President Hankla,
 6 or Chair Hankla and members of the Harbor Commission.
 7 My name is Joan Greenwood. I live in the Wrigley
 8 district of Long Beach, and I have been following the
 9 port's projects on environmental issues for well over
 10 ten years, and I am personally in very strong support of
 11 this project.
 12 I see your bid specs. I see the contractors
 13 that you select, and with all the science -- with all
 14 the regulations imposed by AQMD, I'm very confident that
 15 during the construction period any emissions will be
 16 reduced to the absolute minimum. And part of the reason
 17 I say this is because I do read your bid specs and I do
 18 see where you want certified industrial hygienists
 19 on-site, and I am sure that is a very important part of
 20 your selection process, and I applaud you for that.
 21 I am in strong support of this project moving
 22 forward as rapidly as possible. I do read CEQA
 23 documents, and the scientific part of it really is very
 24 often beyond comprehension for most members of the
 25 public, but there's been a process that's gone on all

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1 along. There was a draft out, and the comments to the
 2 draft are written and available for people to review.
 3 So I really don't think that we as a community are going
 4 to benefit much by delaying this project, and I think
 5 we'll reap benefits far greater to get this project
 6 moving along as quickly as possible.
 7 And again I notice that the Air Resources Board
 8 on AB-32 on greenhouse gases does have provisions in
 9 there for third-party verifiers, and perhaps this would
 10 help ease the community a bit if you looked at the
 11 possibility of having independent verifiers come in and
 12 look at the mitigation rather than the people who
 13 actually wrote the EIR because that is one thing where
 14 we see the EIR certainly falls down at times is making
 15 sure that the mitigation is implemented. And I think
 16 that would be very good policy for this port with
 17 regular reports to the community.
 18 Again, we have very well-established
 19 neighborhood groups throughout Long Beach. We have very
 20 accessible Harbor Commissioners, at least the number of
 21 times I see you at public meetings. So I think we can
 22 address it, but I would like you to consider the
 23 possibility of third-party verifiers.
 24 PRESIDENT HANKLA: Thank you, ma'am, for your
 25 comments.

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1 Next speaker.
 2 MS. OLVERA: Erika Olvera. Good morning. I
 3 live in the center of Long Beach. I have two children.
 4 One of them suffers from asthma.
 5 I'm here today because I realize that some
 6 people in the community are not aware of this project.
 7 We have not been given the opportunity for you to know
 8 what our words are and concerns as a resident of Long
 9 Beach. We would like to know what you will do with
 10 regard to alternative fuels and electric motors or
 11 engines. Thank you.
 12 PRESIDENT HANKLA: Thank you for your comments.
 13 Next speaker.
 14 SECRETARY: Next three speakers, Jesus
 15 Trujillo, Mr. Hernandez, and Herendira Razcon.
 16 MS. TRUJILLO: Good morning. My name is Celio
 17 Trujillo. I'm a -- I work as a volunteer for different
 18 groups in the community of Long Beach, especially for
 19 Cesar Chavez High School.
 20 I'm not in agreement with this project since we
 21 have been provided with very little information with
 22 regard to this project. We will have a 100 percent
 23 impact with regard to the pollution that it will bring
 24 to this area. Also I suffer from asthma, but as a
 25 result of all the pollution that we have and are

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1 experiencing in this area of Long Beach. Thank you.
 2 PRESIDENT HANKLA: Thank you.
 3 Next speaker.
 4 MS. RAZCON: Good morning.
 5 PRESIDENT HANKLA: Would you pull the
 6 microphone down, please.
 7 MS. RAZCON: My name is Herendira Razcon. I'm
 8 a health-care worker in the community, and I work with
 9 people that suffer from asthma. I'm also a resident of
 10 the city of Long Beach. I take care of families that
 11 have a member with asthma or have been recently
 12 diagnosed with asthma.
 13 This, of course, is all part of the
 14 environmental pollution. It is important for us to be
 15 aware of concerns that regard health and life. It is
 16 sad for me to know that there are children that have
 17 asthma that cannot go out and play because when they are
 18 playing outside, they'll get an asthma attack, then they
 19 won't be able to breathe, and they'll have to call an
 20 ambulance, and those are the effects of it. This is a
 21 big concern because the entire family will be stressed
 22 and worried, and this is the reason why I'm not in
 23 agreement with this expansion project. Thank you.
 24 PRESIDENT HANKLA: Thank you.
 25 Next speaker.

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1 MS. HERNANDEZ: Hi, my name is Xochitl
 2 Hernandez, and I work at Greater Long Beach ICO. It's a
 3 community organization, and one of the churches that I'm
 4 working with is St. Luke's.
 5 And I actually went to a meeting there, and I
 6 have read the staff report in regards to the Middle
 7 Harbor modernization project, and it listed one of the
 8 community groups as CPC which is Community Partners
 9 Council at St. Luke's, and I was going to go talk with
 10 them, which kind of was disturbing because as I was
 11 talking to them about the Middle Harbor Project, and
 12 none of them knew about it. They're a group of about 80
 13 -- 80 people within the community.
 14 So for me it really bothered me that the fact
 15 that this was one of the groups that have claimed to
 16 have been outreached to, and that was not true. So I
 17 think for me, a lot of it is trust issue and, I think,
 18 for the community members as well in terms of how much
 19 information is the community receiving. And a lot of
 20 these people live within -- within this downtown area.
 21 So I think even in regards to having enough information,
 22 that was one of the things that we probably missed with
 23 this Middle Harbor Project, as well as a lot of them are
 24 Spanish speakers. And I don't know if you're talking
 25 about talking to the community, is language a barrier,

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1 and how are we addressing that as well?
 2 I also think in regards to the mitigation,
 3 there's a community mitigation advisory committee, and
 4 there is only one community member there, and so if I
 5 think we're talking about mitigation, we need to reach
 6 out to the people which are impacted most which are the
 7 community members. So there might be even more
 8 community members that might be able to be a part of
 9 this decision-making process, that would be helpful as
 10 well.
 11 I also heard -- and this is when Mr. Kanter did
 12 the project review -- there was a part in regards to how
 13 it was not going to reduce the trucks on the 710 -- the
 14 trucks -- so I just wanted to find out more information
 15 about that. I did read some of the documents. I wasn't
 16 clear in regards to how the 710 was going to be further
 17 impacted.
 18 And the only other thing is if you could give
 19 the extra -- I know we were talking about the 60 days
 20 instead of the 10 days. That would be helpful just so
 21 that more members of the community can be educated, and
 22 those could be -- more well-done outreach process.
 23 Thank you.
 24 PRESIDENT HANKLA: Thank you.
 25 Next speaker.

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1 SECRETARY: We called all the speakers.
 2 However, there are six that did not . . .
 3 PRESIDENT HANKLA: Is there anyone in the
 4 audience at this point in time that wishes to speak that
 5 hasn't had a chance to speak? If so, please raise your
 6 hand, and step forward.
 7 SECRETARY: And as you step forward, please
 8 state your name and address.
 9 MS. TRUJILLO: Good morning. My name is Maria
 10 Trujillo. I live on 4th and Magnolia.
 11 The reason I'm here today is because of this
 12 project that you want to do. I'm not in agreement with
 13 the project because I have a daughter with asthma. And
 14 instead of getting better, she would be getting sicker
 15 or worse. I know that there will be jobs, and that's
 16 good. But I also know that people will be getting sick.
 17 And why do you want to continue to make people sicker,
 18 being that we are healthy and that we would be able to
 19 be better employees?
 20 It's very sad that for 13 years I've been
 21 struggling with my daughter's being sick with asthma
 22 attacks. It is very sad, and it is very sad, and I'm
 23 always thinking that one day she will get better. But
 24 with this project, I feel that it will be worse. And
 25 I'm asking you in the name of my daughter and other

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1 children who suffer with asthma because they're the
 2 future of California -- the youth. Thank you.
 3 PRESIDENT HANKLA: Thank you for your comments.
 4 No other speakers appearing at this time, we're
 5 going to call the public comment portion of the hearing
 6 closed.
 7 At this point in time, I'll open it up to
 8 fellow Board members for comments and questions to
 9 staff.
 10 I'd like to start with what I consider to be a
 11 fairly universal misunderstanding that this document was
 12 just released ten days ago. Mr. Steinke, could you or
 13 Dr. Kanter respond to that and explain what the actual
 14 review period has been?
 15 MR. STEINKE: Certainly. President Hankla and
 16 members of the Board, I think I will have Dr. Kanter
 17 review again for everyone here in the audience the
 18 process that we've gone through in order to release this
 19 document, the various opportunities for public comment,
 20 and kind of a chronology, if Bob can recount that, for
 21 the public and the Board's information.
 22 DR. KANTER: Yes. This a brief synopsis of
 23 when staff completed the Draft Environmental Impact
 24 Report.
 25 PRESIDENT HANKLA: Explain the draft because is

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1 essentially, this is the document.
 2 DR. KANTER: Essentially that document was out
 3 for response to comments. That draft document was put
 4 out for actually 60 days which included extra time more
 5 than was required by law for public review. During that
 6 period of time staff held two separate public hearings
 7 where that document was discussed, and the form was
 8 available for people to come in and ask questions and
 9 provide additional comments on the document. All of
 10 those questions were recorded, as well as during that
 11 same time period of 60 days, written comments were
 12 submitted to the Port -- written -- both questions and
 13 comments. Staff then took those -- all those comments
 14 from the verbal comments and the written comments and
 15 responded to each and every one of them.
 16 So in the document there is a large section
 17 called response to comments. By law that is required to
 18 be included into the final document, as well as any
 19 changes that might have been what we would consider
 20 minor changes, nothing that changes conclusion to any
 21 text -- clarified in the document, and that was provided
 22 to everyone ten days in advance of this hearing. So
 23 that is where this 10-day concept was, but in reality we
 24 had over 60 days of review of the comprehensive
 25 environmental document.

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1 PRESIDENT HANKLA: We're dealing with a 70-day
 2 period here, not a 10-day period.
 3 DR. KANTER: Right. One of the things that we
 4 normally expect is that people who had commented -- they
 5 would go right obviously to their particular comments on
 6 the document and review those and make sure that staff
 7 had adequately responded to those. So that brings us to
 8 this stage.
 9 MR. CAMERON: Mr. President, I would just add
 10 to what Dr. Kanter said for the record. The first
 11 review took 45 days. Actually for the record, it was
 12 beyond 45 days. I think it goes to 50 days, if you were
 13 to do the math -- from the time of release, from the
 14 time that we froze the public review when the board
 15 released the document. During that time frame there was
 16 a we request made from the public to make an extension
 17 of 30 days, and that was granted by the board, so it
 18 really is more than 60 days for the record. It's
 19 actually 75-plus days, if you really want to do the
 20 math, as part of that extension, plus during that time
 21 frame there were several of the commenters that asked to
 22 provide some of their information as backup, and we
 23 allowed that to happen. AQMD is one of them because of
 24 their review of a file in terms of the data file.
 25 And so I want to make sure and clarify

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1 Dr. Kanter was talking about one aspect of it. It
 2 definitely was over 60 days, but I wanted to be precise
 3 what that was.
 4 PRESIDENT HANKLA: Okay. Any other members of
 5 the board have questions of staff, comments on the EIR
 6 document?
 7 Commissioner Cordero.
 8 COMMISSIONER CORDERO: I have something I would
 9 appreciate it.
 10 COMMISSIONER WISE: Speaking of what you're
 11 just talking about, could you explain briefly what the
 12 outreach was that you did in connection with the public
 13 hearings that were held last summer.
 14 MR. CAMERON: As Dr. Kanter stated, there were
 15 two public hearings. By law we're only required to have
 16 the one. The port policy is that we conduct two scoping
 17 meetings, two public hearings. Each of those public
 18 hearings were conducted in the evening and off-site.
 19 They were not conducted here at the port at a regular
 20 business meeting. In addition to that, we conducted
 21 numerous -- at least myself and my staff -- impromptu
 22 meetings and other conference calls during the public
 23 review period to discuss this project and to add clarity
 24 as we were reviewing the draft document.
 25 We also were out in the community at various

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1 association meetings and other neighborhood association
 2 meetings, and we were asked to give status of this
 3 project as well as in addition to other environmental
 4 documents. And the other media that was used in terms
 5 of communicating this project, the review period,
 6 expectations of when this document would be coming
 7 before the Board and to the final review was very clear.
 8 COMMISSIONER WISE: What I -- part of what
 9 meant by outreach was what was done to publicize the
 10 fact that those meetings were going on.
 11 DR. KANTER: I'd like to have Heather respond
 12 to that.
 13 MS. MORRIS: Thank you, Commissioners.
 14 Throughout the promotional process for the Draft EIR, we
 15 conducted extensive outreach from press releases to
 16 actual letters and presentations to interested
 17 residents, organizations, business groups. I would say
 18 it was extensive public outreach to promote each of the
 19 public hearings. In addition, we also conducted
 20 informational briefings before town halls throughout the
 21 development of this process, and in addition, we created
 22 educational videos that have been distributed, promoted
 23 on our Web site, and we made extensive presentations at
 24 community organizations throughout the EIR process.
 25 COMMISSIONER WISE: Did we have translators

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1 available?

2 MR. CAMERON: At each of the scoping and public

3 hearings that were conducted we had a court reporter,

4 and there was Spanish-speaking translation in terms of

5 having that translating as well as sign language as

6 well.

7 COMMISSIONER WISE: I have some questions for

8 either Dominic Don or his staff. There were some

9 suggestions that the timing -- I think it was the City

10 of Riverside mentioned that they had only received this

11 document nine days ahead of time, and I was concerned

12 about that.

13 MR. HOLZHAUS: At a break I checked with

14 Mr. Cameron, and in fact, we have Federal Express

15 receipts to indicate that. Sometimes there's a little

16 confusion between 10 business days or 10 days. The

17 regulation requires 10 days, and Riverside and everyone

18 else got the appropriate 10 days' notice.

19 COMMISSIONER WISE: There also was a comment, I

20 believe, when Mr. Pettit was speaking about the effect

21 of the ATA lawsuit and the status of that and what we

22 are looking at today.

23 MR. HOLZHAUS: Thank you, Commissioner.

24 Looking at my notes on Mr. Pettit's testimony, he

25 indicated that the staff report is inconsistent with

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1 what outside counsel is saying to the District Court on

2 which remand of the ATA case. That is not true. I

3 review everything that is filed by our outside counsel

4 with the district court, and we are seeing what is

5 consistent with what is in the staff report in that

6 venue as well as in this venue.

7 He indicated that there is no way for fees to

8 flow -- clean trucks fees to flow to the replacement of

9 clean trucks or to replacement of dirty trucks with

10 clean trucks. In fact, that's not the case. The fee

11 measures, the tariff, which is independently

12 enforceable, and the agreements with beneficiaries of

13 that program are quite separate and apart from the

14 concession agreement. We have participation agreements,

15 loan agreements, grant agreements. The typical

16 portfolio of agreements that you would expect in a grant

17 and loan program has always been separate from the

18 concession agreement.

19 I think some of the confusion has occurred in

20 that the concession agreement does incorporate by

21 reference several independently enforceable legislative

22 measures, tariffs, and other measures. It does refer to

23 some of those measures. However, it provides simply an

24 additional contractual enforcement mechanism over and

25 above the existing method for enforcing clean air

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1 measures, for example.

2 He is true that -- he is correct, and it is

3 true that the concession agreement in Long Beach at

4 least was primarily focused apart from the additional

5 contractual remedies on security measures, and we are

6 very much hoping that the Court does sustain the concept

7 of the concession agreement so that the ports have a

8 direct contractual relationship with entities accessing

9 port property. But this in no way undermines the

10 mitigation measures or other aspects of the Clean Truck

11 Program, even if components including comments are

12 enjoined which has not happened yet.

13 PRESIDENT HANKLA: Commissioners?

14 Commissioner Cordero.

15 COMMISSIONER CORDERO: Thank you, Mr.

16 President. At the outset let me say you have heard

17 about the response to the public hearings and notice and

18 review of EIRs. And I support the comments that staff

19 has made. If you know that the EIR, the transcript of

20 the public hearings, the prior hearings, back in June of

21 last year are there. In fact, many of you who spoke

22 today, this morning, spoke at these public hearings.

23 Now, I will say that one point I want to make

24 clear to put this in perspective, I was here, as

25 President Hankla was, when we ventured into 2003

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1 preparing for the pier change EIR. You all remember

2 that one. In the summer of 2004 some of us were

3 discussing the possibility of having a green port

4 policy. As we approached the hearing of Pier J in

5 September of 2004, I remember Gail Deedamon-Pierre

6 (phonetic), then head of RBC, a good friend, and a

7 respected advocate, who when she looked at the Green

8 Port Policy in terms of what was going to be presented

9 and formalized which eventually was formalized by the

10 full Board in the first week of January in 2005, she

11 said to the City Council, well, this could just be a

12 piece of paper and a document; how do we know there's

13 going to be even follow-through?

14 The reason I mention that is because it's a

15 different scenario today, this morning. In 2004 I said

16 to the City Council, you know, Pier J has its problems,

17 but we are going to be a green port. I think as we all

18 look back and when the answer -- when the question was

19 asked of me back then, what does that mean, I said -- I

20 remember vividly saying -- ask me in five years, and

21 I'll tell you what that Green Port Policy means.

22 You all have the answer today. We're not

23 finished with it; we're moving forward. The reason I

24 believe this is very important to have a perspective

25 on -- some of you -- and have legitimate issues you've

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1 raised -- some of you have a common perception of, well,
 2 how do we -- how do we know the port's going to move
 3 forward in that direction? Technology is moving real
 4 fast, and you seem to have a little bit of hesitancy
 5 from saying that what we're going to do, we're going to
 6 commit it.

7 My answer to those concerns this morning is
 8 that in 2004 we said, Believe us when we tell you, we're
 9 going to be a green port. Those of you who were the
 10 naysayers and did not believe that and thought maybe
 11 this was going to be green washing, I think today maybe
 12 now have said the green port started here. We lead the
 13 nation, if not the world, in these policies. So number
 14 one, I hope with that background, some of you who have a
 15 little bit of doubt and qualms about it will realize
 16 that what we say, we come through.

17 I say because of those issues like alternative
 18 trucks, those issues like electrification that we're
 19 looking at, something that we lead may not be clear, but
 20 we have a commitment to this. Someone mentioned maglev.
 21 Again, it may not be specific in terms of what we're
 22 doing on that, but we're committed. We're in the midst
 23 of making a study to make sure that the ultimate goal is
 24 zero emissions.

25 And before I get to some of the specific issues

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1 I want to address, let me acknowledge Joan Greenwood.
 2 When I heard Joan Greenwood speak this morning, I went
 3 back and I recalled the Pier J and all the hearings
 4 we've had since that time. Joan Greenwood was part of
 5 the most vocal opposition of what we were doing at the
 6 port and at that time rightfully so. And for her to
 7 come here this morning and say she supports this
 8 project, I think that tells you that she -- you all know
 9 who she is; she knows what she's doing -- and you know
 10 her educational background of the sciences. She knows
 11 we're not trying to pull a number here. So I really
 12 respect Joan for stepping up to this, but more
 13 importantly because this is someone who spoke on behalf
 14 of the Wrigley neighborhood, and now she has some
 15 confidence in what we're doing.

16 Now, to some of the specific issues, and I have
 17 nine, if I may, to respond to the public comments and
 18 inquiries. Commissioner Wise asked about the Riverside
 19 issue. There was another issue that that document or
 20 that letter wrote, I think, by the city attorney of
 21 Riverside, the letter signed by him, and my question
 22 would be to Dr. Kanter. Was the methodology regarding
 23 the rail impact -- and Dr. Kanter, could you explain the
 24 HHCM methodology as opposed to what was raised, the FRA
 25 methodology? I just want to make sure that what we said

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1 in the EIR addressing those things is based on
 2 acceptable studies.

3 DR. KANTER: Commissioner, what we've got is
 4 actually a group of experts who immersed themselves in
 5 each one of those tactical areas, so we're going to call
 6 upon them to address that, and I believe Eric will be
 7 addressing this particular item.

8 MR. SHEN: Good morning. Thank you very much.
 9 I'll be addressing the rail methodology that was used by
 10 our -- as part of our study. We have Lauren Bloomberg
 11 from CH2 who has been actively supporting and providing
 12 analysis, and Lauren --

13 COMMISSIONER CORDERO: As you know, Mr. Shen,
 14 the reason I've raised sort of that question is because
 15 that's an issue raised by the city attorney of
 16 Riverside, and I just want to make sure we're on proper
 17 grounds to move forward in terms of what we believe the
 18 rail impacts -- and I'm talking specifically in regard
 19 to grade crossings.

20 MR. SHEN: Thank you. Just to clarify the
 21 methodology used to assess the impacts wasn't the HCM or
 22 the capacity manual. It was based on a standard
 23 methodology actually used in China Shipping and used by
 24 Riverside as well, so the estimate of delays based on
 25 the impact for the vehicle is based on the impact of the

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1 trains. The HCM was used only as a standard to assess
 2 whether that delay was significant or not. And that was
 3 based on the peak-hour delays. We have to have some
 4 method of determining whether that delay that we
 5 calculated was significant or not. That's what we used.

6 COMMISSIONER CORDERO: Thank you very much for
 7 that clarification. Did you want to add anything to
 8 that, Mr. Cameron?

9 MR. CAMERON: No additional testimony.

10 COMMISSIONER CORDERO: Okay. Thank you.
 11 Moving to the responses that we had to the EIR,
 12 I'd like to ask our city attorney or staff to answer
 13 this question from the Attorney General in a letter that
 14 we received not too recently, but I think my
 15 understanding is you have addressed that, and you have
 16 spoke with their office, and more particularly regarding
 17 the issue about greenhouse gases.

18 MR. HOLZHAUS: Yes, thank you, Commissioner.
 19 We have had several conversations over the last week
 20 with the office of the Attorney General, and the
 21 language in the staff report at page 8 outlines several
 22 clarifications to the greenhouse gas program guidelines
 23 that address our concerns that they raised. They are
 24 essentially clarification, mostly to do with the issue
 25 of double-dipping. We, in fact, use the grant program

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1 for additional mitigation measures and not merely to
 2 fund mitigation measures that are articulated in
 3 specific detail in the EIR.

4 So in order to provide the AG's office with
 5 comfort we're moving in that direction, obviously,
 6 that's not on the agenda today. We would recommend that
 7 one of the board members, when we come time for a vote
 8 upon this issue, adopt a supplemental motion for staff
 9 to bring back the greenhouse gas guidelines modified
 10 consistent with the staff report as soon as possible so
 11 that that clarification will be endorsed by the port
 12 today and then brought back for formal action at a
 13 future meeting.

14 COMMISSIONER CORDERO: That's important in that
 15 that shows that we are moving in that direction to
 16 accommodate those issues.

17 The third point here -- and I have aids, so
 18 bear with me; and I apologize if they're long. I want
 19 to be sure I'm covering some of the concerns that have
 20 been raised. Pier J, going back to Pier J. You know in
 21 Pier J, some of you who recall that, the issue was
 22 on-dock rail, and at that point, you remember, we had
 23 discussed cold ironing. And there was a lot of people
 24 who thought we were not going to move in that direction.

25 Here we are now with this Middle Harbor Project

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1 that is a commitment, a clear commitment to cold
 2 ironing. But again I point that out so that those of
 3 you who have concerns about what 2010 or 2014 is going
 4 to bring about, we now have a history, unlike we did in
 5 2003, 2004, that we do move forward with our commitments
 6 and that cold ironing is a big one in regards to this
 7 project.

8 Now, another incident occurred -- and Dr.
 9 Kanter and Mr. Cameron maybe could answer this
 10 question -- what happened since as for at least for the
 11 last year, some of these public hearings was the issue
 12 of the San Pedro Bay standards -- where are we on
 13 that -- answering that question? Because that seems
 14 again as this morning -- has been raised again. I mean,
 15 could someone clarify for the record, number one, what
 16 that is, and number two, where are we? And when I say
 17 "we," I'm also referring to the Port of L.A. with regard
 18 to San Pedro Bay standard question.

19 MR. CAMERON: I'll start off by asking Heather
 20 Tomley to come in and give a little more of the detail
 21 on where we are in the process that we've been working
 22 through. One, the development with regard to the San
 23 Pedro Bay standards, it's important to note that it's
 24 not just the Port of Long Beach. It's the collaboration
 25 with our agency partners. As part of the Clean Air

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1 Action Plan, we have the Port of Los Angeles as well.
 2 We have a technical working group that's made up of U.S.
 3 EPA, California Air Resources Board, South Coast Air
 4 Quality Management District representatives as well as
 5 staff in both ports. And it's been going on into almost
 6 two years in the making, in terms of some of the detail,
 7 and I'm going to ask Heather to go ahead and provide
 8 some of those details for you.

9 MS. TOMLEY: Sure, I would be happy to. We, at
 10 the San Pedro Bay standards, just to provide some
 11 background and clarity for the people that may not be
 12 familiar with it, it's really our long-term emission
 13 reduction and health risk reduction goals for the entire
 14 port complex. It's not just Port of Long Beach, but it
 15 also includes Port of Los Angeles as well.

16 Through this process it's required a lot of
 17 background information to be able to get to a point that
 18 we could set meaningful goals that we could achieve for
 19 aggressive action. We've done a lot of background work
 20 with forecasting emissions, conduction, the entire port
 21 complex, conducting a health risk assessment on that
 22 information, and going through extensive review and
 23 discussion on all of that with our agency partners that
 24 Mr. Cameron identified.

25 It's been a long process; it's been a very

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1 thorough process. It's been one that's required a lot
 2 of back and forth with our agency partners. We are very
 3 close to finalizing those standards now. We have the
 4 basic framework and the setup for how we would like to
 5 have those standards be established, and I'm hopeful
 6 that in the next couple of months we should be able to
 7 have final standards that will be incorporated into the
 8 Clean Air Action Plan update that we will be bringing
 9 forward.

10 COMMISSIONER CORDERO: When you say "we,"
 11 you're saying Port of Long Beach, Port of Los Angeles?

12 MS. TOMLEY: Absolutely. And the technical
 13 working group -- this is definitely a joint effort, that
 14 we need to make sure that all of the parties are
 15 comfortable with the goals that we're establishing.

16 COMMISSIONER CORDERO: It is good to hear that,
 17 again, for those that have that question, have that
 18 concern. That's an issue that was raised a year ago,
 19 again June of 2008, in the public hearings that we had
 20 both at Silverado and at City Council. And I think that
 21 again, we are working on that. We're moving forward
 22 with that, and we are not abandoning that question, and
 23 again I hope to ask for your sincere patience in moving
 24 forward with that issue and in terms of both ports
 25 coming together as we need to on this question.

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1 Now, next question is regarding someone raised
 2 the question about cold ironing and alternative
 3 technology, and I think could someone address to me what
 4 is developing here in the harbor with regard to
 5 alternative technology? And by that I mean cold ironing
 6 is something we're committed to, obviously. It's
 7 required in this project. However, there are other
 8 things coming down the pike as alternatives that are
 9 going to have as much of an impact in reducing emissions
 10 in my view. Am I right with that, Dr. Kanter or
 11 Mr. Cameron, one of you?
 12 DR. KANTER: Yes, you're absolutely correct.
 13 As we know, cold ironing has been proven. It's our
 14 preferred method for the container terminals. However,
 15 we do believe that one size does not fit all, and we're
 16 been trying to help work with proponents of alternative
 17 technology, one of them being the socks on the stacks
 18 and that has progressed to some initial baby steps.
 19 There is some longer term testing that needs to be
 20 resolved, if that has promise. There are some other
 21 technologies that may prove viable as well. But what we
 22 also must look at is how -- what makes the most sense to
 23 apply these technologies too. And so we're working with
 24 various tenants to see whether this technology would
 25 work in their operational context.

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1 COMMISSIONER CORDERO: Well, now, on that
 2 issue, going back again to 2004 when that first came to
 3 us, Mr. President, you recall when the people from the
 4 sock on the stack or the field terminal stack, that was
 5 a new thing. No one thought we were going to entertain
 6 that type of discussion. Where I think we're at now,
 7 we're close to perhaps having that as a true alternative
 8 with regard to implementing this at the port. And
 9 again, keep in mind the perspective that this project is
 10 a ten-year project. A lot of things are going to be
 11 happening between now and ten years, so I hope that,
 12 again, either the concern for someone who raised that
 13 question.
 14 Now, going back to some of the issues raised by
 15 AQMD which, again, are issues that were raised
 16 previously in the public hearing. Let me ask the staff
 17 if they could respond regarding some of the specific
 18 fuel suggestions, both with regard to vessels and
 19 locomotives. I think that Pier 3 was referenced, and
 20 also the effect of Annex 6 and what IMO has done in
 21 terms of either for the periods of 2014 and 2023, that
 22 period of time.
 23 MR. CAMERON: Mr. Commissioner, I'm going to go
 24 ahead and address AQMD -- some of their comments, and
 25 I'm also going to ask Heather Tomley or Thomas Jelenic

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1 of staff to come and help me out with some of the other
 2 comments that AQMD has raised or recommendations.
 3 First, there is a request to modify the
 4 language as part of Mitigation Number AQ5. We concur
 5 with AQMD staff. We will be making these changes to the
 6 document and the MMRP as requested by AQMD. That is a
 7 specific to alternatives to cold ironing. The
 8 alternative technology, at this point in time we don't
 9 envision. We are looking at ship-to-shore power. We
 10 are looking at cold ironing at 100 percent of all
 11 vessels calls. However, in the event that terminal
 12 operator -- new technologies come about, they might want
 13 to shift it around. We do concur with AQMD. That's
 14 point number one.
 15 Kind of moving down --
 16 COMMISSIONER CORDERO: Mr. Cameron, I hate to
 17 interrupt you, but I want to get something very clear.
 18 So from your answer, my understanding is we are having
 19 ongoing conversations with AQMD to address those issues.
 20 MR. CAMERON: That's correct. We spoke a
 21 couple times last week with AQMD staff regarding
 22 their submitted comment, and some of their
 23 recommendations, and so we thought about it and
 24 discussed it in the context of middle harbor, and we
 25 concur, and we're going to add that into the MMRP.

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1 COMMISSIONER CORDERO: Well, that's good to
 2 hear. Again one comment, historical perspective. Ms.
 3 Nakamura -- I don't know if she's still here -- Susan
 4 Nakamura, you testified at Pier J. Again look where
 5 we've come.
 6 MR. CAMERON: (Unintelligible.)
 7 COMMISSIONER CORDERO: Henry, I think you were
 8 also there. Again, look where we've come from that
 9 period of time to where we're at now. I am glad that we
 10 had this ongoing discussion so that we could satisfy
 11 some of those issues.
 12 Go ahead. I'm sorry.
 13 MR. CAMERON: I was just going to kind of work
 14 down here. The second bullet item is the category
 15 expediting marine vessel emissions reductions, and this
 16 goes back to expediting the new IMO standards which the
 17 final document clearly discusses the new IMO Annex 6
 18 adoption in the final document and what it means for the
 19 future of RGVs as relates to this measure. It simply is
 20 asking us to produce expediting.
 21 On bullet number one, I think fundamentally we
 22 agree with this bullet. It goes to kind of the policies
 23 set by this board on the technology advancement program
 24 and that is to keep pushing the envelope and contacting
 25 the manufacturers and wrap it up. And I believe that

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1 this is probably an item that we definitely could, and I
 2 like the language about working with CARB and AQMD in
 3 collaboration.
 4 I'm going to turn it over to Heather Tomley's
 5 staff. We kind of talk about the other bullet points we
 6 feel may not be -- these are not something that should
 7 be dealt with in the middle harbor because these are
 8 more programmatic, and we are addressing these right now
 9 with the departmental agencies with the updated CAAP and
 10 the standards.
 11 MS. TOMLEY: Sure. I would be happy to fill in
 12 a little bit about them. The comments that are raised,
 13 I think, correctly identified we are in agreement with
 14 AQMD in general about all of the comments that they've
 15 raised. This is part of our ongoing effort working with
 16 the agencies on the Clean Air Action Plan update. A lot
 17 of the programs that they have identified really aren't
 18 just project-specific for the Middle Harbor. They go
 19 way beyond that for all the vessel operations in Long
 20 Beach as well as in Los Angeles as well.
 21 And so we're working through the CAAP update to
 22 enhance the measures that are related to the areas that
 23 they have identified. We actually for a lot of the
 24 vessel measures have draft measures that are currently
 25 being reviewed by the agencies right now that address

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1 some of these issues, so we're hopeful that through that
 2 process we can come up with programs targeting
 3 acceleration of IMO-compliant vessels in the ports here
 4 through the CAAP process, and that will apply across the
 5 board to all vessel operations and also for the
 6 locomotives and the electrification cargo-handling
 7 equipment that they have identified as well. That will
 8 all be rolled into the CAAP update, so as we move
 9 forward, we'll be addressing those issues of the
 10 agencies.
 11 MR. CAMERON: I'd like to also add it is
 12 important to look at Heather's point about looking at
 13 this program programmatically. When we go back
 14 specifically to middle harbor, one of the provisions
 15 that we added mitigation measures was AQ25, and that's
 16 the periodic review of technology. Because of the long
 17 nature of weeks, of years and understanding that there
 18 are new technologies, this Board is supporting, through
 19 the technology advancement program, the funding of these
 20 promising technologies. They are not right now maybe at
 21 the point at which we can put them specifically in here
 22 as mitigation measures, but come 2015 there could be
 23 several new technologies that come into play that we're
 24 making a commitment to work with the future terminal
 25 operators and figure out how we can get those new

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1 technologies in place for the rest of that operational
 2 terminal.
 3 So I want to highlight that. We're looking at
 4 that not only from a single project but how the project
 5 will relate and communicate with some of our other
 6 programs, and I think that's one example.
 7 COMMISSIONER CORDERO: Thank you very much for
 8 that clarification. I have just three more questions,
 9 maybe three or four, so thank you for your patience in
 10 bearing with me and my colleagues and the public.
 11 About new technology, Mr. Cameron, can you
 12 advise us in terms of just very briefly the update on
 13 the maglev issue.
 14 MR. CAMERON: I'm going to actually give this
 15 point to director of transportation, Eric Shen.
 16 COMMISSIONER CORDERO: Okay. While Eric is
 17 coming back, let me ask this other question. The
 18 question was also raised about the hazmat question or
 19 the issue. Could someone address that in terms of what
 20 we're doing on that? To be more particular, I know that
 21 the command and control center with our own grant money
 22 and the revenue that we have invested in regard to the
 23 diving and the hazmat issue, just a clarification on
 24 that. Could someone address that issue?
 25 MR. CAMERON: Were you referring to hazmat in

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1 terms of --
 2 COMMISSIONER CORDERO: Right. I think someone
 3 from the fire department, Mr. Brandt, raised that
 4 question.
 5 PRESIDENT HANKLA: He was just pointing out
 6 they have that service that they provide. He didn't ask
 7 a question.
 8 COMMISSIONER CORDERO: Mr. Shen, the question
 9 was if you could kind of update us in terms of where are
 10 we with the maglev studies and emission system, very
 11 briefly.
 12 MR. SHEN: Great. I will be glad to. The
 13 Board approved the release of a request for
 14 qualification for zero emission for container moving
 15 system on March 23rd. Staff is currently working with
 16 affected agencies, as well as our partners, in preparing
 17 and getting ready to release this RFQ in the next
 18 probably two to three weeks at the most.
 19 COMMISSIONER CORDERO: Good. I hope,
 20 Mr. Marquez, if he's still here, Jesse, here's the
 21 answer. Maybe you can support this project now. I say
 22 that somewhat facetiously. But you know, a lot of
 23 what's been brought up, you know -- the community raised
 24 these issues at public hearings a year ago. That is an
 25 example of that one, the issue about the public health,

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1 or the \$15 million that you heard we're going to be
 2 investing to address that issue. So I think I just want
 3 to clear up this perception that some of these issues
 4 have been raised for the first time or not, and we're
 5 responding. So again, hopefully you bear with us in the
 6 years to come, that we are going to come through with a
 7 lot of the things that have been raised particularly
 8 with regard to technology.

9 Now, next question is an issue which I thought
 10 was rather interesting that Joan Greenwood brought up.
 11 To alleviate this concern about whether or not we are
 12 properly going to verify what we're doing here in this
 13 middle harbor project, if I can ask staff the reaction
 14 or the response to this issue about third-party
 15 verification. Is that possible, or how are we doing
 16 this in terms of addressing these issues?

17 MR. CAMERON: Speaker comments were specific as
 18 to greenhouse gases when we're talking about AB-32 and
 19 CARB. That's a -- they have kind of third party
 20 verifier as part of the climate action registry which
 21 we, as part of our city -- with the city as a whole. So
 22 that -- she is correct in the general sense. Now in
 23 terms of the MMRP, I think that's where we clarified
 24 exactly accountability in terms of when these measures
 25 would be put in place, and that's part of the record.

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1 DR. KANTER: If I could just add one other
 2 supplement to that, and that is -- as the Board is aware
 3 of -- on almost every single program that staff is
 4 producing under the Green Port Policy, we have annual
 5 reporting or more frequently on any element including
 6 our inventory related to the air quality. And at those
 7 junctures, we obviously have a public presentation as
 8 well as published on our Web site, so that information
 9 is available --

10 COMMISSIONER CORDERO: Does that come under
 11 third-party verification?

12 DR. KANTER: I would think it does, yes.

13 COMMISSIONER CORDERO: And I have two here
 14 before I make some final comments in terms of what -- an
 15 amended motion here.

16 The whole concept of electrification -- this is
 17 something that is a big issue, a legitimate issue. How
 18 is this Middle Harbor Project going to give any comfort
 19 to the community if our goals in electrification somehow
 20 is going to be assisted with this process? Is there any
 21 specific language in the EIR addressing this?

22 MR. CAMERON: I'm sorry, Commissioner, I got
 23 half of that.

24 COMMISSIONER CORDERO: The concept of
 25 electrification.

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1 MR. CAMERON: The concept of electrification in
 2 this project starts with construction -- the use of
 3 electric dredges. I think from an operations
 4 standpoint, you -- we already have the gantry cranes
 5 that are electric. What we have added -- I believe it's
 6 Mitigation Measure AQ27 in which we are actually putting
 7 on regenerative flywheels on the already existing gantry
 8 cranes so that we can capture that power within the
 9 system and make it another greenhouse gas measure. The
 10 applying rail-mounted gantry cranes into the project
 11 that was a comment that came out of the public review --
 12 we concurred and added that as once again a mitigation
 13 measure that was not part of the draft.

14 Through the technology advancement program
 15 mentioned about some of the CAAP programs, these are
 16 demonstration projects that have not been completed yet.
 17 And both ports are in the process of working on this.
 18 Those are the electric yard hostler and other
 19 utilization that we're currently working on as well. So
 20 when it comes to those type of operations, we're also
 21 looking at kind of the solar. We have solar on the
 22 building. We have solar carports that we've added to
 23 deal with some of the GHG on-site within the project
 24 site.

25 COMMISSIONER CORDERO: That's a point that's

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1 been raised because a year ago some of the community
 2 associations were raising that question about renewable
 3 energy. Now, was that a part of the Middle Harbor
 4 Project a year ago? But it is part of it now; am I
 5 correct on that?

6 MR. CAMERON: That is correct. I think what we
 7 had originally in the draft document which we did not
 8 quantify because we weren't sure -- we don't have enough
 9 of the details in terms of how much we can really get.
 10 We are going to push the envelope working with our
 11 engineering to get to do that. But what we did, we
 12 expanded upon that.

13 We looked beyond just looking at buildings, the
 14 typical location you find solar panels and through our
 15 example outside the building areas, our demonstration
 16 project, that solar carport. And that concept has been
 17 added into middle harbor as a specific mitigation
 18 measure, and we would put these solar carports at the
 19 parking, employee parking, and at any other locations
 20 that would not disrupt marine terminal operations. I
 21 think that -- and any other opportunities on-site as
 22 well.

23 COMMISSIONER CORDERO: And lastly, let me
 24 address my question to our city attorney.
 25 The question has been raised regarding this

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1 10-day period. Dominic, could you -- I know Mr. Hankla
2 -- President Hankla referred to that -- just clarify
3 that? Do we have any power to raise that 10-day period
4 and to extend it to 20 or 30 days? There's been some
5 concern with regard to people wanting more time to
6 review this EIR. What's the answer to that?

7 MR. HOLZHAUS: There are several ten-day
8 periods. Let me just make sure I understand basically.
9 What you're talking about is the ten-day period between
10 the release of the responses to comments and the
11 adoption of the project? That, the Board does have the
12 power to waive. My advice to you, you have complied
13 with the CEQA requirements for 10 days, but of course,
14 the Board could grant more time.

15 COMMISSIONER CORDERO: So the reason I ask that
16 question is, I think, Mr. Martin Schlageter -- I always
17 mess up his surname; I'm sorry, Martin -- but the
18 question I want to explore is, if there could be -- as
19 we all agree, in terms of context as we're going, I
20 certainly support this project -- but if there's
21 something that could be tweaked in terms of language
22 that's not a significant change. For example, what is
23 our specific posture on alternative trucks with regard
24 to that? I mean, is it something that we could not say
25 some commitment to it, some language that's saying this

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1 is going to be part of it? Maybe this is part of a
2 roll-up sleeve session we can have in the next week or
3 two to sort of accommodate some of those concerns. So
4 that's -- that's my . . .

5 MR. HOLZHAUS: That has been done. For
6 example, the Attorney General's office called us last
7 week, and we had several rounds of communication with
8 them, and we hope to resolve these issues to their
9 satisfaction. That also occurred during the 75 days.

10 COMMISSIONER CORDERO: All right. With that,
11 in closing, let me say that the issues that I have are
12 of particular interest is, of course, maybe we can
13 explore this thing or at least respond to concern about
14 the third-party verifiers -- more specific language or
15 response to the thing about where are we and maybe this
16 is part of, as Dominic has indicated, the discussions
17 with the AG's office in terms of alternative fuel
18 trucks, and I think that's very important. And I think
19 we're looking good in terms of the AQMD discussions, and
20 hopefully, we can have a greater clarity on that.

21 But with that, I think these are issues that I
22 would have an interest that we could kind of explore. I
23 support the project, but I hope that maybe between now
24 and making it possible, we can have again a
25 roll-up-sleeve session where we can meet with some

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1 people on some of these issues and tweak the language
2 and clarify the language and erase any ambiguities.

3 But more specifically, let me, if I could at
4 this time, recommend a supplemental motion particularly
5 on issue of AG, the Attorney General, to instruct staff
6 to return to the Board as soon as possible with a
7 proposed modification for greenhouse gas emissions
8 reduction program guidelines as described on page 8 of
9 the memorandum of staff. Is that a proper amendment for
10 consideration at this time?

11 MR. HOLZHAUS: Yes, Commissioner. From the
12 staff discussion, that and, I think, two more at this
13 point, two additional supplemental motions adopted by
14 minute order will supplement the motions on the table
15 regarding the adoption of the resolution.

16 COMMISSIONER CORDERO: So that will be
17 specific, and I hope maybe my colleagues can comment on
18 whether we have some time -- brief extension, whether
19 it's 20 days or an additional 10 to have this go to
20 roll-up-sleeve session that's been referenced to discuss
21 some of these ambiguities.

22 PRESIDENT HANKLA: Mario, I don't know what we
23 are going to accomplish in a roll-up sleeve session that
24 we haven't accomplished in five years. I don't know
25 what -- basically I think if we make substantive changes

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1 in this document, we call for a new hearing process, as
2 I recall, and basically we go through this whole thing
3 again.

4 MR. HOLZHAUS: That's correct with the caveat
5 that additional mitigation measures would not
6 automatically lead to the reissuance of the document.

7 PRESIDENT HANKLA: I have probably sat through
8 200 hearings. Nobody ever gets enough notice, and
9 there's never enough time. And that basically there
10 will never be another -- any other better reason for
11 delaying than we have right now.

12 This document, in my judgment, is not going to
13 get that much better. It will only go away and send
14 wrong messages to the industry if we delay this document
15 right now. That's, you know -- if there is a second to
16 your motion for a substitute motion, I'd like to hear
17 that.

18 COMMISSIONER CORDERO: First of all, I only
19 have one motion at this point. That's the motion to
20 address the issues that the Attorney General which sort
21 of includes the issue about the greenhouse gases, so
22 that's the motion that should be addressed.

23 PRESIDENT HANKLA: What I heard Dominic say,
24 that he has had discussions with the Attorney General's
25 office, and they are coming very close together, and I'm

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1 not sure that we need to amend the document, do we,
 2 Dominic?

3 MR. HOLZHAUS: No, not amend the document, but
 4 what Commissioner Cordero moved is consistent with our
 5 understanding with the AG's office, that the Board would
 6 direct staff to come back for modification of the
 7 greenhouse gas guidelines in a manner consistent with
 8 the staff report. So that --

9 PRESIDENT HANKLA: We can do that without
 10 triggering a requirement for a new hearing?

11 MR. HOLZHAUS: Yes, you can.

12 PRESIDENT HANKLA: Thank you.

13 COMMISSIONER CORDERO: And lastly,
 14 clarification on the alternative fuel truck issue.
 15 Dominic, all I suggested is that we all know that we do
 16 have a commitment for alternative fuels like other
 17 peripheral issues like maglev and the others, but I
 18 think on this one if we added language to this EIR which
 19 says the commitment -- just add a sentence particularly,
 20 the policy perspective, that's not a significant
 21 addition to the document that requires the EIR to go all
 22 over again, is it?

23 PRESIDENT HANKLA: Let me ask you this, Mario:
 24 Why can we not just say in the body of this document
 25 that this document is -- takes into account the Green

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1 Port Policy and the Clean Air Action Plan in totality,
 2 and this Board is committed to, not only this project,
 3 but the Green Port Policy and the Clean Air Action Plan?
 4 That seems to me to wrap it all up in a nice, neat
 5 package which doesn't require adding anything to this
 6 document. We just pass it with that statement. We are
 7 counting and intend to follow through with all the
 8 promises and commitments of the Green Port Policy as
 9 well as the Clean Air Action Plan. Consequently, we
 10 believe that that gives us the policy foundation to
 11 proceed with the project.

12 COMMISSIONER CORDERO: What -- and I recognize
 13 that, but I'm looking into the future. I'm not going to
 14 belabor this question, but in 2015 we may have electric
 15 trucks in this harbor area, and I just want to make sure
 16 that those commitments, as the President indicated, that
 17 that commitment certainly gives the message, not only
 18 implied, but gives notice that if electric trucks are
 19 available to operate in the terminal, or hostler, that
 20 we have the commitment to do that, and it can be
 21 incorporated, like the President says, and I'm glad that
 22 clarification was made -- or add a sentence to the body
 23 of the introduction of this document.

24 COMMISSIONER WISE: I would like to make one
 25 more comment here which is that this document, as I read

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1 it -- and I think it's mitigation measure AQ25 and, I
 2 think, 29 as well -- incorporates again the ability to
 3 change things as technology develops. And I find a lot
 4 of comfort in those positions, and I think that that --
 5 and maybe staff can explain it a little further so
 6 everyone remembers that those provisions are in there.
 7 But this document is specific, but it is also flexible
 8 and can change some as technologies change.

9 And I think that that's really important, and
 10 so some of the concerns that Commissioner Cordero is
 11 raising, I think, are things that we have the
 12 opportunity to make this even better than it is as we
 13 move forward. And I think I have not had the
 14 opportunity to read other such EIRs, but I find that to
 15 me it's innovative, and it allows us to change in the
 16 future for the better so we keep moving forward on the
 17 policies that all of you have adopted in the past.

18 COMMISSIONER SRAMEK: That was the point I was
 19 just going to make. Thank you.

20 PRESIDENT HANKLA: Mario, we've got two other
 21 Commissioners that we haven't heard from.

22 COMMISSIONER CORDERO: I'm done. I just wanted
 23 to make sure that the motion that I had proposed to
 24 address --

25 PRESIDENT HANKLA: We'll call for that -- we

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1 have a second -- as soon as we've heard from some of the
 2 other Commissioners.

3 Vice President Sramek.

4 COMMISSIONER SRAMEK: Thank you, Mr. President.
 5 First of all, I'd like to thank Commissioner Wise and
 6 Commissioner Cordero. They pretty well asked all my
 7 questions. But I do want to get back to this AQ25. I
 8 think there are two things that I really want to make
 9 sure I understand and they're solidified.

10 First of all, by the time this project finished
 11 in ten years, there are going to be a lot of new
 12 technologies. And I think Commissioner Cordero went
 13 around it and around and around it, and I don't think we
 14 ever got a real answer to it. I want to know exactly
 15 how we make sure new technologies are implemented as
 16 this project moves along, and by the time the project is
 17 completed, not every five years but after that. I'll
 18 ask that question second. But what can we do to make
 19 sure new technologies are implemented as this project
 20 goes along, or how do we, or how can we?

21 MR. HOLZHAUS: Commissioner, let me respond to
 22 that by beginning with reading Mitigation Measure AQ25
 23 for the record. It describes periodic technology review
 24 to promote new emission control technology, the tenants
 25 shall implement in 2015 and every five years following

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1 the effective date of the lease agreement, a review of
 2 new air quality technological advancement subject to
 3 mutual agreement on operational feasibility. If the
 4 technology is determined to be feasible in terms of
 5 cost, technical, and operational feasibility, the tenant
 6 shall work with the port to implement such technology.
 7 So it's something that's never been done in the
 8 port before. It's a reopener of the lease for purposes
 9 of the technologies that are currently on the bubble
 10 that are under careful scrutiny, and the Port has a
 11 significant commitment to seeing to fruition through but
 12 perhaps has not reached the point of demonstrated
 13 feasibility at this point which would require immediate
 14 implementation and could perhaps not be successfully
 15 immediately implemented.
 16 So every five years during the lease, that
 17 subject is reopened, the lease is reopened in that
 18 regard, and those technologies must be implemented.
 19 What this measure doesn't state is who pays for it; that
 20 would be subject to negotiation between the port and the
 21 tenants as appropriate, and that negotiation is always
 22 done every five years anyway. By our charter we are
 23 required to open at least the financial aspect of the
 24 lease every five years. So that's a very powerful
 25 opportunity. As a mitigation measure it is fully

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1 enforceable and must be in the lease before the lease is
 2 adopted, so it has real teeth.
 3 COMMISSIONER SRAMEK: How do we -- okay.
 4 That's exactly what I wanted to hear was to make sure we
 5 really had teeth in it, and it's contractually
 6 obligated.
 7 How do we -- and I don't know if there's a way
 8 during the project if new technologies come along before
 9 we even complete the project -- but are there ways to
 10 basically try to get some of the new technologies in
 11 instead of waiting for this project to end and then
 12 every five years after that, implement them earlier in
 13 the projects?
 14 DR. KANTER: Commissioner, there's two -- I
 15 think Dominic touched on the one. It's every five years
 16 until that project is fully built out so it's
 17 operational. During construction, though, we have the
 18 opportunity of including into our bid specs requirements
 19 that have come on the scene that would make sense that
 20 could require the contractors in our bid specs for their
 21 various construction phases, and that's -- we're already
 22 doing that with the ones we can identify now and as we
 23 go forward, again, it's a ten-year construction
 24 period -- there's bound to be some improvements and
 25 innovative technologies that can be adopted.

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1 COMMISSIONER SRAMEK: Okay. I think that's
 2 very, very important because I think that's one of the
 3 strongest points we have. Everybody talks about these
 4 new technologies whether it's electric locomotives,
 5 electric trucks, zero emission container movement system
 6 whether it's sock on a stack -- technologies that are
 7 not quite there that we can't say are there, you have to
 8 use these today, but tomorrow, you know, next year, two
 9 years from now when they're there. We actually have a
 10 chance to implement this and we have it contractually in
 11 there that they will -- that we can actually force them
 12 to do it and make sure it gets done. I think they'll be
 13 happy to do it because a lot of these would actually be
 14 things that will hopefully improve production
 15 efficiency, so it's good for all of us. I just want to
 16 make sure that that -- that one is the one item, but I'd
 17 like to say pretty well all of the other questions I had
 18 were answered.
 19 PRESIDENT HANKLA: Thank you, Vice President.
 20 Let me just say as I leave the Board in June, with
 21 respect to your question, as I was look to my left and I
 22 look to my right, I think I have to say that I trust you
 23 and you to make sure that this port will be on the
 24 leading edge of technology, and you will have to trust
 25 yourselves. Because the only way that this is really

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1 going to happen because the Board of Harbor
 2 Commissioners has to stick to its guns and maintain its
 3 commitment, and I have to say that I trust you all to do
 4 that.
 5 COMMISSIONER WALTER: Yes, I thank you very
 6 much. I certainly like what you've just said, and I
 7 like what the Commissioner Wise and Sramek said. And
 8 Dominic, you also helped a great deal to clarify that
 9 issue.
 10 There's no question that as we move along in
 11 this, and technology becomes available that we are
 12 better to use it. That's why we have this whole CAAP
 13 program. It's to continue to evaluate new technology.
 14 As they prove out, then we will adopt them as
 15 appropriate. And there's never been any question in my
 16 mind about that, and that's exactly why we have that
 17 CAAP program.
 18 This is a step forward to reduce pollution by
 19 an estimated 50 percent. If another technology comes
 20 along, and I think it will, whether it's in three years,
 21 five years, seven years, whatever, we will move to that
 22 technology, and we will reduce pollution from 50 percent
 23 to 30 percent or 20 percent, ideally to zero. But we'll
 24 probably never get to zero, but that can still be a
 25 goal. We will certainly reduce it as much as we

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1 possibly can.

2 I personally am very much in favor of electric

3 trucks, but as all of you know that have been reading

4 the research in reports, but what they're doing at the

5 Port of L.A. on evaluating those electric trucks, those

6 electric trucks are just not capable of moving the cargo

7 that has to be moved. Fine. But there's a better

8 technology that is being used at the Port of L.A. It is

9 available now. I think we ought to check that out.

10 Now, there is a concern in looking at that, but there

11 are better -- there are better -- there are better

12 batteries available and better source capabilities

13 available than we currently have here. And I'd like to

14 see us move in that direction.

15 But anyway, I have no -- I have every

16 confidence that as technologies come along that will

17 reduce pollution, that we will move properly and

18 appropriately to avoid it.

19 PRESIDENT HANKLA: Thank you, Dr. Walter. Let

20 me wrap up maybe.

21 Commissioner Wise, do you have further

22 questions?

23 COMMISSIONER WISE: I just have one other

24 comment I wanted to make which I should have made at the

25 outset, which is just to say thank you to everybody that

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1 came here today to speak and to everyone that has spoken

2 in the sessions that were held before. I'm very

3 impressed by the input that has gone into this document

4 from all the different sources, and of course, I'm

5 impressed by the job that staff and the team have put

6 together and the product that they have produced here.

7 I'm particularly appreciative of the input from all the

8 different aspects of the community over the last year.

9 PRESIDENT HANKLA: Thank you, Commissioner.

10 Let me make a statement and then offer the

11 opportunity to make a statement to any other

12 Commissioner that wishes to do so. I think before us

13 today is a chance to move these two terminals into a

14 modern era of container shipping, cleaner, greener, more

15 efficient in business-friendly future. And our choice

16 is very clear. We can either let these facilities age

17 in place and continue to pollute at today's levels while

18 creating no additional jobs, but more than likely losing

19 the jobs we currently have and not helping the mothers

20 with children with asthma at all. Or we can approve

21 this Environmental Impact Report, put construction firms

22 to work immediately. That generates thousands of new

23 permanent, long-term jobs while cutting pollution in

24 these two terminals in half.

25 In this economy the competition among the

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1 seaports is fierce. Other ports are hungry for a piece

2 of our business, and when our business goes, our jobs go

3 with it. One thing I have noticed is that I do not

4 hear, and when I read in the professional journals about

5 the maritime industry -- I do not hear about the

6 environmental organizations being active in other ports.

7 The ports that are basically going after our business

8 seem to have some sort of a "get out of jail free" card,

9 while we are basically the targets, and I'm not saying

10 inappropriately. I'm saying that we have heard that

11 these ports will also be visited by the folks that have

12 the environment at heart. I haven't seen that. I have

13 not seen that at all.

14 Perhaps it would be useful if some of our

15 competitors were visited by the environmental interests,

16 because all ports that depend upon diesel power to move

17 cargo have a toxic footprint. It's not just the Ports

18 of Long Beach and Los Angeles. It's all ports.

19 And let reemphasize some of the numbers that

20 Dr. Kanter just presented. This project will create

21 14,000 permanent jobs in Southern California. It will

22 generate up to 1,000 temporary construction jobs per

23 year over the next ten years. That's 10,000 man-years.

24 What other industry in this region can promise that kind

25 of job creation right now and do it in a way that

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1 improves the environment at the same time?

2 The Port of Long Beach should never stand

3 still. We should also be improving. I believe that any

4 port that is not planning to improve is planning to die.

5 Because that's the only alternative. For the past few

6 years we have been at a standstill. That has got to

7 stop.

8 In some ways it is a necessary break. We had

9 to radically revamp the way we approached the

10 environment. There's no argument here whatsoever -- no

11 argument amongst this Board. We recognize and are not

12 in denial that we do have a toxic footprint. However,

13 we also know that the only way to clean up the sins of

14 the past is to build for the future, and that's where we

15 are.

16 These two shipping terminals are among the

17 oldest in the port and must be modernized and improved.

18 All the hard work and countless hours have been put into

19 changing our environmental culture to rethinking and

20 reevaluating operational efficiency -- it's all brought

21 us to this point, and if we aren't able to proceed

22 beyond this point, what does it say to every other port

23 that might be considering these environmental

24 improvements in the future?

25 Middle Harbor Project and the environmental

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1 document that represents it is the result of very, very
 2 hard work -- very, very professional work on the part of
 3 our staff and our consultants. And I for one am ready
 4 to move the Port of Long Beach into the future, am ready
 5 to cast my vote for the environment and job creation,
 6 and I'm proud to support the Middle Harbor Redevelopment
 7 Project.

8 For those that claim we haven't kept our
 9 promises, I contend they are totally, utterly,
 10 irredeemably wrong. We lead the world's ports in green
 11 technology in our commitment. There is no question
 12 about that. Ask Christine Lo from the Port of Hong Kong
 13 who looks at what ports are doing around the world.
 14 She'll look you right in the eye and say the Port of
 15 Long Beach leads, and we do.

16 So that's what I have to say. I hope that my
 17 colleagues will agree with me and that we will approve
 18 this and move on to the next step. This is just the
 19 first step in a whole series of steps. It will
 20 certainly probably involve a hearing before the City
 21 Council, and this will probably, even possibly involve
 22 Court deliberation. We hope not, but that's a
 23 possibility. We believe that with our new environmental
 24 protocols, it will stand that test.

25 In any event, Commissioner Walter, I believe

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1 you had something you wanted to say.

2 COMMISSIONER WALTER: Yes, sir. Thank you very
 3 much, Mr. President. I'd like first of all thank all
 4 the speakers that came today and to say to the speakers
 5 that what you have to say is important, and we listen as
 6 commissioners because it's a very important phase.

7 I will say somewhat facetiously that I propose
 8 a new logo which is a big ear. I'm only doing that
 9 facetiously because I think it is so important that we
 10 listen to the community, and we listen to the people
 11 that come here. We do, indeed, listen, and we make a
 12 number of changes.

13 I think that's a wonderful way to operate, and
 14 I would point out, too, that Ken Blanchard (phonetic)
 15 looks where he says that none of us are as good as all
 16 of us together. That's right. None of us are as good
 17 as all of us together. So the people that come from the
 18 general community that have good ideas -- we follow up
 19 on those questions that they ask, we respond to. I
 20 think that's helpful to all of us.

21 So I encourage people to come to the port, make
 22 your point known, suggest items to us. And I would say
 23 to other people, too, look, if you really want to get a
 24 change made, come and talk to the people who can make
 25 the change. Don't talk to the newspaper and say I'm for

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1 this, I'm against it, or whatever it might be, or they
 2 should do something else, turn right instead of left.
 3 If you feel that way, come and make your argument as
 4 persuasive as possible. We will consider it
 5 objectively, analytically in every way, and if it's
 6 good, we'll fly with it.

7 We're not God at all or anything close to that.
 8 And we do make mistakes, and we do learn as we go along.
 9 And if we knew what we knew today when we first started
 10 out in this project, yes, we would have made some
 11 changes. But we need to move on this. We will
 12 certainly listen to you. And I also remember, too, that
 13 no one cares about how much Commissioners know until
 14 they know how much we care, and we do care about the
 15 community, about the safety, and about the health. None
 16 of us wants anyone to suffer in any way from pollution
 17 caused by this port if we can possibly eliminate it.

18 So I have every confidence that the people who
 19 care about our environment will strongly support the
 20 Middle Harbor Project -- strongly support this. This
 21 project is the only way to significantly reduce
 22 pollution. If it is only 50 percent, there will be
 23 people that say that this is not good enough -- not good
 24 enough. But zero -- we can't get there because the
 25 technology is not available to do this. We just can't

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1 do that.

2 What we can do, however, is to assure everyone
 3 that our efforts will be among the very best to be found
 4 anywhere, anywhere in the world. I'm not going to try
 5 to claim that we're the best. Best is a term that
 6 requires some definition, and other people define it
 7 differently. But I can say this, our efforts will
 8 certainly be among the very best anywhere.

9 By moving towards this it is the best way to
 10 provide a sustainable port. It's the best thing we have
 11 going today and uses electricity to eliminate pollution.
 12 That's a gigantic step forward. I'd like to see us use
 13 electric trucks; that's not available at the moment.

14 If we have -- an important point that I did not
 15 hear today that I'd like to make, is that if we had the
 16 on-dock rail capability proposed by the Middle Harbor
 17 Project today, the number of trucks required to move the
 18 containers we move would be significantly reduced. Am I
 19 correct on that? So my point that I really want to make
 20 is as we go through this scenario, where one assumes
 21 there is no growth in cargo -- it could happen if we
 22 just look at statistics in the last year -- no growth in
 23 cargo -- it still means we should go ahead forward as
 24 rapidly as we can. Because if we had everything in
 25 place, we would reduce the number of trucks which

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1 reduces pollution, reduces congestion, and all of the
 2 other benefits that have been mentioned.

3 Now, there are many common benefits from the
 4 use of on-dock rail, and technology advances that will
 5 improve efficiency. Improving efficiency is vital.
 6 Okay. As our customers become more efficient, their
 7 cost will be reduced. What does that mean? Well, it
 8 makes our customers more competitive and significantly
 9 increases the probability that they will continue to use
 10 the Port of Long Beach for their goods movement. We
 11 know that other ports would like to steal some of our
 12 cargo, but we can increase the probability that they --
 13 our customers will remain here if we can help them
 14 become more efficient.

15 Of course, as mentioned many times, it creates
 16 more jobs in Long Beach. Why is that important? Many
 17 issues have been raised about that. But it does provide
 18 more tax dollars for the City of Long Beach, and cities
 19 need a strong tax base. Cities need strong businesses.
 20 They need businesses that make a profit. If you don't
 21 make a profit, you can't hire people. If you can't hire
 22 people, they don't have a job. If they don't have a
 23 job, they don't pay taxes. If they don't pay taxes, we
 24 don't have schools; we don't have colleges; we don't
 25 have universities; we don't have libraries; we don't

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1 have roads; we don't have bridges or sidewalk
 2 maintenance or tree trimming or a host of other
 3 infrastructure items. We need good jobs, strong jobs,
 4 well-paying jobs. That's what this creates.

5 The middle harbor does set, I think, the
 6 standard for green ports around the world, and
 7 completion of this project ensures the port will
 8 continue its world leadership position in pollution
 9 reduction. So this is simply the right thing to do.
 10 Reducing pollution is the right thing to do. There are
 11 other reasons to reduce pollution, but it simply to
 12 reduce pollution is a matter of financing and not a
 13 matter of technology. So it is the right thing to do
 14 for our customers, for the people of Long Beach, for the
 15 Port of Long Beach, and for the City of Long Beach. It
 16 benefits everyone.

17 And I certainly want to thank the staff for
 18 putting together such a wonderful plan, and Dr. Kanter,
 19 you and your staff, I commend you in just the best plan
 20 that we could come up with, and in my business, I give
 21 you an A-plus for today and all of your staff, so I'm
 22 very much in favor of this project.

23 PRESIDENT HANKLA: Any other comments before I
 24 go to examine the housekeeping?
 25 Yes, Vice President Sramek.

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1 COMMISSIONER SRAMEK: Yes, thank you, Mr.
 2 President. First of all, I'd like to thank you and
 3 Dr. Walter for his comments. I echo all of his
 4 comments. I'd like to also thank everybody out there
 5 for participating, and it's not only today, but it's
 6 been for the last many, many months.

7 I'm -- you know, I'm looking around at some of
 8 our people. They've been at so many meetings with the
 9 public, they probably can't remember half of the
 10 meetings they've been to and the time that you've spent,
 11 going out there and trying to educate the public,
 12 working with the public, working with different
 13 organizations, trying to make this the best project and
 14 the best document that's ever been done here at the
 15 port. So I'd really like to thank you. Thank you,
 16 everyone.

17 This project is really about us. It's really
 18 bringing everything together: Construction, the
 19 project, its mitigations, mitigations with the project,
 20 mitigation that was added. It's the economy; it's jobs;
 21 it's money in the economy; it's modernizing two
 22 terminals that really need it, reducing pollution, and
 23 the good thing it's adding on-dock rail, okay. But
 24 every meeting I ever go to out in the community,
 25 everybody always talks about on-dock rail so I really

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1 want to make sure people do understand. This is on-dock
 2 rail, on-dock rail, on-dock rail. It's huge. Okay.
 3 And these projects are really difficult because there
 4 are so many sides to opinions to what's going on out
 5 there, and everyone really wants something in this
 6 project.

7 I think our staff has done an outstanding job,
 8 its yeoman effort trying to incorporate everything that
 9 people have said, have commented on, want in this
 10 project. You know, we can't satisfy everyone, but I
 11 think we satisfied, I'd say, 95 to 99 percent, somewhere
 12 in that range of people and their comments and
 13 everything else. And even the questions we were asked
 14 up here earlier on from Commissioner Cordero, Wise, and
 15 myself, are really answering a lot of those questions
 16 and making sure everything is in there that people have
 17 commented on.

18 It's a bit about mitigation for past problems
 19 and reducing residual impacts. We can't deal with
 20 everything at once from a mitigation standpoint. We
 21 can't make up for the last hundred years. I think the
 22 port has, over the last three or four years, done so
 23 much towards cleaning up pollution, helping the
 24 environment, helping the communities, and this goes even
 25 two or three more steps towards that. But we can't do

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1 everything at once. People have to realize that.
 2 I think we as the green port will at least
 3 incorporate with mitigation measures in there. I think
 4 it's going to be very strong now, and in the future, you
 5 know, we'll be able to review new technology, put new
 6 technologies in as they come along. People know a lot
 7 of other projects that we haven't been able to do this
 8 with. I think this is going to be a model for the
 9 future projects that we have that needs to be. I think
 10 everybody has done their due diligence, and I'd really
 11 like to compliment them on that.

12 The EIR in draft form has been out for a long
 13 time; okay? No matter what the comments were, I think
 14 we pretty well have discussed that up here. People had
 15 the chance to review it, to give comments. The staff
 16 has been working and trying to answer those comments,
 17 and I think it's done an outstanding job. It's an
 18 outstanding document. It's covering the project issues,
 19 the mitigations, I think, everything that's in there.
 20 And it also offers us, like I said, chances to improve
 21 as we go along which usually you can't do. Once the
 22 project is set and set in stone, you can't improve it.
 23 Well, we can keep improving this project.

24 So I just would like to thank everybody again
 25 and say that I am in full support of this project, and I

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1 would like to just add the greenhouse gas -- when we get
 2 to that, we'll work on that, but otherwise I think
 3 everybody has just done an outstanding job.

4 PRESIDENT HANKLA: Mr. Cordero.

5 COMMISSIONER CORDERO: Thank you, Commissioner
 6 Hankla. In closing the meeting, if I may have a
 7 specific comment to the environmental community. This
 8 EIR has been put together quite frankly as a result of
 9 environmental advocacy over many years. This EIR, much
 10 of what's in that EIR, is far different than Pier J.
 11 People like Joan, Martin, Candice, Jesse Marquez --
 12 you've been here advocating for years, and to a certain
 13 extent, you've seen now the results of your advocacy.

14 So let me say to you at this point, it's not
 15 the perfect EIR. I'm not going to pretend this is a
 16 perfect one, but I will wholeheartedly support this EIR
 17 because we made a promise to the City Council in 2004
 18 that we were going to be the green port. You just
 19 remember that and how many naysayers -- doubters that
 20 there were. And look where we are. We are most
 21 definitely a green port, and we will remain a green
 22 port. And I think to our friends at the NRBC, I
 23 mentioned Gail LaPierre (phonetic) back in 2003, 2004 --
 24 the discussions we had, you know, the honorable
 25 (unintelligible) nowadays. I think you'd have to admit,

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1 we've come a long way.
 2 So my message at this point is believe me,
 3 after we passed -- the formally passed the Green Port
 4 Policy generated in 2004, and some of us hit the road
 5 around the nation, and there were some ports in this
 6 nation who thought that what we did was rather
 7 ludicrous.

8 And I will tell you specifically, I was at a
 9 conference in 2005 in Irving, Texas, and there was a
 10 representative from another port there who essentially
 11 said to the audience, Well, up here in Texas -- or
 12 Georgia, this person was from Georgia -- you don't have
 13 to worry about too many environmental costs with us. I
 14 ran into this person by coincidence at a similar panel a
 15 year ago, late last year, who said to me, you know,
 16 Mario, I remember what I said back in 2004, and I'll be
 17 very honest with you. We are now attempting to draft
 18 this environmental initiative.

19 So my message is this simply: I think now we
 20 have accountability based on our record, and it seems to
 21 me that the environmental community now has to show a
 22 model to the nation, a model to the nation about here is
 23 the advocacy, and this is a green port EIR. The risk in
 24 not showing that model to the nation and the risk in
 25 litigating this EIR is that the Savannas, the Houstons,

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1 all the way in the East and the Gulf Coast where we know
 2 the politics are a lot more conservative, are going to
 3 reconfirm that perception that some of us have tried and
 4 have been fighting for many years that you cannot please
 5 the environmentalists, so don't even sit down and try to
 6 talk to them.

7 I want to disprove that, and I want to also
 8 prove to the industry that what this EIR is about and
 9 what these many years at the Harbor Commission has been
 10 about is bringing the private and public sector -- this
 11 is a public port -- in the community to some common
 12 ground to present what a green EIR should look like.
 13 Again, not perfect.

14 But I think it's time that we need to present
 15 this model today, in light of what the economy is today
 16 and what the economy will be tomorrow. And in regard to
 17 the other issues with technology, again, all I can tell
 18 you is we are committed to it, and I think now based on
 19 our record we can probably -- using Jim Hankla or
 20 President Hankla's comment as he makes it many times --
 21 take that to the bank. And that's what I ask the
 22 environmental community to do today because we're not
 23 stopping here. We're going to keep moving.

24 So I appreciate your advocacy, I appreciate
 25 your patience, and I appreciate the cooperation the

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1 industry has had in paying for some of these
 2 environmental issues from their own pocket. You've done
 3 a lot here. It's time to show the nation that we have a
 4 model of what a green port should look like. Thank you
 5 very much.

6 PRESIDENT HANKLA: Thank you, Mario. Those
 7 comments resonated with me, certainly.

8 Dominic, will you instruct us in our next
 9 action so that we don't make any mistakes.

10 MR. HOLZHAUS: Commissioner, before we get to
 11 that, there are some loose ends that need to be tied up
 12 for the record. This may take time as to your decision
 13 as to whether to take a break. There are a number of
 14 loose ends, technical issues that need to be covered
 15 just for the record.

16 PRESIDENT HANKLA: How long do you think it
 17 will take?

18 MR. CAMERON: We covered some of them. I think
 19 it's important that since the middle of last week, even
 20 today here at this hearing, we've received additional
 21 comment letters, and I think it's important for us, as
 22 Dominic indicated, to put in the record, and we can add
 23 some clarity to the Board in addressing some of these
 24 comments today -- additional comments that have been
 25 made.

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1 PRESIDENT HANKLA: Do you want to do that
 2 today?

3 MR. CAMERON: I think it's important, yes.

4 PRESIDENT HANKLA: All right. Well, then what
 5 we do today is perhaps take a break and get lunch out of
 6 the way and very quickly come back here by 1 o'clock.

7 MR. HOLZHAUS: And we can try to do it --
 8 streamline it.

9 PRESIDENT HANKLA: Maybe during the break, you
 10 can figure out exactly what needs to be done to sort of
 11 a well-oiled machine.

12 (Brief recess was taken.)

13 PRESIDENT HANKLA: Are we ready? Call the
 14 meeting to order. Back from our break. Do you want to
 15 call the role, Madame Secretary?

16 SECRETARY: Commissioner Cordero.
 17 COMMISSIONER CORDERO: Here.
 18 SECRETARY: Commissioner Walter.
 19 COMMISSIONER WALTER: Here.
 20 SECRETARY: Commissioner Hankla.
 21 PRESIDENT HANKLA: Here.
 22 SECRETARY: Commissioner Sramek.
 23 COMMISSIONER SRAMEK: Here.
 24 SECRETARY: Commissioner Wise.
 25 COMMISSIONER WISE: Here.

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1 SECRETARY: We have a quorum.
 2 PRESIDENT HANKLA: Thank you. I call on
 3 Dominic and Mr. Cameron to lead us through these next
 4 phases of this process.

5 MR. HOLZHAUS: First, I'd like to close out a
 6 few loose ends for the record, and then we'll come back
 7 to the motions necessary for action on this item.

8 PRESIDENT HANKLA: I'm actually dying to see
 9 what these loose ends are.

10 MR. HOLZHAUS: That is interesting, but . . .

11 MR. CAMERON: Let's take this part,
 12 Commissioner, per your direction in the last half hour
 13 we've been trying to figure out what's been discussed in
 14 this process with the staff in this project so that we
 15 can adopt to this and that action presented to document
 16 board action for this project. I'm going to try to go
 17 in chronological order. Since we released the final
 18 EIR/EIS, we have received comments to that. The board
 19 and the staff. As they come in, we review them and put
 20 together a response. The first one issue was on April
 21 8th, and that was from the City of Commerce. This
 22 morning I had submitted to the Board a memo which
 23 attached the comment letter and how staff addressed
 24 those comments. For the record, there was a comment
 25 letter that was submitted by Andrea Hricko and with a

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1 volume of materials and special studies that she had.
 2 I've also prepared a staff report and submitted to the
 3 Board for the record on how we respond to those comments
 4 contained in her letter. And we've also provided the
 5 board with all the material as part of that comment
 6 letter. Earlier in the proceedings, we heard from AQMD.
 7 AQMD has submitted their comments, and the Board has
 8 received those. I believe we've addressed those
 9 accurately at this point in time, and would be part
 10 of -- possibly some of the recommended changes.

11 The next item discussed is a letter that we
 12 received after the close of business on Friday,
 13 April 10th, and that was from -- the Coalition letter,
 14 and that's from the Center for Biological Diversity, the
 15 letter that actually was -- had posing authority of
 16 Coalition for Clean Air, Coalition for a Safe
 17 Environment, Communities for Clean Ports, Los Angeles
 18 (unintelligible) for a New Economy, and the Natural
 19 Resources Defense Council, and we received the revised
 20 letter that had additional signatories to that as well.
 21 But I believe the essence of the comment letter was the
 22 same as what was submitted once again after business on
 23 April 10th. With that we haven't had the ability to put
 24 together a formal staff report like we've done with the
 25 other two letters that we've received. However, I think

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1 what's important is to get that into the record. One,
 2 that we received it, that the Board has received it, and
 3 that we'd like to go through some of these items and
 4 address some of these comments that have been submitted
 5 as part of the comment letter.

6 The first comment relates to, I believe, the
 7 CAAP, the Clean Air Action Plan, and the San Pedro
 8 Bay-wide standards and the Board's commitment in the
 9 development of those. I believe we've covered that in
 10 this proceeding. And part of that item also has
 11 references to utilizing the AQMD MATES II and MATES III
 12 reports that look at the air toxics within the ports and
 13 the surrounding communities and the effects that we have
 14 on those. And we'd like to clarify based on a comment
 15 from the Coalition -- from the CBD comment letter and
 16 the Coalition.

17 COMMISSIONER WISE: Excuse me. Did you say
 18 there was a letter from the CBD?

19 MR. CAMERON: Correct.

20 COMMISSIONER WISE: I'm not sure that we were
 21 given that. Is it any one of these other things?

22 MR. CAMERON: That was submitted over the
 23 weekend, I believe, via e-mail now, but we do have the
 24 hard copies.

25 COMMISSIONER WISE: My e-mail is down on

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1 Saturday.

2 MR. CAMERON: Okay.

3 PRESIDENT HANKLA: Mr. Cameron, can I ask you
 4 not to use alphabet soup when you talk about these
 5 things? I know these acronyms are to me a little bit --
 6 I haven't the foggiest idea what you're . . .

7 MR. CAMERON: I will do -- for the sake of the
 8 record, I will do that, Mr. President.

9 COMMISSIONER CORDERO: You're referring to the
 10 Center for Biological Diversity?

11 MR. CAMERON: That's correct.

12 COMMISSIONER CORDERO: Okay.

13 MR. CAMERON: That is correct.

14 COMMISSIONER CORDERO: By the way, for those of
 15 you have your papers, your submitted position papers on
 16 Chapter 10.

17 COMMISSIONER WISE: Right. I have seen that
 18 and looked at that.

19 MR. CAMERON: Do you have it?

20 MR. HOLZHAUS: Copies are being made. Why
 21 don't you carry on.

22 MR. CAMERON: Okay. For the sake of -- the
 23 first item that has been raised is, once again, the
 24 compliance with the Clean Air Action Plan and the
 25 documents in the San Pedro Bay-wide standards. I feel

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1 we've covered that, and the comments from staff have
 2 provided the details pursuant to a question from
 3 Commissioner Cordero. I'd also add that this comment
 4 was made during the review of the draft, and we
 5 responded to it in various locations in terms of
 6 response to comments.

7 But the one that I would like to highlight is
 8 South Coast AQMD denying our response to that comment
 9 that was raised by AQMD at that time specifically with
 10 the discussion that Ms. Tomley provided the board. In
 11 addition, we have updated the text in the final document
 12 to also address the San Pedro Bay-wide standards, where
 13 we are with it, and the project's commitment in terms of
 14 integration of the various measures consistent with the
 15 draft standard at this point.

16 And that can be found on pages -- Section 3.2,
 17 and it's 3.2-22 and 3.2-92 for clarification. Once
 18 again, these are the points that were raised in this
 19 recent comment letter, and we want to put some clarity
 20 into some of these points that have been raised by the
 21 Center for Biological Diversity and their signatories.

22 The previous point that was raised also was
 23 regarding the inclusion and description of the South
 24 Coast Air Quality Management District MATES II and MATES
 25 III studies, and that's the multiple air toxic disposal

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1 studies.

2 PRESIDENT HANKLA: He's talking about you guys.

3 MR. CAMERON: And I -- in the final document we
 4 actually have updated text that is very clear about the
 5 inclusion and use of those studies as well as other
 6 studies that have been conducted both at a federal,
 7 state, and local level as part of our analysis. And we
 8 have the updated text once again in section -- Air
 9 Quality Section 3.2-11 and 3.2-92 again where we
 10 actually have a discussion of those studies and how they
 11 are used in the analysis for the final environmental
 12 document for those projects.

13 We also -- there was some discussion about
 14 local air monitoring levels, and we're very clear about
 15 the air monitoring and the utilization of the air
 16 monitoring stations that we have here in the port. And
 17 once again on pages 3.2-9, we want to point out the
 18 discussion of air monitoring.

19 Item number two in their letter, I'd like to
 20 turn over to Mr. Thomas Allen so he can discuss this,
 21 and then we're going to have some of our experts get up
 22 and just once again try to make some clarity to some of
 23 these points that have been brought forth.

24 MR. JELENIC: The comment raised by the
 25 Coalition letter was that, contrary to the EIR/EIS, it

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1 claims that the project would result in increased
 2 emissions. The statement that follows in the comment
 3 letter takes some of the information contained in the
 4 EIR/EIS out of context. When we say this project will
 5 reduce emissions, we're saying that with regard to the
 6 2005 CEQA baseline, future operational emissions from
 7 this project will be less than the baseline. That is a
 8 correct statement.

9 To address what we did and inadequacy of the
 10 analysis, I'm going to ask Chris Crabtree from SCIC, the
 11 port's consulting firm, who conducted the air quality
 12 analysis to add a few brief comments on what that
 13 analysis entails and the comprehensive nature of it.

14 MR. CRABTREE: Good afternoon. I was one of
 15 the many that assisted in the analysis, and I just
 16 wanted to give you some assurances that, indeed, the
 17 analysis is comprehensive and adequate for CEQA
 18 purposes. The consulting staff that assisted port staff
 19 in the analysis is experienced in evaluation of myriad
 20 sources associated with this complex project.

21 For example, some of us have worked on the
 22 TraPac project for Port of L.A. Others continue to work
 23 on your port-wide air emission inventory process that
 24 the emission calculations for this project mirror those
 25 methods in the air emissions inventory process so that

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1 all of your air quality analysis is going down the same
 2 path as the others were. Additionally, the dispersion
 3 modeling, health risk assessment analyses adopted the
 4 same adopted measures approved by both South Coast and
 5 ARB.

6 Your project is consistent and complies with
 7 the CAAP, and one thing that was a monster of ours
 8 through this whole process was whenever we had an
 9 assumption we weren't sure about, we err on the side of
 10 choosing the more conservative assumption so we have a
 11 more conservative result. So just in conclusion, I want
 12 to say you have conservative results before you, and
 13 they are definitely adequate for CEQA and NEPA purposes.

14 One other fine point, additionally, when we did
 15 our search for workable mitigations for the project, we
 16 did an exhaustive evaluation of the feasibility of those
 17 measures, and the ones that were left over that were
 18 feasible are the ones that are before you today.

19 MR. CAMERON: Chris was referring to the
 20 mitigation matrix that is actually an attachment to the
 21 findings as part of the resolution, Commissioner, so I
 22 just want to make that clarity where you can find that
 23 and what he was referring to.

24 The next item received as part of the letter,
 25 the failure to adequately analyze and mitigate impacts

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1 from the project due to emissions. And once again, I'd
 2 like to turn that over to Tom, and I think he can
 3 address the items on this.

4 MR. JELENIC: The primary point of their
 5 comment appears that we did not appropriately consider
 6 that the main analysis for greenhouse gases. We, of
 7 course, strongly disagree with that. As we identified
 8 in the staff report, there were a couple of commenters
 9 who thought that worldwide greenhouse gas emissions
 10 should be included in the EIS/EIR. In our response to
 11 comments which can be referenced in the response at DOJ
 12 4, we identified the basis for our decision and why we
 13 limited the greenhouse gas emissions to California.

14 In addition, we identified all feasible
 15 mitigations for this project with two particular
 16 mitigations that come very close to fully mitigating the
 17 incremental impacts. Those are AQ24 which requires
 18 marine terminal operators to offset their carbon
 19 emissions associated with electricity purchases at the
 20 terminal with green offsets, carbon credits basically.
 21 And AQ28 which establishes the \$5 million that you heard
 22 about earlier for our off-site greenhouse gas reduction.
 23 Taken together, those significantly will reduce
 24 emissions from greenhouse gases.

25 MR. CAMERON: I'd also like to add just for the

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1 record as well, one of the first remarks is that the
 2 port buried this information, and I think that's
 3 incorrect. That's where the majority of this
 4 information when we talk about the additional analysis
 5 that we conducted, part of the comments from the DOJ,
 6 but on page 3.2-25, which is part of the air quality
 7 section, we clearly direct interested parties as part of
 8 the final document back to that specific response to
 9 comment and where they can find that information
 10 pursuant to this item about looking at the emissions as
 11 a whole worldwide. So we just want to make that clear,
 12 that we're not trying to bury anything in the body of
 13 the document; just make it very clear where they can
 14 find this information.

15 Second part of number three deals with AQ28,
 16 and that's the greenhouse gas mitigation program and
 17 their assurances of the additionality of reductions from
 18 funded projects and has no connection with achieving
 19 specific emission reductions that would truly mitigate
 20 project impacts. I believe we've addressed this by the
 21 discussions with the AG's office and what Dominic had
 22 referred to and what we have clearly in the staff report
 23 about the changes that have been necessary for those
 24 guidelines to get to this point exactly that the funds
 25 that are being recommended from middle harbor into these

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1 programs are in addition to. The funds will not be used
 2 to fund cold ironing on-site or the shore panels
 3 on-site. They are not going to be used to meet other
 4 regulatory requirements either on the site or within the
 5 harbor, and they're clearly CEQA mitigation, and we've
 6 added that clarity, once again pursuant to discussions
 7 we had with AQMD. We feel that we've addressed that
 8 with this type of a comment as well. I'm not sure if
 9 there's anything to add to this.

10 The next part is related back to mitigation
 11 measure AQ24 must be tightened to ensure purchase of
 12 higher quality offsets, and I'm going to go ahead and
 13 defer to Thomas Jelenic when he comes back to address
 14 this comment.

15 MR. JELENIC: The commenter suggested edits to
 16 our measure AQ24 which, as I mentioned a moment ago,
 17 reduces -- seeks to offset carbon emissions associated
 18 with electricity purchases. On the first set of
 19 revisions, the commenter wants to limit those offsets to
 20 those approved by CARB. As we all know, greenhouse gas
 21 emission reductions are an ongoing national and
 22 worldwide effort. CARB is not going to be the only
 23 agency that is involved with identifying suitable
 24 offsets for greenhouse gas emissions. We don't think
 25 it's appropriate to limit in that respect.

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1 On the second set of comments, we don't see how
 2 it substantially changes the text of the mitigation
 3 measure. It can probably go either way with this. The
 4 goal is to account for the next carbon emissions
 5 associated with electricity.

6 MR. CAMERON: I think that addresses that one
 7 fully.

8 The next item is item number four. It states
 9 the EIR fails to assess the impact of sea-level rise on
 10 the project.

11 MR. JELENIC: The commenters provided
 12 information from the Pacific Institute which shows that
 13 the current flood plains as well as the estimated impact
 14 of future sea-level rise up to 55 inches by 2100.
 15 Specifically with regards to the impacts of sea-level
 16 rise on the project, the maps provided by the commenter
 17 showed there was virtually no impact on the project
 18 area.

19 So in addition, the only thing I would add with
 20 the net rise of 55 inches that was forecast in this
 21 report by 2100, one, our facilities are built with much
 22 higher -- with generally 15 feet above mean low water as
 23 opposed to low rate of 55 inches. And over time as we
 24 all know, we improve our facilities, and 2100 is still a
 25 long way off.

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1 MR. CAMERON: I would also add on this item,
 2 just referring back to the record, DOJ which is
 3 Department of Justice -- this is the Attorney General's
 4 office -- with regard to DOJ3 where we addressed this in
 5 the final document. And we also in the final text of
 6 the air quality section 3.2 in various locations, we
 7 describe the overall impacts of climate changes used,
 8 too, so I just want to make that clear. For instance,
 9 on page -- as part of the impact analysis, on pages
 10 3.2-65 through 3.2-70 as well as 3.2-70 where we
 11 describe the significant impacts after mitigation, and
 12 we address this in terms of the likelihood of being
 13 residual based upon this project.

14 Okay. The next item is -- the comment is EIR
 15 fails to adequately examine and implement cleaner
 16 technology as mitigation measures. Once again, I'm
 17 going to have Thomas help me out with this one.

18 MR. JELENIC: This is a comment we received
 19 during the draft, and it is responded to in response to
 20 comments SCAQMD 19. The primary point of their comments
 21 are the consideration of electricity -- electrically
 22 powered equipment and alternatively fuel-powered
 23 equipment. First on electrically powered equipment, as
 24 we've already heard today, electrically powered
 25 equipment is the subject of continuing demonstrations

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1 under the technology advancing program. The Port of
 2 Long Beach is working with the Port of Los Angeles
 3 through the CAAP to demonstrate the feasibility of
 4 technologies like the Bellcon system. That is not yet
 5 done.

6 The yard tractors themselves have not yet even
 7 been put in service. An initial prototype was deployed
 8 for proof of concept demonstrations -- that is described
 9 in our response to comments -- for about 30 days as a
 10 piece of yard equipment and for a single day as a
 11 drayage truck. But based on that proof of concept, the
 12 Port of Los Angeles ordered 20 yard tractor versions
 13 using this technology. We'll be working closely with
 14 them in developing the work plan and demonstrating this
 15 technology, but as of today, it has yet to be
 16 demonstrated.

17 With regards to alternative fuels, despite the
 18 claims in the comments, this did not change any of the
 19 Port's policies or goals with regard to alternative
 20 fuels. The primary reason we embarked on the clean
 21 truck program in partnership with the Port of
 22 Los Angeles is that program of this magnitude in terms
 23 of bringing forward new technology into the drayage
 24 industry, given the drayage market as described in the
 25 response to comments, was not feasible on a

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1 terminal-by-terminal approach. We wanted to have a
 2 programmatic -- programmatic program that accelerates
 3 the introduction of clean technology and clean
 4 technology trucks into port service. That is what the
 5 CTP is accomplishing. It doesn't change our goals for
 6 50 percent funding for alternative fuel trucks.

7 And to wrap this altogether, the most important
 8 point with regard to this comment is that the EIR
 9 contains mitigation measure AQ25 which allows us to
 10 revisit the terminal in future years and see if new
 11 technology can be implemented. If a demonstration of
 12 electrically powered yard hostlers is feasible after the
 13 demonstration through the technology advancement
 14 program, that will be our opportunity to go back in and
 15 require at this facility in the future.

16 COMMISSIONER CORDERO: Tom, on that point, if I
 17 could ask a question, in reviewing your letter, I think
 18 the issue -- their perspective is that they believe the
 19 EIR essentially dismisses the issue of the alternative
 20 fuel trucks. I think this is where there's room to kind
 21 of compromise. The interpretation of dismissal as
 22 opposed to an interpretation of commitment.

23 Now, the question I have, when we talk about
 24 trucks, I think in the pages that you're referring to
 25 under this caption, electric trucks, there's a

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1 discussion regarding yard hostlers. I want to make that
 2 clear, not container trucks, but yard hostlers, and the
 3 potential of that technology being soon available. So
 4 my question is this, The argument that they present in
 5 their paper basically says that -- the issue that
 6 they're taking -- is that we apparently have dismissed
 7 that possibility as indicated. In fact, we've indicated
 8 that the port attributes infeasibility -- infeasibility
 9 of using these electric trucks. And they take issue
 10 with that because -- and here's where you can clarify --
 11 apparently the Port of Los Angeles in the China Shipping
 12 Terminal Project -- they have reached the opposite
 13 conclusion. So is that true, and if so, is there room
 14 that we could kind of tweak the language so that no one
 15 thinks we're dismissing this question about alternative
 16 fuel trucks and --

17 MR. CAMERON: I would like to clarify. They're
 18 asserting that we're dismissing it. I would say one
 19 response to comments were South Coast AQMD 19 which
 20 directly addresses how we responded to the comment at
 21 this point, that due to the technology advancement
 22 program, we have not dismissed these technologies.

23 What we clearly stated at this point in time,
 24 the new technologies have not been demonstrated and are
 25 not tools at this point in time for us to use in this

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1 environmental document mitigation measures. However, we
 2 feel as if they're promising through other programs
 3 outside of middle harbor, and that we are not dismissing
 4 them, and that I think this board's actions to fund
 5 those programs and having additional air quality
 6 mitigation measure AQ25 does get at the heart of looking
 7 at these in the future. So to say we are dismissing
 8 them, I think, is not necessarily true, according to
 9 staff or how we responded.

10 COMMISSIONER CORDERO: I'm glad you say that.
 11 I'm just reading from what -- that's why I wanted to
 12 clarify that.

13 MR. JELENIC: And it goes, I think, further to,
 14 again, the point of AQ25. Our goal is, you know,
 15 regardless of what they did in China Shipping, that
 16 technology is still subject to a demonstration process.
 17 We haven't finished that. Port of L.A.'s knowledge is
 18 that, that's why they're engaged with us on
 19 demonstrating this technology when that's complete. So
 20 we can't say today right now that technology will
 21 definitely work, and that's why we can't feel it's
 22 appropriate to place that in there as a concern of this
 23 project today. But AQ25 will allow us to do so in the
 24 future when that technology does become feasible.

25 COMMISSIONER CORDERO: But I think, again,

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1 perhaps if we say it's feasible, then perhaps that might
 2 solve this issue. And as an example, the China Shipping
 3 terminal project -- is that what the Port of L.A. says
 4 specifically -- it's feasible? I thought the
 5 requirement -- it just says it's feasible?

6 MR. CAMERON: Upon completion of the
 7 demonstration project, I don't have the language in
 8 front of me, but I can promise you it's correct. They
 9 didn't make just a commitment just to do it. I mean,
 10 there were conditions within it in terms of feasibility
 11 and/or completion of the demonstration project that
 12 we're currently in.

13 COMMISSIONER CORDERO: All right.

14 And my last comment on this is I just want to
 15 make sure the record is clear that we don't interpret
 16 this as all truth. I mean, I think it's the same issue.
 17 But here's specifically what it says. Their paper
 18 references -- and I'll read verbatim -- in fact, the EIR
 19 fails to meet the standard outlined in Section 3B,
 20 number 6 of these comments. The EIR/EIS points to the
 21 \$140,000 difference between diesel and electrical
 22 equipment as a rationale for exclusion of this
 23 technology. However, the China Shipping Terminal, which
 24 is approximately a project in a number of
 25 \$206.5 million, determined that the use of electric

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1 trucks for yard hostling application is feasible.
 2 That -- what I'm saying -- we come to a point where we
 3 say it's feasible as opposed to saying it's not
 4 feasible, then maybe that solves that problem and makes
 5 it a little bit clearer.
 6 MR. HOLZHAUS: Commissioner, the legal
 7 consequence of finding that it's feasible is that you
 8 have to apply it. So if your project -- if it turns out
 9 that that application is, in fact, not technically or
 10 economically or in any other way feasible, you have a
 11 mitigation measure that can't be addressed that could
 12 hold up your project.
 13 So the point I think staff is trying to make is
 14 that you need to be sure before you declare something
 15 feasible. The safer alternative for something that
 16 hasn't been demonstrated in productive use is to put it
 17 on the list of things that will be considered for future
 18 application if it turns out to be feasible.
 19 COMMISSIONER CORDERO: Okay, now, that's fine,
 20 that knowledge, because my concern is this: Because the
 21 cost is \$140,000 more, that that's the economic
 22 rationale that we're using. It's a legitimate
 23 rationale, but, again, is it possible? is it feasible?
 24 is it just a matter of money? So I don't think we
 25 should, you know -- I think what the city attorney

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1 indicates is we dismissed it. Perhaps that accommodates
 2 the concern that we're excluding it.
 3 MR. JELENIC: I think that one of the problems
 4 here is that they're not -- the commenter is not taking
 5 all our response in its entirety. The cost is an issue,
 6 but the reason it's an issue today is because it's still
 7 a demonstration; it's still a prototype. But there are
 8 other issues. The technology is not complete yet.
 9 Heather was just mentioning to me -- and I
 10 believe this is what Commissioner Walter was referring
 11 to earlier -- Balqon, the makers of this technology,
 12 just submitted a new application through the technology
 13 advancement program to conduct further demonstrations
 14 based on lithium ion technology as opposed to lead acid
 15 battery technology. This is the growing -- changing
 16 maker of this technology. It has not come to fruition
 17 today. We hope it will come to fruition shortly. And
 18 because of all of these things and for the reasons
 19 Dominic has pointed out, we couldn't make a finding that
 20 it is feasible today.
 21 L.A. was probably in a slightly different
 22 position because of the health risk associated with that
 23 specific project. They have to make a commitment to do
 24 that. Otherwise that project probably would not have
 25 gone forward because of the health risk associated with

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1 the zero baseline on that project.
 2 For that is not the case here. This project
 3 would end up in lower emissions, but AQ25 still provides
 4 us with the necessary tool to introduce this technology
 5 in the future when the technology advancement program
 6 completes its process.
 7 COMMISSIONER WALTER: Could I just add here, I
 8 think the Balqon technology is the wrong technology,
 9 that we do not want in any way to say that we will use
 10 that? The data that I have seen, what I have read, is
 11 that's an older technology than what is in use today,
 12 and I think when you're referencing your base and want
 13 to make a change and try again, and what has happened
 14 now, is that from what I read and what I hear so far,
 15 the technology being used by them doesn't work when you
 16 have a fully loaded container of 62,000 pounds. I think
 17 that was the test case.
 18 MR. JELENIC: I probably wouldn't go that far,
 19 simply because the technology really hasn't been
 20 adequately demonstrated yet. Right now the 20 yard
 21 hostlers have been purchased by the Port of L.A.
 22 They're going to will be deployed in the very near
 23 future. They are using the older technology, and
 24 hopefully, this new CAAP project will allow us to
 25 investigate newer, cleaner technology.

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1 Of course, that CAAP process is open to anybody
 2 who wants to come and submit an application. So if
 3 there are other vendors out there who can bring electric
 4 technology to cargo handling equipment faster, we're
 5 prepared to work with them to make that happen.
 6 COMMISSIONER WALTER: Great. You'll get
 7 another proposal, I'm certain, and maybe more.
 8 MR. JELENIC: Hopefully.
 9 MR. CAMERON: The next item being the port
 10 fails to ensure sufficient controls on ships to reduce
 11 criteria pollutants emissions to levels needed for
 12 attainment. I think I'm going to have Thomas address
 13 this. I think, once again, what we have in here in
 14 terms of mitigation measures specifically addresses what
 15 we feel that can be accomplished right now in terms of
 16 some of the other things. There's a lot of things that
 17 have changed in the last six months to a year
 18 internationally, and hopefully even in the future on a
 19 national level that will even help us get to this. This
 20 is not something that this one project can get at.
 21 Thomas, why don't you go head and take it from
 22 there.
 23 MR. JELENIC: Again, this is a comment that
 24 we've already responded to that was submitted as part of
 25 the draft. We responded to SCAQMD 8. And we've already

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1 heard a lot about this today with regard to Annex 6
 2 improvement in ship technology, but right now the
 3 technology is simply not mature enough today to
 4 incorporate into vessels today.

5 We're going to work with vessel factors. We're
 6 going to work with AQMD, with CARB, with the EPA on
 7 seeing what we can do to accelerate this. Again, this
 8 is another opportunity for us to use the CAAP program to
 9 potentially accelerate retrofit existing vessels that
 10 will clean them up so they can come into compliance with
 11 CEQA IMO rules.

12 But in terms of doing this on a project-level
 13 basis, given the nature of the international fleet, it's
 14 simply not feasible at this time, and we need to rely on
 15 IMO standards in cooperation with engine manufacturers
 16 and partnerships with the agencies to move this forward
 17 in an expeditious manner outside of this project
 18 specifically as it needs to be done -- not at any one
 19 project at any one port -- that really needs to be done
 20 in cooperation with both ports together with the
 21 agencies in partnership.

22 MR. CAMERON: I'm going to comment on this as
 23 well. On the bottom half of the first paragraph under B
 24 on page 11 of 23 of this comment letter, it makes
 25 reference back to the clean air standards, and it gives

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1 an example of the EIR/EIS. Even though it's not
 2 expected whether the region will meet clean air
 3 standards (unintelligible) by 2015 and those by 2023,
 4 there's -- I believe, number one, this one project isn't
 5 going to get the region in attainment, first of all.
 6 And whether it's reasonably evaluated from the
 7 standpoint of it's taking on all the Clean Air Action
 8 Plan measures to date and to get at its fair share, so I
 9 want to make it very clear here in the record that that
 10 is correct.

11 This one project isn't going to be the one that
 12 gets the air basin into attainment. There will be a lot
 13 of other things here at the port as well within the
 14 region that's going to do that. So I just want to
 15 clarify that.

16 The next item is the U.S. Army Corps of
 17 Engineers must complete consultation with the National
 18 Marine Fishing Service pursuant to the Endangered
 19 Species Act authorizing the project. I'd like to have a
 20 representative from the Army Corps of Engineers, our
 21 partner on this joint document, to address this issue
 22 for the Board.

23 MR. SZIJJ: Hello. My name is Antal Szijj with
 24 the Army Corps of Engineers, as mentioned, a federal
 25 partner in this document, and just to briefly respond to

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1 this comment about consulting regarding impact of whales
 2 from the increased vessel calls.

3 The bottom line is these are operational
 4 effects that go beyond the scope of our federal control
 5 and responsibility. We're authorizing specifically the
 6 in-water construction of the project, but we don't have
 7 continuing program responsibility over the operations of
 8 the port, vessel calls, and so forth on into the near
 9 future.

10 By contrast, we are consultants for various
 11 species that remain for us in the construction area that
 12 are under the jurisdiction of Fish and Wildlife Service,
 13 so we do conduct the consultation with them. But just
 14 to contrast that with what they're calling on whales and
 15 so forth that are migrating outside the harbor area,
 16 that determination is beyond our federal control
 17 responsibilities. So our federal action has no effect
 18 on this, so we're not responsible. Thank you.

19 MR. CAMERON: And I would also like to make
 20 note that we specifically addressed this. Once again,
 21 this was a comment on issues during the draft, and that
 22 is National Marine Fishery's response to comment number
 23 6, just for the record.

24 The next item is the EIR's analysis of the
 25 mitigation for project's traffic impact remains

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1 inadequate. I'd like to turn this over to Jolene Hayes
 2 as the manager of transportation planning.

3 MS. HAYES: Good afternoon, Commissioners.
 4 There is a letter that I'd like to provide the responses
 5 for is the City of Riverside letter that we received on
 6 April 10th. My apologies . . .

7 MR. CAMERON: That will come back.

8 MS. HAYES: That will come back. I looked at
 9 the -- we really didn't have much more to add. The
 10 majority of this was responded to in our response to
 11 comments, specifically in yesterday's comments
 12 responses. We did analyze impacts to freeway segments
 13 and everything, especially the 60, the 91, and 710 in
 14 particular.

15 We identified two impacts on the 605 -- I'm
 16 sorry -- on the 710, and we did implement some
 17 mitigation measures for those, one of which would be a
 18 fair share calculation. Which at this point, because
 19 there isn't an existing program for us to contribute a
 20 fair share, so that's part of the Statement of
 21 Overriding Considerations that is something that we will
 22 continue to work with them, and we are committed to
 23 mitigating those impacts in the future. I have no
 24 further comment on this one at this point.

25 MR. CAMERON: As part of this one, I would just

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1 add to that comment. 7G addresses -- which we've
 2 addressed, has been discussed several times in these
 3 proceedings, and that is alternative of the mitigation,
 4 and that is zero emissions within the system as well as
 5 the comments for electrification of the rail system.
 6 This is not a new comment. This was a comment
 7 that was raised in the draft as well. We responded in
 8 response to that -- staff's response to that is South
 9 Coast Air Quality Management District number 27. Once
 10 again, we're not dismissing. We feel as if addressing
 11 this type of an alternative is a system-wide approach
 12 and not a one-project approach.
 13 I think our response to that, and I think some
 14 of the other discussions that have been had today, we've
 15 already -- I think that Mr. Shen, Eric Shen, had
 16 described the release of the RSB, I believe that it is,
 17 that this Board directed staff to release but to explore
 18 emissions, zero emissions for systems.
 19 So once again, there was a commitment, but we
 20 thoughtfully respond to this comment, once again,
 21 AQMD27, and the port is meeting this commitment, just
 22 not specifically through this project.
 23 MS. HAYES: Mr. Cameron, if I could add one
 24 more thing. City Attorney advised me that I should make
 25 a statement. That was qualified in the RCTC in our

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1 response to comments, particularly with the study area
 2 that we looked at for the freeway segments. The study
 3 area was not truncated, as the comment letter indicates
 4 or tries to use truncating the study area, is that we
 5 did go out beyond the study area. And the study area
 6 boundaries were basically derived on where those impacts
 7 would end. So we did analyze every impact within the
 8 study area, and we also looked beyond those, and there
 9 were no impacts beyond the study area.
 10 MR. CAMERON: To that point I'd also add that a
 11 staff memo to the Board regarding Ms. Hricko's comment
 12 letter -- in our response to her comment letter, the
 13 comment response number 11 in the staff memo that we
 14 submitted this morning -- also addresses the essence of
 15 this comment as well. I wanted to mention that.
 16 The next item is EIR's response to comments
 17 regarding the traffic noise impact. There are several.
 18 I'd like to turn that over to Andrew Nelson with SCIC
 19 who is going to provide some clarity for these points.
 20 MR. NELSON: Yes. My name is Andrew Nelson
 21 with SCIC. I'd like to address the item 8 of the
 22 Coalition letter. I just wanted to pick out the
 23 highlights of the comments that they made and respond to
 24 this.
 25 In their first paragraph, it asserts that the

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1 EIR understates the ongoing noise levels for the
 2 increased traffic. And I just want to indicate that the
 3 traffic volumes were projected into the future
 4 literally, so there is a growth in the traffic volume
 5 that was used to calculate potential noise impacts.
 6 After listening to the comments here today and
 7 noticing that there is an emphasis on converting to
 8 rail, there's an emphasis on newer trucks, newer trucks
 9 and highway -- not only cleaner burning but also
 10 quieter, I'm not sure this assertion holds water. In
 11 general the situation in the future, the estimate from
 12 truck traffic is a very small increment. I think that
 13 increment is greatly overstated. The increment related
 14 to truck traffic is a half a decibel. Three decibels is
 15 roughly the amount of the sound level that is easily
 16 perceivable by the human ear. One decibel is almost
 17 impossible to pick out of background noise. A half a
 18 decibel is even smaller than that. So the impact, the
 19 cumulative impacts for the project, are essentially
 20 inaudible.
 21 The comments do take issue on some of these
 22 threshold standards that were used. They used three
 23 decibels as the threshold. That has been the common
 24 practice for a long period of time for a number of
 25 jurisdictions that actually have that three-decibel

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1 level built into their thresholds and guidelines or have
 2 used in the EIR, so it's not an unusual system, by any
 3 means.
 4 But even then, with the impacts that we're
 5 looking at for the project in the transportation issues
 6 away from the set are on the order of a half a decibel,
 7 which is virtually inaudible. And the conclusion that
 8 the impact was less than significant was based on that
 9 number and not, in fact, that it -- just last week, it
 10 was less than 3 DB or 1 DB -- less than significant.
 11 There's a considerable discussion of events
 12 here including backfiring trucks and so forth. That's
 13 not something that we typically attempt to address in
 14 the EIR. You can't very well predict the backfire
 15 ability of vehicles. Also with the inclusion of the
 16 trucks as it is, I would expect that if there is an
 17 effect, it would be declining over time.
 18 In general, we use -- pile driving is really
 19 kind of the quintessential noise event that's difficult
 20 to mitigate. It's an intermittent, very loud noise
 21 between which is a period of relative quiet, but it's a
 22 constant repeating noise. It's a loud noise. Having
 23 analyzed the pile-driving impacts, those would not reach
 24 residential areas. They would be audible but not
 25 significant. So we feel that the EIR adequately

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1 addresses that as well.
 2 There is a comment that talks about the jet
 3 business case in there that's cited about jets in -- I
 4 think it's the Oakland airport. I just wanted to
 5 indicate that that's probably not particularly a good
 6 example. A jet flying at a thousand feet has a sound
 7 level of 115 DB. A truck, a large truck, at 60 feet has
 8 a sound level of 75 DB, so the difference there is on
 9 the order of 4-, 500-plus pounds in terms of noise
 10 issues, so you're really not talking apples to apples
 11 there.
 12 Finally, with regard to mitigation, noise is
 13 one of those things that is very difficult to mitigate.
 14 In certain circumstances you can put up a sound wall.
 15 You can put up a barrier between the source of the noise
 16 and the receptor, but when you have a wide range of
 17 receptors, it's very difficult to adequately mitigate
 18 without completely enclosing the noise-generating
 19 activities. It's very difficult to adequately mitigate.
 20 So indeed, with the construction impacts, those
 21 impacts were considered to be significant and could not
 22 be mitigated because of the uncertainty of being able to
 23 apply appropriate standards. In the cases where the
 24 impacts were very, very minor or unmeasurable, including
 25 the increase in noise in port operations itself, there

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1 is no way to even quantify because they were so small
 2 they would be considered that way.
 3 MR. CAMERON: Thank you, Andrew.
 4 The next item related back to our
 5 incorporation -- failed to list and incorporate
 6 community input. I think we've had a lengthy discussion
 7 about the process we went through in terms of review and
 8 the public hearings, and the notices, and Ms. Morris's
 9 description of the community engagement process, so I
 10 think we've addressed that.
 11 The next one relates back to the EIR's proposed
 12 noise mitigation remains inadequate. I believe a lot of
 13 what Mr. Nelson just pointed out covers this. There is
 14 some discussion about, once again, we have our
 15 contribution for this project into the schools program
 16 which deals with cumulative CEQA guidelines that this
 17 program participates in \$5 million. That deals with the
 18 establishment of putting up noise barriers at schools.
 19 I think a lot of this over time, once we implement those
 20 programs and once the proposals come in, we'll have a
 21 better sense of the type of projects and the benefits
 22 that we would get from those. So I believe we have
 23 addressed these as well appropriately.
 24 I believe one of the last items that deals with
 25 some comments about growth inducements and

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1 socioeconomic, I'm going to ask Larry Cottrill, our
 2 director of master planning, to provide some responses
 3 to that.
 4 MR. COTTRILL: Thank you. There were four
 5 comments that were offered up in connection with this
 6 particular section, the growth inducement section of the
 7 environmental document. Just to give you an idea what
 8 this is about, this is really, at least in theory, the
 9 negative side of job creation. If you have a project
 10 that's going to induce employment, it will attract folks
 11 from outside the area, and in theory, there could be
 12 some impact. Depending on where they settle, there
 13 could be some impact on the delivery of public services
 14 and facilities by local municipal corporations.
 15 The first comment is as follows, our allocation
 16 routine for distributing migrant -- I'll just, for
 17 simplicity, refer to newcomers as migrants -- our
 18 allocation routine for distributing migrants is
 19 untested. The fact is that we use a well-developed
 20 gravity modeling concept which we believe is applicable
 21 to this -- to the analysis of this project. In the
 22 simplest form it postulates that an area will be
 23 populated based directly on its relative attractiveness
 24 and, inversely, on its distance to employment centers.
 25 This is a concept that is behind virtually every

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1 mainstream traffic allocation -- trip allocation model,
 2 and this is the functional relationship that we followed
 3 to spatially distribute in migrant.
 4 The second comment is that we didn't include
 5 housing costs in spatially allocating in migrants. What
 6 we did use was existing population patterns which
 7 reflect historically the fact that housing costs and all
 8 of the other factors that households consider in
 9 deciding where to live -- many of these across from
 10 parks, schools, and so forth. We felt the decisions
 11 that people made in the past probably best reflects how
 12 decisions are going to be made in the future in terms of
 13 where they decide to live.
 14 The third comment was that our assumption that
 15 port industry jobs are equally accessible within the
 16 gateway cities subregion, and that was our area of
 17 impact -- it's flawed. What our approach reflects is
 18 the reality that many port industry jobs are spatially
 19 far reaching and include warehousing, cross-dock
 20 operations, trucking companies, freight forwarders,
 21 folks in the banking and insurance business related to
 22 the maritime industry, and these people are scattered
 23 throughout the gateway city subregion that we defined.
 24 Finally, it was argued that we did not assess
 25 indirect impacts, and the fact is that we spent a

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1 considerable amount of time assessing the indirect and
 2 induced, so-called spin-off effects of the project. We
 3 used a pretty sophisticated input/output model that was
 4 developed for us by the Center for Urban Policy Research
 5 at Rutgers University, and we consulted with Dr. Larr
 6 (phonetic) occasionally just to make sure that we were
 7 interpreting results in the model correctly.

8 I want to make one final point about the extent
 9 to which we were really conservative in our assessment
 10 of the growth-inducing effects. We, in fact, assumed
 11 that every single new job created by this project would
 12 be filled by new migrants. The fact is that many of the
 13 jobs will be filled by existing residents. That's
 14 particularly true in today's local economic world where
 15 we're approaching almost double-digit unemployment.
 16 Even in good times, though, we found that projects that
 17 induced these kinds of jobs were filled by locals.

18 We looked at the 2000, year 2000 census, and
 19 what it showed was for the period 1995 to the year 2000
 20 was container cargo growth in San Pedro Bay was
 21 76 percent. Only 6 percent of the water transportation
 22 sector, which is a good surrogate for all of the jobs
 23 that we're talking about, about 6 percent of the water
 24 transportation sector workers living in the gateway city
 25 subregion moved there from someplace else. So by

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1 assuming that all of the jobs that we calculated were
 2 associated with this project were filled by migrants
 3 clearly is probably beyond conservative. Thank you.

4 MR. CAMERON: Thanks. There were two remaining
 5 comments that were in this letter. They're both
 6 addressing amoeba, and our partner in the agency, Army
 7 Corps of Engineers, one is related to the amoeba
 8 baseline, the other is related to the draft informative.
 9 I don't think we have much to add on the draft
 10 informative to you, and I'm not sure if Antal would like
 11 to come up and maybe address briefly the comment about
 12 the amoeba baseline.

13 MR. SZIJJ: Just briefly, the comment at issue
 14 with the Corps having a separate scope interview and
 15 baseline relative to the port and this EIR, if that's,
 16 indeed, the case, it's entirely appropriate as far as
 17 we're concerned.

18 We are not a sponsor of this project. We're
 19 not constructing this project. We are permitting a
 20 portion of this project, and therefore, our federal
 21 responsibility is thereby limited to those sections of
 22 the project that we have control over, and that's the
 23 baseline that we analyzed the project from, the specs,
 24 the scope of impacts as well, so . . .

25 MR. CAMERON: Thank you, Antal. That

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1 completes, I believe, our kind of responses to this
 2 latest comment letter from the Center of Biological
 3 Diversity and all the signatories. Am I correct in
 4 that?

5 MS. JENSEN: The only thing in addition, I
 6 would say with regard to the legal basis of that issue
 7 on that baseline, DOJ7 response was (unintelligible).

8 MR. CAMERON: Thank you. That was Kathy
 9 Jensen, for the record, outside counsel.

10 I think that completes. I don't know if
 11 there's any more questions related to that, but that
 12 completes staff's, you know, oral responses and
 13 testimony related to that comment that thought it was
 14 important. It just came in, but we didn't have the
 15 ability to put this in writing, and we wanted to do the
 16 best we can for you -- to give to the Board.

17 MS. JENSEN: We still have the City of
 18 Riverside letter.

19 MR. CAMERON: Yeah, I'm not concluded. We did
 20 -- please bear with me; I will get through this -- we
 21 did receive today, and that was handed to us today, and
 22 the Board has that, and that's the letter from the City
 23 of Riverside. And I will ask Jolene Hayes, manager of
 24 transportation planning, to help respond to some of
 25 those newer comments.

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1 COMMISSIONER CORDERO: Mr. President, before
 2 you go to that document, I have one more question on the
 3 letter from the Center for Biological Diversity. Again
 4 the letter I have or we have is dated April 10th, 2009,
 5 the letter you referencing.

6 MR. CAMERON: Correct.

7 COMMISSIONER CORDERO: So it says to staff, the
 8 Center for Biological Diversity previously submitted a
 9 76-page comment back in August of 2008. Since that time
 10 staff has met with the various coalition groups to try
 11 to discuss further dialogue on potentials, and, in fact,
 12 we have. The greatest example is the commitment to the
 13 public health and school districts.

14 But let me ask one question, again, last
 15 question on alternative fuel electric trucks. One of
 16 the things I want to emphasize, when they submitted
 17 their initial comment letter, 76-page letter on
 18 August 8th, 2008, it discussed the yard hostler
 19 technology. At that point they said the following, This
 20 equipment may be the most promising piece of yard
 21 equipment to electrify since these are the greatest
 22 sources of greenhouse gases from yard equipment. Then
 23 they go on and indicate that the Port of Los Angeles and
 24 AQMD are developing the electric hostler.

25 Now to show how much this technology -- how

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1 fast this moves, this was August 2008. Since that time,
 2 the prototype now has been acknowledged, and again, this
 3 is the reference in their letter of April 10th. So my
 4 point is this: That in August they weren't asking us to
 5 look at that for consideration because the prototype
 6 hadn't even been serviced and acknowledged. It has now.
 7 So the only thing I want to encourage staff and note
 8 that on this EIR, we should not dismiss the potential
 9 of, in this particular case, electrifying yard hostlers
 10 and our trucks simply because at this point in time
 11 they're not ready.

12 Let's see how fast this is moving. Had we had
 13 this discussion in 2003 or 2004 with Pier J, that is the
 14 discussion of LNG trucks, it was nowhere on the radar.
 15 Now LNG trucks are very feasible.

16 So the problem that I still have is with our
 17 response to the August 8th comment letter -- and our
 18 response is on page -- Chapter 10, page 157 -- it seems
 19 to me that we should make a distinction as to whether or
 20 not the technology is feasible, or is it economically
 21 feasible. Those are two different things because some
 22 may argue legitimately that's economically not feasible.
 23 I can't. I debate that one.

24 MR. HOLZHAUS: Commissioner, there is a more
 25 fundamental level here is that there needs to be

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1 considered -- which is our comments on the feasibility
 2 of this particular mitigation measure for the Middle
 3 Harbor Project are being taken out of context. And I
 4 think this may be important for the Board to clarify
 5 politically that as framing that something is infeasible
 6 for a specific purpose in a specific project in no way
 7 should be taken to be a repudiation of this Board's
 8 policy position with respect to developing technology.
 9 I think that's part of where the problem is coming in.
 10 The discussion that is being used is limited to the
 11 mitigation measures on this project, not to this port or
 12 this Board's attitude to those technologies in general.

13 COMMISSIONER CORDERO: Right. I'm reading our
 14 comment. That's why I referenced Chapter 10, page 157,
 15 because I want to make sure that we have some
 16 sensitivity to the fact that, yes, it may cost more, but
 17 does it ultimately clean up the air? It does. And I
 18 don't want to just totally -- like I say, it's
 19 ambiguous. I just want to make sure that we're not
 20 excluding that potential because our next comment,
 21 Chapter 10, which says -- the comment recommends the
 22 port limit the trucks which enter the middle harbor
 23 container terminal -- specifically the comments
 24 recommend a phasing schedule under which by 2018 only
 25 LNG-fueled vehicles may enter a terminal. Then it goes

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1 on to say a terminal-by-terminal analysis as opposed to
 2 their overall scope.

3 All I'm indicating is that technology is moving
 4 real quick and that we should consider in this
 5 particular case what are we going to emphasize in this
 6 particular project terminal. We should consider
 7 technology, even though it costs more money. Again,
 8 that's what the Green Port Policy is about --
 9 implementing new technology. Now, I just wanted to
 10 clarify that. It's not just economics return. The
 11 policy will be policy.

12 MR. CAMERON: I think Thomas would kind of like
 13 to respond to that point, and I believe it's narrow, and
 14 Thomas . . .

15 MR. JELENIC: I think you're absolutely right,
 16 Commissioner. Feasibility is never solely about
 17 economics. That's not a part of it. It needs to be
 18 cost-effective technology to be deployed, but that there
 19 are other things we need to know about the technology --
 20 its operational constraints.

21 For instance, when we talk about something like
 22 yard hostlers, we need to know if this equipment -- how
 23 will it operate compared to standard practices.
 24 Normally, as an example, a diesel piece of equipment
 25 will be fueled and able to operate two shifts before

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1 it's refueled. Today because the demonstration has not
 2 been completed, we don't even know if the electrical
 3 technology can last a single shift. That's an important
 4 thing to evaluate, and once we do that, we can find out
 5 what improvements this technology needs to be made, or
 6 if it's ready to move forward.

7 Again, other things, we don't know how the
 8 technology charging systems will work and how they'll
 9 interface with normal operation and maintenance,
 10 electrical systems are recharged differently than liquid
 11 or gaseous fuel system is refilled. We need to know how
 12 long it will take that equipment to be recharged. Does
 13 the charger pull that equipment out of service for a
 14 shift? Does that deployment require additional pieces
 15 of equipment? And the simple answer is, we don't know
 16 what the answers are, and the goals of demonstration
 17 that were conducted with the Port of Los Angeles is to
 18 answer those very important operational concerns. Their
 19 operational concerns come first and foremost before the
 20 economic concerns when it comes to evaluating the
 21 technology in determining whether or not it's feasible.

22 So we don't know -- we don't -- at this point
 23 we don't know basic parameters of how it functions
 24 because a prototype -- the only unit that we can service
 25 with a prototype unit is an extremely limited period of

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1 time doing a very limited scope of work. The goal is
 2 expanded, but the Port of Los Angeles purchased 20 units
 3 that will be deployed across four different terminals, I
 4 believe, maybe five. We'll be able to answer those
 5 fundamental questions, and we'll be able to make those
 6 determinations in the future, and again, take advantage
 7 of AQ25 and require this technology in the future when
 8 it does become feasible.

9 MR. CAMERON: I concur a hundred percent with
 10 Thomas's statement. And you know, being responsible for
 11 a lot of the other environmental programs and policies
 12 that this board has adopted in the course of the last
 13 few years, we are moving forward. We are not dismissing
 14 any of these technologies, and I think it's important to
 15 note that. I think the crane dismissal is just not
 16 true. It's just in its context in this project right
 17 now.

18 COMMISSIONER WALTER: I'd like support what Tom
 19 has said and also that you shouldn't have to choose
 20 between technology and economics in your trying to
 21 evaluate CAAP applications and things like that. When
 22 you're valuing a technology, you just want to make sure
 23 that it will work. Yes, it will work. When you say --
 24 when you move from that to when you have a product,
 25 that's a whole different world. When you have a

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1 product, that means you have to have a customer, and you
 2 need to get their business. That's a part of economics,
 3 like, at that time, but not until that time.

4 There are a lot of people, a lot of technology,
 5 but they don't move that technology to the point where
 6 customers are willing to bet the difference on
 7 (unintelligible) needs and concerns at this point in
 8 time. So there's a different issue whether it's
 9 technology or whether it's economics. But the
 10 technology evaluation has to come first because that's
 11 all the time to do.

12 PRESIDENT HANKLA: From my standpoint, I think
 13 to a certain extent we're on a (unintelligible) to try
 14 to predict the future. What we ought to do is to say --
 15 to get into a policy the first available technology that
 16 is operationally effective, but operationally effective
 17 within reasonable economic context. But to try to say,
 18 yes, we're going to go do that, when we haven't crossed
 19 all the T's and dotted all the I's they're showing us,
 20 and we ought to stick with our policy which is proving
 21 these technologies as we go along.

22 MR. CAMERON: The next item, and once again,
 23 was the City of Riverside and the comment letter that
 24 was submitted and that the Board has.
 25 Jolene.

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1 MS. HAYES: Good afternoon, Commissioners. The
 2 City of Riverside -- it's dated April 10th, but we
 3 received it this morning -- just to go through a few of
 4 the points that were raised in addition to the response
 5 to comments that we provided for the City of Riverside's
 6 letter. The very first one is the commenter states the
 7 response RCTC2 it says to commonly accepted rail impacts
 8 vessels but does not use any, we see a methodology used
 9 in the FEIR is used for traffic in effect but not
 10 trains.

11 This comment was raised earlier today, and
 12 Lauren Bloomberg from CH2Mhill addressed this comment
 13 briefly. But basically we did not use the HCM
 14 methodology for the delay a bit -- project was in the
 15 City of Riverside at the at-grade crossings. The
 16 commenter suggested that we use the FRA standard
 17 methodology for estimating that delay. The difficulty
 18 with that is the FRA standards looks at daily delays for
 19 analyzing the traffic impacts. We need special to
 20 significant, and that's why we use the HCM methodology
 21 was to -- we estimated the delay based similarly on what
 22 the FRA methodology was. And also it's the same
 23 methodology that City of Riverside used in their train
 24 (unintelligible) delay studies. So we were consistent
 25 with that, and I just wanted to reiterate that we did

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1 not use the HCM for that delay.

2 Second point that was raised, and let's see.
 3 The city's actual 24-hour train tracks along the UP and
 4 BNSF trains are substantially higher at two -- at two
 5 trains per hour more than the Union Pacific tracks over
 6 the three 24-hour BNSF tracks.

7 And this sounds kind of convoluted, but just to
 8 get to what the commenter was asking about, the letter
 9 incorrectly states that the calculations are based on a
 10 4-hour observation instead of a 24-hour train count
 11 estimation that was provided to the Port of Los Angeles
 12 in response to the China Shipping EIR. There were
 13 4-hour observations that were provided by CH2Mhill
 14 during the peak hours. For our analysis in middle
 15 harbor, we did use the 24-hour count, and we
 16 substantiated those counts with the 4-hour analysis that
 17 was provided for the Port of Los Angeles train change --
 18 the estimated crossing delays.

19 The third point that they raised is -- and this
 20 is something where our clarification is to be made --
 21 response to RCTC2 tracks are additional input regarding
 22 the location and use of the rail line. This is what was
 23 stated in the letter today. This response assumes that
 24 25 percent of eastbound trains are used for UP lines in
 25 San Bernardino instead of traveling through Riverside.

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1 And the commenter states that UP operates two east-west
 2 lines. The westbound trains is a San Bernardino line.
 3 And in our specific response where we stated --
 4 and I need to clarify briefly -- what we specifically
 5 stated is that 75 percent of the trains are assumed to
 6 go eastbound, and 25 percent of these trains are
 7 supposed to go northbound because there is a north-south
 8 route. When we said 75 percent eastbound, what we
 9 should have said is to or from the east. So that's just
 10 one point of clarification I'd like to enter into the
 11 record.
 12 Statement number four. Commenter states that
 13 the response relies upon responses to comments prepared
 14 by the Port of L.A. for its China Shipping terminal
 15 project. Port of L.A. commissioned a short-term study
 16 to review the Riverside comments on the China Shipping
 17 Terminal Draft Environmental Impact Report, but that
 18 study relied upon the four-hour train tracks. Those
 19 four-hour long observation periods proved to be
 20 specifically valueless as they underestimated actual
 21 traffic volume by up to two-thirds.
 22 Commenter is incorrectly associating our
 23 peak-hour delay analysis that we did at the at-grade
 24 crossing with the total daily analysis. For the
 25 purposes of being able to assess what the actual

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1 estimate on impacts of vehicular traffic are at those
 2 at-grade crossings, we were extremely conservative and
 3 looked at the peak hour where most people are on the
 4 road, when the most people would be impacted by those
 5 trains passing through Riverside. So we tried to be
 6 more conservative and look at those peak hours for
 7 estimating the delay and determining that our project
 8 would still not have a significant impact at those
 9 at-grade crossings.
 10 The next point I'm not really sure where the
 11 commenter was going, but I would like to reiterate that
 12 they were assuming that we in the Port of L.A. China
 13 Shipping EIR, they stated that the costs were inaccurate
 14 costing more than 150 million, which is what the
 15 commenter was stating. And they were assuming that we
 16 were estimating the same cost, and we were very clear in
 17 our responses -- it's on the top of page 10-318,
 18 response to comment RCTC3. In our FEIR, we estimated
 19 the cost of those at-grade crossings improvements for
 20 \$20 million or more, and what the letter states is
 21 \$24 million is their estimate, so I just wanted to state
 22 that we are consistent with them.
 23 Another comment that they raised is that in our
 24 response to comment RCTC2 we stated that part of the
 25 City of Riverside at-grade crossings have been fully

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1 funded, and the commenter states that this is not true,
 2 but this information was provided on the Riverside
 3 County Transportation Commission Web site.
 4 The next comment at their response RCTC4 claims
 5 that a rail car is 300 feet long. Then the commenter
 6 states that this relies upon the defective Port of L.A.
 7 short-term study data. That's incorrect. A rail car is
 8 approximately 300 feet long, give or take about 20 feet,
 9 usually on the smaller side, but a rail car is defined
 10 as five articulated in their table, and the average
 11 length of that five articulated rail car is 300 feet.
 12 The next comment that they raise is response
 13 RCTC7 passing mitigation is in error as that mitigation
 14 measure applies to trucks calling at the port, not to
 15 cars idling in Riverside waiting for trains from the
 16 port to pass. And this is incorrect.
 17 The RCTC7 did analyze the air quality impacts
 18 of cars in Riverside at the at-grade crossing. This is
 19 based on the average delays that we have developed
 20 through our analysis of the traffic impacts out there.
 21 So our air quality folks did go back and analyze what
 22 the air quality impacts would be and determined that it
 23 was less than significant, so no mitigation was
 24 required.
 25 For response to RCTC -- the next response is

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1 third point, response to RCTC9 claims that the project
 2 will only add 2.16 trains per day. This is incorrect,
 3 and I'd like to just go over real quickly what it states
 4 in RCTC9. It says the project would add -- the existing
 5 project -- 138 rail trips per year, which is .378 per
 6 day, and this is in the year 2030 -- in the 2005
 7 CEQA-based document. In the year 2030 we'll have 2,098
 8 per year, which is 5.75 per day. You subtract the CEQA
 9 baseline from that year, you end up with about 5.37
 10 trains per day. So I'm not sure exactly where the
 11 commenter received the 2.16.
 12 And the next comment is response CR1 added no
 13 further data or calculation. This is incorrect. The
 14 commenter was requesting additional information about
 15 how we calculated rail trips through Riverside County
 16 and also throughout the region. This information was
 17 response to CR1 referred the commenter to SCAQMD 40
 18 which has detailed information about how all of those
 19 rail calculations were developed. And this is
 20 consistent port-wide with our user ports rail study, the
 21 2006 rail study.
 22 And actually the response CR 4 says that the
 23 rail trips are one-way trips and not round-trip.
 24 Furthermore, it states cumulative rail impacts analysis
 25 using the Port of L.A. data were underpredicting to the

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1 use of round-trips in Port of Los Angeles versus
 2 regional Port of Long Beach estimate on each rail trip
 3 as one-way trip. And this is incorrect assumption, and
 4 it's very clearly detailed in our response to CR4 to the
 5 City of Riverside. And rail trips for the project as
 6 well as the cumulative rail trips that were estimated,
 7 based on the TraPac studies and the China Shipping
 8 studies, were based on TU and on the amount of on-dock
 9 rail percentage that each of those facilities are
 10 anticipated to have in 2030. So we did not miscalculate
 11 our cumulative impacts.

12 And those are all of the responses I have for
 13 this letter.

14 MR. CAMERON: Okay.

15 Mr. President and Commissioners, we've also
 16 received a letter from Coalition for a Safe Environment
 17 that was given to us by Mr. Marquez when he came up to
 18 the podium, and that's dated today, obviously. We at
 19 staff have reviewed this letter, and I think a lot of
 20 these questions were points we've made throughout these
 21 proceedings.

22 Number one, a lot of the comments were already
 23 raised by the Coalition for a Safe Environment in their
 24 draft -- in their comment letter in the draft. We've
 25 addressed that in our response to comments -- to these

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1 comments.

2 A couple of points that I will like to make on
 3 this, without going through one by one because it takes
 4 time, that are important to raise and highlight, there
 5 was a mention of the use of the AMECS system or the sock
 6 on a stack, and it kind of breaks down the theme of the
 7 feasibility and more importantly the operational aspects
 8 of those types of alternatives to cold ironing.

9 Number one, this project is committed to,
 10 through the phasing and rehabilitation of the new
 11 wharves, providing shoreside power to the wharves for
 12 the vessels to hook up to shore power. That is the
 13 measure we're using. That's what we've used for this
 14 document. There's a request to do on use kind of on an
 15 interim basis, and frankly there's still some
 16 feasibility issues that need to be worked out with
 17 other -- either the AMECS system, and there's a mention
 18 of the Wittmar system. It falls in line with the
 19 technology advancement program we have in the CAAP.
 20 We're not dismissing them. I think our board has
 21 already proven that. We're looking at those
 22 technologies.

23 PRESIDENT HANKLA: I think we've reiterated
 24 that point time and time again.

25 MR. CAMERON: I just, once again, trying to put

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1 the rest of these in here clearly, that we haven't
 2 addressed that specifically.

3 With that there are two final things that I'd
 4 like to do, and that is, just once again emphasize the
 5 development of the San Pedro Bay-wide standards. Just
 6 tomorrow for instance, we have a scheduled meeting with
 7 department and agencies, Port of Los Angeles, to
 8 continue to work towards finalizing the draft standards.
 9 We in the last four months, at a bare minimum that we
 10 can at least account for -- we had eight two- to
 11 three-hour meetings. That doesn't account for the
 12 conference calls and the e-mail communicated between all
 13 the partners to chip away and cut to an agreement of
 14 consensus on the importance of the updated CAAP, the
 15 standards, and moving forward. We all have a role to
 16 play. We all benefit by doing this right, and not doing
 17 something -- that isn't where we all need to be as
 18 partners.

19 The last thing I want to mention is that we
 20 have an errata sheet that since we found, you know,
 21 little things, clarifications, corrections that need to
 22 be made in the final document. That is on our Web site.
 23 We also sent that errata sheet to all the commenters and
 24 interested parties on Friday via e-mail as well as put
 25 it in hard copy in the mail, and the board has that as

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1 well. Just want to mention that.

2 And the last thing is we've had several
 3 testimony by our experts and those that have worked on
 4 our environmental document, the Middle Harbor
 5 environmental document, and we have the resumés of all
 6 those who either have testified and/or who have
 7 participated in the development and the analysis of this
 8 document that is here before you. So I would like to
 9 put that in the record as well.

10 And that, I believe, concludes what we wanted
 11 to do, Mr. President. I apologize. We tried to
 12 streamline it and get to the points that are very
 13 important.

14 PRESIDENT HANKLA: You did do a good job.
 15 Dominic, what else do we have before the
 16 Commission takes this under consideration?

17 MR. CAMERON: Commissioner, I think we're at
 18 the point of the Commission taking it under
 19 consideration.

20 There is a motion on the table to adopt the
 21 resolution. That has been seconded. Based on the
 22 testimony and changes discussed in the board's
 23 discussion of this item, there are three changes that
 24 would need to come under the resolution part of it.

25 First, in response to an AQMD comment, staff

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1 has recommended modifying AQ5, which currently reads
 2 that these stipulations shall include consideration of
 3 alternative technology to achieve 90 percent of the
 4 emission reductions of cold ironing. We recommend
 5 changing that to a hundred percent. That's the first.
 6 The second change to mitigation monitoring
 7 planned which is one of the attachments to the
 8 resolution is -- will become AQ30 or mitigation measure
 9 30 under air quality, and that will be the first bullet
 10 in the South Coast comment regarding contacting engine
 11 manufacturers for NOX and PM emission reductions,
 12 working with CARB and AQMD to develop an expeditious
 13 schedule to implement such strategy. So that entire
 14 first paragraph, that first bullet under expedition of
 15 IMO standards will become air quality measure 30.
 16 And the other recommended change is to add to
 17 the findings on page 68 of the findings and overriding
 18 considerations that fire station 15 and 20 will be an
 19 added benefit that weighs on the positive side of the
 20 measure.
 21 So we'll need an amended resolution to include
 22 those three changes if that's the pleasure of the board
 23 and to adopt the resolution with those three changes.
 24 PRESIDENT HANKLA: We have basically -- can we
 25 just go to the maker of the motion and see if he will

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1 accept the changes? Okay?
 2 COMMISSIONER WALTER: Yes, I endorse those
 3 changes.
 4 COMMISSIONER SRAMEK: Second it.
 5 PRESIDENT HANKLA: Everyone . . .
 6 COMMISSIONER CORDERO: The original
 7 modification of the motion that I referenced regarding
 8 the greenhouse gases -- is that incorporated in this?
 9 MR. HOLZHAUS: No, that will be a separate
 10 action.
 11 COMMISSIONER CORDERO: So my last question is,
 12 Go back to AQ5, the modification. Could you read the
 13 first one again?
 14 MR. HOLZHAUS: AQ5, just for background, has a
 15 schedule for cold ironing, and it has a backup for
 16 alternative technologies. Cold ironing is not the
 17 preference. Currently that backup for AMECS or other
 18 such backup technologies would apply with 90 percent, if
 19 it attains 90 percent, but it now goes to a hundred
 20 percent, so anyone seeking to do other than cold ironing
 21 would have to demonstrate at least the same emission
 22 control as cold ironing.
 23 COMMISSIONER CORDERO: Why, as a backup -- why
 24 would you want to do that if, in fact, presently there
 25 is no technology backup that's a hundred percent? The

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1 closest thing to that is AMECS; am I correct?
 2 MR. CAMERON: Yeah. I think the way to address
 3 that pretty quickly here, Commissioner, is that we
 4 wanted to also ensure there was flexibility. We know
 5 that moving forward we're going to be installing and
 6 doing the shoreside power, as I indicated previously.
 7 However, in the future, if a terminal operator decides
 8 there is a new technology that comes about through our
 9 program and they decide that they want, maybe not cold
 10 ironing a hundred percent, but they want to have -- or
 11 their business changes and they have third party and so
 12 on and so forth, they want to have the ability and have
 13 that flexibility of having alternative technologies as
 14 they come about to deal with cold ironing. And that's
 15 what we're getting at here.
 16 PRESIDENT HANKLA: Well, the one concern I
 17 have, I guess, is simply that I'm not sure that a 100
 18 percent is practical. This gets back to the
 19 practicality issue. So let's say you've got -- you've
 20 got nonfrequent flyers calling at the port and basically
 21 users, not cold ironable; they only show up once every
 22 six months. Or let's say something like AMECS is
 23 available, which only does 98 percent, but it's
 24 something we can bring to bear if cold ironing isn't
 25 available in that particular instance. Are we telling

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1 the world here that we will not use that alternative?
 2 MR. CAMERON: No, I think what we're trying to
 3 get at with this change of 90 percent to a hundred
 4 percent is it's a hundred percent equivalent to cold
 5 ironing. Even cold ironing doesn't have a hundred
 6 percent emissions because you have the up-front and the
 7 back-end. The ships when they're docking -- it takes
 8 them a while to hook up into the shoreside power. We
 9 take account -- we accept that in the document that way.
 10 There's a certain percentage of the emission reductions
 11 that we get with cold ironing. What it simply is asking
 12 is that whatever alternatives -- in the future if
 13 there's an alternative to cold ironing, the way we
 14 accept it from what we describe in here, that is equal
 15 to what you get at wharf hooking up to ship-to-shoreside
 16 power.
 17 COMMISSIONER CORDERO: Well, I think President
 18 Hankla followed up with -- let me just emphasize a real
 19 good point in terms of what I opened up here. When
 20 Mr. Hogo was here from AQMD, I just want to make sure
 21 that if we have a backup right now such as
 22 hypothetically the AMECS technology, and that reduces
 23 emissions, let's say, by 95 percent --
 24 COMMISSIONER SRAMEK: Ninety-eight percent.
 25 COMMISSIONER CORDERO: -- or 98 percent, I just

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1 want to make sure that by acting on this amendment,
 2 we're not excluding that technology. The verbiage is
 3 rather confusing. Maybe Mr. Hogo from AQMD's
 4 perspective could clarify because I want to make sure we
 5 -- we don't do anything that excludes technologies
 6 coming down the line because, as President Hankla
 7 indicated, I think Richard, even cold ironing is not
 8 really a hundred percent. So then why do we have to --
 9 MR. CAMERON: What we're trying to get at is, I
 10 think, it can be felt that we weren't -- they wanted to
 11 ensure that whatever -- if there was an alternative
 12 technology that we can use outside of shoreside power,
 13 that it was equal to the benefits you would get for cold
 14 ironing ships.
 15 COMMISSIONER CORDERO: Well, let me ask Mr.
 16 Hogo a question.
 17 Mr. Hogo.
 18 MR. HOGO: Thank you.
 19 COMMISSIONER CORDERO: Hypothetically, if you
 20 have the response from the staff, the filters, which is
 21 98 percent or, you know, someone said 95 percent, 98
 22 percent, reduce of emissions, does that fall within the
 23 exception you guys are after, or is that acceptable?
 24 MR. HOGO: It's acceptable, but the way the
 25 TraPac EIR was certainly assessing equivalent emission

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1 reductions for purchasing with cold ironing would have
 2 been. That little bit that's left over will be made up
 3 in some other area also. So if you look particularly at
 4 the TraPac EIR, it does say that it can be a hundred
 5 percent cold ironing or equivalent, but the difference
 6 would be made up somewhere.
 7 So that's what you're looking for because the
 8 EIR is appearing, as Mr. Cameron was saying, that you
 9 have percentage reduction from cold ironing. So if you
 10 have an AMECS which only takes 90 percent what the cold
 11 ironing would take, that 10 percent would be made up
 12 somewhere. That would be determined by terminal
 13 operators.
 14 COMMISSIONER CORDERO: Somewhere within the
 15 terminal.
 16 MR. HOGO: Right.
 17 COMMISSIONER CORDERO: But what if the terminal
 18 operator says, you know, I have no more room to play. I
 19 can't make it up. What happens then?
 20 PRESIDENT HANKLA: Turn the ship away.
 21 COMMISSIONER CORDERO: Well, I mean that's my
 22 concern because I think the problem I have with this is
 23 by making such a specific requirement, we're in
 24 actuality excluding these potential technologies that
 25 are right down the pike?

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1 MR. CAMERON: Commissioner . . .
 2 COMMISSIONER WISE: Are we not talking about
 3 the first one under the AQMD?
 4 MR. CAMERON: Correct.
 5 COMMISSIONER WISE: Okay. I think the hundred
 6 percent is what's confusing people -- a hundred percent
 7 of vessel calls. What this calls for is equivalent
 8 emission reduction that would be fully achieved through
 9 other means.
 10 MR. CAMERON: Correct.
 11 COMMISSIONER WISE: So it's sounds to me, and
 12 it sounds to me like what you adopted in the TraPac is
 13 that we use cold ironing, and if you don't use cold
 14 ironing, you do something equivalent, and that can be
 15 done, apparently, TraPac at shipside or by doing
 16 something else. But the net result is that you don't
 17 have any more emissions from that ship being at
 18 shoreside than you would have if the ship was cold
 19 ironed. Is that what you're asking for?
 20 MR. HOGO: Yes.
 21 COMMISSIONER WISE: Okay.
 22 COMMISSIONER CORDERO: So in the TraPac, AMECS
 23 could apply --
 24 MR. HOGO: That's right.
 25 COMMISSIONER CORDERO: -- to the port, as long

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1 as that terminal operator agrees to make up the
 2 10 percent or whatever -- 5 percent somewhere else.
 3 PRESIDENT HANKLA: Maybe with electrified
 4 gantries or something like that -- truck tractors . . .
 5 MR. HOGO: Whatever means that you get
 6 equivalent emission reductions.
 7 COMMISSIONER CORDERO: Well, my next question
 8 is to Hogo, Why the advocacy from that posture? Because
 9 in essence, that's another way of saying, all you can do
 10 at this terminal is cold ironing. After that, nothing.
 11 That's essentially what we're doing. I don't know if we
 12 really want to do that.
 13 What we've been telling the industry, we've
 14 been saying that cold ironing is our policy as the
 15 present indicates. Once we get the policy to move
 16 forward, it's done. We've done it. But we've also said
 17 that we have other technologies as alternatives that can
 18 meet the emission reduction. We've said that all along
 19 for many years, and I'm a little worried here that now
 20 there's a small contingency of things that terminal
 21 operators -- that our guys find another 10 percent. And
 22 if I'm a terminal operator, I'm going to say, there
 23 isn't. I can't find anything, and then where are we? I
 24 mean, all of a sudden, we're basically saying it's
 25 either cold ironing or nothing.

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1 PRESIDENT HANKLA: Well, what concerns me is
 2 that as we move forward on this thing, hypothetically we
 3 are talking about the opportunity for a perfect world.
 4 We're not going to get to perfection. And this is one
 5 of those things where at pier that the perfect is going
 6 to mean the very, very good. And I mean, if I can get
 7 98 percent through AMECS or some other system and I have
 8 the opportunity to serve the ship and they're going to
 9 basically go to San Diego or someplace else, basically
 10 they're going to be spewing the same dirty air.
 11 Well, if I can take the ship, I can clean up
 12 98 percent of it, or Port Hueneme or someplace like
 13 that, and clean up 98 percent of it but not a hundred
 14 percent of cold ironing, we know that there's ships that
 15 aren't going to be able to be cold ironed for quite a
 16 while. They're older, smaller ships that don't come
 17 here very often, but they do come here, and they will be
 18 coming here for a long time to come. And I just want to
 19 make sure that we don't agree to something -- we don't
 20 make a promise we can't keep. And that's what concerns
 21 me.
 22 And I think that, I mean, if there's an
 23 alternative technology that, you know, we put this thing
 24 on a barge, we push the barge up with a hybrid tug, you
 25 know, and it's 98 percent of what we're able to get on

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1 a -- now if you wanted to say that we'll make it up
 2 somewhere else in the port operations, that may be a
 3 different issue. You may have more flexibility to do
 4 that than saying at that particular terminal.
 5 COMMISSIONER CORDERO: Well, that certainly
 6 gives us a greater flexibility.
 7 MR. HOGO: Mr. President, if I may, the
 8 language Mr. Holzhaus is saying that the language in AQ5
 9 right now says only 90 percent, so that needs to be
 10 clarified. The intent is a hundred percent of vessel
 11 calls, and that's the comment we're making. That's what
 12 Mr. Holzhaus is saying that the change would be. With
 13 the language right now says 90 percent, and so we're
 14 requesting a hundred percent with the assuring that
 15 differential through other means.
 16 MR. HOLZHAUS: Mr. Hogo, I'm confused now.
 17 There are two percentages in mitigation AQ5. First is
 18 the phase-in of the number of ships to be cold ironed --
 19 33, 66, and a hundred percent by various deadlines. The
 20 second use of a percentage in that provision is the
 21 90 percent. If you use something else, you need to
 22 achieve 90 percent, and your language is not entirely
 23 clear, but we had interpreted it as the second
 24 percentage, the 90 percent that was at issue, not the
 25 phase-in of cold ironing.

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1 MR. HOGO: That is correct, what you are
 2 saying. But it is 90 percent in the way TraPac EIR is
 3 written is to do a hundred percent, but if you can't get
 4 a hundred percent, you make it up through other means.
 5 PRESIDENT HANKLA: Well, I think that my
 6 question is, Do you make it up through other means if
 7 it's not doable at that terminal, or are we able to make
 8 it up somewhere else in the port operations? Because
 9 that to me gives us the flexibility that we can apply to
 10 this particular problem that may not be available to us
 11 at the terminal.
 12 MR. HOGO: It may be. You can, to provide
 13 flexibility to anywhere in the port operation.
 14 COMMISSIONER CORDERO: Okay. I think I can
 15 accept that.
 16 COMMISSIONER WALTER: I can accept that, too,
 17 but I think that this issue is confusing, and throw
 18 along too many numbers, and I don't see what's wrong
 19 with leaving it at 90 percent.
 20 MR. HOGO: Because you may have technologies
 21 that go beyond 90 percent -- you may have.
 22 COMMISSIONER WALTER: You may have. You may
 23 have. Can we change it in the future if we need to?
 24 MR. HOGO: That's all to believe your analysis
 25 -- staff analysis for the EIR achieves a hundred percent

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1 cold ironing. If you're truly going to mitigate all
 2 emissions associated with that measure, then you should
 3 be looking at other means if you do something less than
 4 a hundred percent.
 5 PRESIDENT HANKLA: I think it's our goal and
 6 objective to have a hundred percent --
 7 COMMISSIONER WALTER: Yes, it is.
 8 PRESIDENT HANKLA: -- cold ironing, but if for
 9 some reason, we can't, I mean, to the extent that you're
 10 able to make up, on a case-by-case basis, the
 11 equivalency of a hundred percent of the emissions
 12 reductions available from cold ironing, I'm comfortable
 13 with that, given the flexibility to do that.
 14 How about you, Mr. Steinke?
 15 MR. STEINKE: The way it is phrased,
 16 Mr. President, is doable. I think it does constrain,
 17 you know, the terminal operator it it's an absolute.
 18 PRESIDENT HANKLA: And that's -- you understand
 19 where I'm coming from on that? What I'm saying is a
 20 hundred percent cold ironed. The ones that basically,
 21 for whatever reason, we can't cold iron, it's got to be
 22 the equivalency, either through the method used or made
 23 up somewhere else in the Port of Long Beach. Okay.
 24 COMMISSIONER WALTER: Yes. That's a clear
 25 message that the Commissioners have been trying to say.

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1 MR. HOGO: It's just a way that AQ is written;
 2 it's not stated that way.

3 COMMISSIONER WALTER: Keep it.

4 PRESIDENT HANKLA: Commissioner Wise, did you
 5 have anything else to add to that?

6 COMMISSIONER WISE: No. I'm fine with what I
 7 think the consensus is.

8 MR. HOLZHAUS: Let me just clarify, then, the
 9 last sentence of AQ5 will then read these stipulation
 10 shall include consideration of alternative technology
 11 that achieves a hundred percent of the emission
 12 reduction of cold ironing at that facility or elsewhere.

13 PRESIDENT HANKLA: Elsewhere in the port.

14 COMMISSIONER CORDERO: You know, I apologize,
 15 Mr. Hogo and my colleagues here, I think this is
 16 perfectly fine colloquy. I want to make sure because,
 17 frankly, I wasn't prepared for this one. We do have Mr.
 18 Ganda here of -- I was going to say Hyunadi -- of
 19 California United Terminal. Maybe Mr. Ganda could come
 20 here and kind of clarify this, where we speak, if you
 21 choose to, hypothetically, you know. Because as we
 22 began this morning's hearing with Mr. Kanter describing
 23 the terminals, your operation, Mr. Ganda, handles more
 24 than containers. It's bulk; right?

25 MR. GANDA: Right.

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1 COMMISSIONER CORDERO: Okay. So hypothetical
 2 discussion here. You have some vessels here come into
 3 your terminal -- bulk, not containers -- and you've got
 4 this language that is before you. You have a vessel
 5 come into your terminal that cannot clear, what are you
 6 going to do with that vessel?

7 MR. GANDA: Well, we have to comply with the
 8 rules. We can't take that vessel into our terminal.

9 COMMISSIONER CORDERO: So where does the vessel
 10 go?

11 MR. GANDA: To another terminal, another port.

12 COMMISSIONER CORDERO: Well, I don't mind if
 13 they go to another terminal facility -- just joking --
 14 but I do mind if it goes to another port.

15 MR. GANDA: It's a bulk. You don't have too
 16 many bulk options in the Port of Long Beach. We're one
 17 of the options. The other option is the Port of L.A.
 18 You look at San Diego, Port Hueneme. Those are other
 19 options for carriers. So if we have restrictions here
 20 that we don't have flexibilities to operate, we could
 21 lose that business.

22 COMMISSIONER CORDERO: So that's why I think
 23 it's an important question, you know. I'm a little
 24 selfish, even though my friends at Port of L.A. -- on
 25 this one. I don't want them to go to the Port of L.A.

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1 So I'm a little uncomfortable here because are we
 2 tightening the situation to a point that we're going to
 3 discourage and we're going to end up diverting bulk
 4 cargo when, in fact, the potential of having a
 5 technology out there, as an example -- and I say AMECS
 6 because we're in a -- we've been debating this one for a
 7 long time, and there's a lot of progress -- that we're
 8 not going to be able to use that as easily unless there
 9 is a contingency which is somewhere else in the
 10 terminal. I think Mr. Ganda has indicated that there's
 11 really few options.

12 So I'm a -- you know, Mr. Hogo -- where did he
 13 go? Did he leave already? Oh, there you are.

14 Mr. Hogo, how could I do that, Henry -- and I'll call
 15 you Henry -- Henry, as much as I'm always supportive of
 16 you over the years on this one, I'm a little concerned
 17 regarding this requirement because I think, in essence,
 18 as Mr. Ganda has indicated, what happens to that vessel
 19 that can't clear? Is it going to go to Hueneme or
 20 somewhere else? I don't think we should even make that
 21 a possibility.

22 MR. HOGO: I strongly believe the board's
 23 position is clear that you want hundred -- you want
 24 shore power from electrical shoreside shore power. You
 25 have the technologies like AMECS or Wittmar, we believe,

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1 that are a good transition to the infrastructure of
 2 build-out. But ultimately, if you want the project to
 3 be a hundred percent shore power on the infrastructure
 4 side, and you incentivize the ship to have that
 5 connection. For the most part that's the case, but for
 6 those ships that are infrequent callers or some
 7 contracts, we recognize that you're going to need
 8 something equivalent to that.

9 COMMISSIONER CORDERO: I'm really caught
 10 between a rock and a hard place here.

11 PRESIDENT HANKLA: Let me just make this point,
 12 Mr. Hogo. It works against South Coast Air Quality
 13 Management District's interest to send that ship to
 14 Hueneme which doesn't have any of the requirements that
 15 we have, and it can sit there for four days, unloading
 16 its containers, belching out all the smoke it wants,
 17 where we might be able to accommodate it with a 98
 18 percent sock on a stack or something of that sort.

19 So from the standpoint of overall sensitivity
 20 of air quality issue and abatement, I think you may be
 21 winning an apparent victory. But you know, we have to
 22 say, sorry, ship, we can't take you because we've got
 23 this thing. We can't find it -- we can't find the
 24 differential between 98 and a hundred percent anywhere
 25 else, so we're going to send you to Port Hueneme where

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1 you're going to unload, and you're not under any
 2 restrictions at all.

3 MR. HOGO: Where, if the terminal decides that
 4 the ships -- the vessel operators are not going to have
 5 the connection, so they're willing to live with having
 6 AMECS for the majority of those vessels. They only get
 7 90 percent. There's the EIR saying it's a hundred
 8 percent, and you're touting the fact that you're getting
 9 50 percent of the overall reduction through the
 10 mitigation for this project. But you lose that small
 11 bit, so we want to make sure that the EIR is kept whole
 12 as you look at getting those reductions. But if you get
 13 a hundred percent and all the vessels come in a hundred
 14 percent, great. But it may wind up as --

15 PRESIDENT HANKLA: Although it's not that it's
 16 probably accurate.

17 MR. HOGO: We understand, but your EIR assumes
 18 that you're getting a hundred percent of the vessel
 19 calls coming in for shore power. But in the real world
 20 in the future as you go, then you have to make up for
 21 that debt of emissions.

22 PRESIDENT HANKLA: What I foresee here in order
 23 to give us the necessary flexibility you have to run the
 24 seaport, is we have to -- we're going to finally have to
 25 come up with some sort of a port CAAP and trade system.

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1 MR. CAMERON: Mr. President, could I -- let me
 2 try to add some clarity here. I think we're both
 3 passing here. I think we want to -- we're trying to
 4 line up with the request of AQMD, and I think if you go
 5 back to AQ5, and Thomas just pointed this out to you,
 6 it's a hundred percent of all vessel calls. However, if
 7 there's an alternative technology, it needs to meet the
 8 90 percent equivalent to what that cold ironing provides
 9 you in terms of emission benefits. So we're not
 10 suggesting that we reduce on 90 percent of the vessel
 11 calls.

12 PRESIDENT HANKLA: I understand.

13 MR. CAMERON: I know.

14 PRESIDENT HANKLA: There's no misunderstanding
 15 here. What you're saying is you can't use an alternate
 16 emissions control system unless it's a hundred percent
 17 equivalent to cold ironing.

18 MR. JELENIC: Just on Mr. Ho's point real
 19 quick, that the EIR needs a hundred percent, and that's
 20 what we need to do, the EIR, as Chris mentioned earlier,
 21 all of our analysis were very conservative. The
 22 analysis only assumes 90 percent benefit exactly for
 23 these reasons.

24 COMMISSIONER CORDERO: Mr. President, I think,
 25 do we need to act on this particular proviso, like,

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1 right now because I'm -- my tendency right now is not to
 2 agree today. But if there's a compromise here, there's
 3 a way to meet both concerns.

4 PRESIDENT HANKLA: I think that we can do that,
 5 what they're asking, and ultimately we're going to have
 6 to do this. If we had some sort of a credit trading
 7 system -- ultimately, we may get there within the ports
 8 where we have a bank of credits, and somebody shows up
 9 with a ship that we can only get 95 percent of what
 10 we're able to achieve through cold ironing, and rather
 11 than send them to Hueneme, they draw a 5 percent of the
 12 credit from the bank. I mean, I think it's going to get
 13 that sophisticated.

14 COMMISSIONER CORDERO: But we don't have that
 15 right now.

16 PRESIDENT HANKLA: We don't.

17 COMMISSIONER CORDERO: Lastly, I'll say again
 18 from a policy perspective, as much as some of us have
 19 pushed cold ironing over the years, it's been a hard
 20 battle. I mean, we talk about economic feasibility.
 21 This whole thing about electric trucks was reminiscent
 22 of the cold ironing discussions in 2003, 2004. Some
 23 people felt it was not cost-effective; some people felt
 24 we shouldn't require that; some of us argued that we
 25 should. And look where we got. As President Hankla

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1 said, you push the policy, and you'll get the results.
 2 Well, we got the cold ironing results.

3 But on the same -- on the other hand, we've
 4 also said to the industry that we're going to make sure
 5 to provide, you know, alternatives, reasonable
 6 alternatives. And I think we have some down the pike
 7 that are very reasonable alternatives. I'm a little
 8 concerned that all of a sudden we're going to close the
 9 door to that and then all of a sudden say, it's either
 10 cold ironing or you're there, or you're not, and if
 11 you're not, somewhere else. I don't know if I'm
 12 prepared to go that route.

13 PRESIDENT HANKLA: Commissioner Walter.

14 COMMISSIONER WALTER: One more thing here.
 15 I've been a Boy Scout leader too long, and I like the
 16 idea of KISS, Keep It Simple Stupid, and with all this
 17 discussion is not quite in that mode. It's very
 18 difficult. I asked the question earlier, What's wrong
 19 with just leaving it at the 90 percent? And if that was
 20 answered, I didn't quite --

21 PRESIDENT HANKLA: Well, I think the answer
 22 from Mr. Hogo was that we are basically at that point in
 23 time adopting a standard that was less stringent than
 24 had been done in the TraPac agreement; is that correct?
 25 So apparently, TraPac has the hundred percent

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1 equivalency -- hundred percent ships be cold ironed. If
 2 not, then the alternate technology has to be a hundred
 3 percent as good as cold ironing and/or that it be made
 4 up somewhere else. Did I say that accurately?
 5 MR. HOGO: The alternative technology doesn't
 6 have to be a hundred percent as good, but the emission
 7 reductions associated with cold ironing would have to be
 8 made up somewhere.
 9 PRESIDENT HANKLA: What you've agreed to accept
 10 is somewhere within the port, not necessarily directly
 11 at that terminal.
 12 COMMISSIONER WALTER: So then why can't you
 13 accept the 90 percent?
 14 MR. HOGO: Right now the language by this Board
 15 says 90 percent. That's all it says. But that is the
 16 associated with the specific technology that the whole
 17 measure AQ5 is looking at reducing essentially a hundred
 18 percent cold ironing. So the emission reduction is
 19 associated with a hundred percent cold ironing should be
 20 made up, and that's the way TraPac EIR looked at the
 21 situation.
 22 PRESIDENT HANKLA: I think under those
 23 circumstances, we can probably live with it.
 24 Mr. Steinke.
 25 MR. STEINKE: Mr. President, members of the

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1 Board, I believe you're right. If it maintains the
 2 flexibility for us to be able to find the emissions
 3 reduction from someplace else within the Port of Long
 4 Beach, I think that gives the flexibility to the
 5 customer at that terminal, and I think the spirit of the
 6 measure is also met.
 7 COMMISSIONER WISE: Mr. Steinke, would you be
 8 able to very quickly identify where some other reduction
 9 could be made so that the ships could be accommodated on
 10 a fairly, you know, quick basis?
 11 MR. STEINKE: Again, I think the fact of the
 12 matter is that this is one terminal amongst many. Many
 13 of the leases have not been able to be renegotiated
 14 because of their long-term nature. However, some of
 15 these same tenants are performing measures that do
 16 reduce emissions significantly, even though they are not
 17 required to.
 18 So I think you can make up some of the
 19 emissions through the voluntary efforts of either the
 20 initiatives of our tenants or some of the other air
 21 quality measures that we're already having in place. So
 22 I don't think that there's going to be a difficulty
 23 whereas we think that the nature of this terminal will
 24 be that most of these vessels will be large or new
 25 vessels that will all be plugged into shoreside power

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1 that does allow the customer to have some flexibility,
 2 and we can make up that deficit in other locations
 3 throughout the harbor.
 4 PRESIDENT HANKLA: Thank you, sir.
 5 Let's legislate on. Okay. Dominic.
 6 MR. HOLZHAUS: Commissioners, we have a motion
 7 on the table that includes the hundred percent shift but
 8 not the offsets anywhere within the harbor, so we'd need
 9 to be clear that the three changes are modify AQ5 to a
 10 hundred percent with makeup anywhere in the harbor; add
 11 AQ30 dealing with the IMO ship engines; and the
 12 additional finding regarding the fire station.
 13 PRESIDENT HANKLA: Okay. The maker of the
 14 motion accepts that?
 15 COMMISSIONER WALTER: Yes.
 16 PRESIDENT HANKLA: The seconder of the motion
 17 accepts that?
 18 COMMISSIONER SRAMEK: Yes.
 19 PRESIDENT HANKLA: Is there any other
 20 discussion on the motion?
 21 Does anyone in the audience care to risk your
 22 life and discuss this motion?
 23 Are you ready to vote, Commissioner Cordero?
 24 COMMISSIONER CORDERO: You know, Mr. Hankla,
 25 I'm not. I have a little trouble with this because

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1 I'm --
 2 PRESIDENT HANKLA: Here's what I'm thinking.
 3 Let me explain to you what I'm thinking. As Dick says,
 4 there's going to be leases that are basically moving
 5 along environmentally but are not required to do so.
 6 We're going to basically be here on middle terminal, and
 7 we're going to need to make up some whatever percentages
 8 based upon the technology that we have available to
 9 apply versus the actual reduction of emissions you can
 10 achieve. But over here because this terminal has been
 11 moving forward, not required to do so -- they may be
 12 basically using the AMECS system -- they may be
 13 exceeding the 90 percent reduction in emissions using
 14 that sock on a stack or something like it they weren't
 15 required to. We have achieved and take part of that
 16 credit, apply to this vessel call.
 17 COMMISSIONER CORDERO: But if I'm terminal XYZ,
 18 that is a non-middle harbor terminal, why would I agree
 19 to that?
 20 PRESIDENT HANKLA: Basically, it wouldn't
 21 require their agreement. They're already moving on that
 22 technology. As they move on that technology, we're
 23 achieving emissions reduction. We're sort of putting it
 24 in our bank. They don't have to agree to it, and we're
 25 helping. We may have even helped subsidize the program,

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1 and so that gives us the bank that we can call on to
 2 make --
 3 COMMISSIONER CORDERO: I understand your theory
 4 because like you say, it's a CAAP and trade. You're
 5 trading, but we don't have that policy right now.
 6 That's why I said --
 7 PRESIDENT HANKLA: No, what we will have is
 8 this policy that will lead us to that policy. Mario --
 9 COMMISSIONER CORDERO: Any more comments out
 10 there? Elvis, I've saved you here.
 11 PRESIDENT HANKLA: Okay. No more comments from
 12 the audience. Please feel free. I was only being
 13 facetious. You feel like there's a comment that needs
 14 to be made, please feel free to make it because you're
 15 not going to get another chance.
 16 COMMISSIONER WALTER: My point, though, is he
 17 comfortable with that?
 18 PRESIDENT HANKLA: Basically, he wouldn't have
 19 to be because he's basically saying my ships are going
 20 to come in; they're either going to be cold ironed. The
 21 ones that aren't are going to have a technology applied
 22 that is going to fall something less than a hundred
 23 percent. But what we're saying here is that the Port of
 24 Long Beach through its other terminals and leases will
 25 be pulling together a bank of credits, emissions

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1 credits, that can be applied to these ships if he needs
 2 it.
 3 Elvis.
 4 MR. GANDA: I think what we have to say is as
 5 long as we don't lose any business because of that or
 6 having restrictions to acquire additional business, then
 7 that's a good way to go. But if there's any
 8 restrictions for us to gain business because of those
 9 new rules, then I think that's going to inhibit us from
 10 moving forward.
 11 PRESIDENT HANKLA: I understand. Basically
 12 what I'm hopeful here is that we'll be crafty and
 13 creative enough that within the whole context of all the
 14 terminals and the berths that we have at the port, and
 15 we can recognize that this is the most modern one that
 16 we're going to have today, this is going to be the
 17 standard that we're all shooting for. But we may have
 18 that ship that comes in there that's not going to
 19 achieve a hundred percent. We've got basically credits
 20 from other terminals that we have basically put
 21 together, and we can apply that.
 22 I don't see the fellow from AQMD jumping up and
 23 down and saying this is a crazy idea. Our overall goal
 24 is to clean up the air. We're going to be moving at
 25 different paces. This terminal is going to be way ahead

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1 of everybody else, but there are going to be other
 2 terminals over there moving towards cleaning up the air
 3 too. Not required to because basically we haven't got
 4 them under a green lease.
 5 MR. GANDA: And I think our concern is just to
 6 ensure that we have a level playing field.
 7 PRESIDENT HANKLA: I don't think AQMD wants
 8 these ships going to Hueneme or San Diego. And because,
 9 you know, it doesn't solve the air problem.
 10 Okay. Thank you, Elvis.
 11 COMMISSIONER CORDERO: Mr. Hogo, does that mean
 12 that this issue now is argued before the City Council,
 13 you're going to be front and center saying we support
 14 this EIR Middle Harbor Project? We're going on the mat
 15 for you here, Henry.
 16 MR. HOGO: We are the responsible agency, so we
 17 really don't endorse or support EIRs, but we do comment.
 18 UNIDENTIFIED SPEAKER: Are you running for
 19 governor, Henry?
 20 MR. HOGO: I want to say what the Commission is
 21 stating is correct, that we do want to see whatever
 22 assumption you have for benefits be achieved, and if you
 23 want a hundred percent shore power, then this is the
 24 best way to do that.
 25 PRESIDENT HANKLA: You ought to take up Texas

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1 Hold 'Em.
 2 MR. HOGO: Thank you very much.
 3 PRESIDENT HANKLA: Okay. We're about ready for
 4 the vote. This is a historic vote.
 5 No one from the audience wishes to address this
 6 item?
 7 Dominic, you have the motion; you know what it
 8 is. The maker of the motion has accepted the three
 9 changes, as has the seconder of the motion. No one else
 10 has any further questions.
 11 All in favor, say aye.
 12 COMMISSIONERS: Aye (all).
 13 PRESIDENT HANKLA: Thank you. Now . . .
 14 MR. HOLZHAUS: We have one further action.
 15 There is a motion pending from Commissioner Cordero to
 16 instruct staff to return with a modification to the
 17 greenhouse gas program as described in the staff report.
 18 You need a second to the motion, and the vote on that.
 19 PRESIDENT HANKLA: Is there a second?
 20 COMMISSIONER WISE: I second it.
 21 PRESIDENT HANKLA: Okay. Now I want everybody
 22 to understand this greenhouse gas thing. AB-32 is
 23 relatively recent legislation. This thing has been in
 24 the process for about four years. Well, AB-32 just
 25 passed last year, so what we're doing is trying to

1 conform what we're coming up to reasonable expectations
2 under -- at least the Attorney General's reasonable
3 expectations under AB-32; am I correct, Mario?

4 COMMISSIONER CORDERO: That's correct,
5 Mr. President.

6 PRESIDENT HANKLA: We have a motion and a
7 second.

8 Anyone in the audience wishing to address that
9 motion?

10 None appearing, all in favor, say aye.

11 COMMISSIONERS: Aye (all).

12 PRESIDENT HANKLA: Ayes have it. The first
13 time I've ever used this.

14 Do we have other business to come before this
15 board?

16 MR. HOLZHAUS: We do not.

17 PRESIDENT HANKLA: Do we have new business on
18 the part of the Board? This is actually to take care of
19 it if we do.

20 Anybody in the audience have any business they
21 wish to bring before the board on a nonagenda item?

22 The chair will receive a motion to adjourn, not
23 debatable.

24 COMMISSIONER WALTER: So move.

25 COMMISSIONER SRAMEK: Second.

1 PRESIDENT HANKLA: It's been moved and
2 seconded. All in favor, say aye.

3 COMMISSIONERS: Aye (all).

4 PRESIDENT HANKLA: Ayes have it.
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