

Coalition For A Safe Environment

1601 N. Wilmington Blvd., Wilmington, California 90744

P.O. Box 1918, Wilmington, California 90748

wilmingtoncoalition @ prodigy.net 310-704-1265

August 23, 2010

City Clerk Larry Herrera
City of Long Beach
Lobby Level
cityclerk@longbeach.gov
562-570-6101

Honorable Mayor &
Members Long Beach City Council
City of Long Beach
333 West Ocean Blvd., 14th Floor
Long Beach, CA 90802

RECEIVED
CITY CLERK
LONG BEACH, CALIF.
10 AUG 23 PM 4:28

Re: Gerald Desmond Bridge Replacement Project
Final Environmental Impact Report (FEIR)/
Final Environmental Assessment (FEA) &
SCH No. 200210141

Su: Request To Appeal the Port of Long Beach Board of Harbor Commissioners Approval of
Gerald Desmond Bridge Replacement Project Final Environmental Impact Report (FEIR)/
Final Environmental Assessment (FEA) before Long Beach City Council

Honorable Mayor &
Members Long Beach City Council

The Coalition For A Safe Environment (CFASE) and the Long Beach Coalition For A Safe Environment (LBCFASE) submits our Appeal Request to the City of Long Beach City Council to rescind, void and deny the Port of Long Beach Board of Harbor Commissioners (POLB BOHC) final project approval decision on the Port of Long Beach and State of California Department of Transportation (Caltrans) Gerald Desmond Bridge Replacement Project Final Environmental Impact Report (FEIR)/Final Environmental Assessment (FEA) and Application Summary Report. We request that the Long Beach City Council:

- a. Deny approval of project as proposed
- b. Not certify the Final EIR/EA
- c. Not adopt a Statement of Overriding Considerations
- d. Not adopt the Mitigation Program as proposed

- e. Not adopt the Application Summary Report as written
- f. Not issue a Level III Harbor Development Permit as proposed
- g. Rewrite and re-circulate the final EIR/EA
- h. Rewrite the Application Summary Report

I, my organization and other members of the public have previously described in verbal public comment and in submitted public written comment the legal failings of the EIR/EA which by this reference are incorporated in their entirety.

1. Introduction

On Monday August 9, 2010 at the regularly scheduled Port of Long Beach Board of Harbor Commissioners meeting the Board of Harbor Commissioners voted unanimously to approve Port of Long Beach staff recommendations and a resolution for Approval of the Gerald Desmond Bridge Replacement Project Final Environmental Impact Report (FEIR)/Final Environmental Assessment (FEA), Application Summary Report, other actions and documents et al.

The Coalition For A Safe Environment (CFASE) was represented at the Port of Long Beach Board of Harbor Commissioners Public Meeting by Jesse N. Marquez, as Executive Director, as an individual resident of Wilmington a community of the City of Los Angeles and community resident members Ricardo Pulido of Carson, other members and the Long Beach Coalition For A Safe Environment (LBCFASE) was represented by Gabrielle Weeks, Executive Director and as an individual resident of Long Beach. Jesse N. Marquez, Ricardo Pulido and Gabrielle Weeks provided verbal comment during the public comment period opposing the Approval of the Gerald Desmond Bridge Replacement Project Final Environmental Impact Report (FEIR)/Final Environmental Assessment (FEA), Application Summary Report, other actions and documents et al.

Written public comments were additionally submitted by the Coalition For A Safe Environment and Long Beach Coalition For A Safe Environment and Jesse N. Marquez and Gabrielle Weeks as individuals, residents of impacted communities and as members of CFASE/LBCASE.

In both written public comment and in verbal comment provided during all public comment period CFASE and LBCFASE identified numerous technical and legal California Environmental Quality Act (CEQA) and National Environmental Protection Agency (NEPA), including but not limited to: the Federal Clean Air Act, Clean Water Act, Executive Order 12898, Council on Environmental Quality (CEQ) *Guidance for Environmental Justice Under NEPA* (CEQ, 1997), AB 32 Global Warming Act, Resource, Conservation & Recovery Act (RCRA), U.S. Civil Rights Act, the California Health and Safety Code deficiencies, errors, omissions and facts. Although the Port of Long Beach provided responses to all comments, CFASE and LBCFASE allege that not all responses are acceptable and do not necessarily comply as they claim.

The Coalition For A Safe Environment and the Long Beach Coalition For A Safe Environment have additionally signed-on with other non-profit public interest organizations in the submission of common interests concerns, recommendations, requests and jointly written public comments during the Draft EIR/Draft EIS and Final EIR/Final EIS.

The Coalition For A Safe Environment and the Long Beach Coalition For A Safe Environment are non-profit Environmental Justice public policy organization involved in Ports, Goods Movement, Transportation, Energy and Petroleum Industry issues. CFASE is headquartered in Wilmington a community of the City of Los Angeles which borders the Port of Long Beach and the City of Long Beach. LBCFASE is headquartered in the City of Long Beach. CFASE has members in over 20 south Los Angeles County, California cities including the City of Long Beach.

2. Petition For Appeal Of A Decision By The Board Of Harbor Commissioners for Approval of the Gerald Desmond Bridge Replacement Project and Certification of the Final Environmental Impact Report (FEIR)/Final Environmental Assessment (FEA) & Application Summary Report

The Coalition For A Safe Environment and the Long Beach Coalition For A Safe Environment respectfully files this petition on behalf of its members, organization affiliations, individual impacted residents and the public to Appeal a decision by the City of Long Beach Harbor Department, Port of Long Beach Board of Harbor Commissioners for Approval of the Gerald Desmond Bridge Replacement Project and Certification of the Final Environmental Impact Report (FEIR)/Final Environmental Assessment (FEA) and Application Summary Report.

CFASE/LBCFASE claim that its members, organization affiliations, individual impacted residents and the public's life, health, welfare, safety, public mobility, public transportation infrastructure, economic resources, future sustainability, quality of life, environment, global warming concerns, aquatic life, wildlife and wildlife habitats will be seriously, negatively and irreversibly impacted by the Gerald Desmond Bridge Replacement Project as proposed.

CFASE/LBCFASE further requests a hearing before the Mayor and Long Beach City Council (LBCC) to grant the Appeal, to set aside the environmental determination, to set aside project and report approvals, to remand back to the Board of Harbor Commissioners, to correct all deficiencies, errors, omissions, incorrect facts, re-circulate the EIR/EA, comply with all CEQA and NEPA and/or deny project approval in its entirety indefinitely.

CFASE/LBCFASE further requests a hearing to reject the Gerald Desmond Bridge Replacement Project and Certification of the Final Environmental Impact Report (FEIR)/Final Environmental Assessment (FEA) and Application Summary Report because the project is not in the public's best financial interests, diverts limited public transportation and infrastructure funds for primarily increased private business profit interests, diverts limited public transportation and infrastructure funds from local community and city needed projects, is unacceptable because they fail to meet evaluation factors approval criteria, fails to adequately disclose that the public will become 100% responsible for the payment of the \$983 million new bridge replacement costs vs the Port of Long Beach and its tenants, failed to circulate the EIR/EA statewide so that the public, counties and cities would be ware of the costs being transferred to them, fails to require the use of alternative, feasible and cost effective 21st century pollution control and transportation technologies, fails to eliminate where feasible all negative impacts, fails to mitigate negative impacts where feasible to less than significant and fails to include all reasonable and available feasible mitigation measures.

CFASE further requests a stay of the effect of:

- i. Approval of Project as Proposed
- j. Certification of the Final EIR/EA
- k. Adoption of the Statement of Overriding Considerations
- l. Adoption of the Mitigation Program as proposed
- m. Adoption of the Application Summary Report as written
- n. Issuance of a Level III Harbor Development Permit as proposed

CFASE has previously described the legal failings of the DEIR/DEA and FEIR/FEA in our written submitted comments that are listed and included as attachments to this Appeal Petition and in verbal public comments made at public meetings sponsored by the Port of Long Beach.

3. Coalition For A Safe Environment (CFASE) & Long Beach Coalition For A Safe Environment (LBCFASE) History of Involvement

The Long Beach Coalition For A Safe Environment (LBCFASE) is an independent City of Long Beach sister affiliation of the Coalition For A Safe Environment (CFASE).

The CFASE/LBCFASE's first involvement in this Appeal process began with CFASE/LBCFASE's attendance at the Port of Long Beach Gerald Desmond Bridge Replacement Project NOP/NOI Public Meeting on February 24, 2010, where CFASE/LBCFASE provided verbal public comment regarding recommendations for inclusion in the Draft Environmental Impact Report (DEIR)/Draft Environmental Assessment (DEA).

CFASE/LBCFASE's second involvement included attendance at the Port of Long Beach Gerald Desmond Bridge Replacement Project Draft Environmental Impact Report (DEIR)/Draft Environmental Assessment (DEA) Public Meeting held on March 22, 2010, where CFASE/LBCFASE provided verbal public comment and submitted written public comments regarding deficiencies, errors, omissions, information facts in the Draft Environmental Impact Report (DEIR)/Draft Environmental Assessment (DEA).

CFASE/LBCFASE's third involvement included attendance at the Port of Long Beach Gerald Desmond Bridge Replacement Project Final Environmental Impact Report (FEIR)/Final Environmental Assessment (FEA) Public Meeting held on August 9, 2010, where CFASE/LBCFASE provided verbal public comment and submitted written public comments regarding deficiencies, errors, omissions, information facts in the Final Environmental Impact Report (FEIR)/Final Environmental Assessment (FEA).

4. The Following Information, Outlined Points, Concerns, References, Examples, Issues, Recommendations And Requests Describe The Inadequacies Of The FEIR/FEA and Decision Making Process:

Ground # 1. Board of Harbor Commissioners Failure To Perform Due Diligence

The Coalition For A Safe Environment and Long Beach Coalition For A Safe Environment wishes to state that the Board of Harbor Commissioners have a fiduciary responsibility involving trust, good faith, special confidence and obligations in the performance of due diligence in their capacity as a Commissioner representing the public's best interests and in upholding the laws of the State of California, CEQA and NEPA.

CFASE and LBCFASE allege and claim that the Board of Harbor Commissioners failed in their fiduciary responsibility to perform due diligence in making their decision, approving the resolution, determining legal compliance, seeking expert & legal opinion, protecting the public's interests and upholding applicable California and federal laws.

CFASE and LBCFASE further claim that the Board of Harbor Commissioners relied 100% on staff information and statements, failed as a commission and individual commissioners to allocate sufficient time and resources to investigate, research, question, consider, request information, conduct additional studies, study project alternatives, mitigate project impacts, compare information and allegations made by CFASE/LBCFASE, the public acting as individuals, City of Long Beach residents, impacted City of Los Angeles communities of Wilmington and San Pedro and City of Carson neighboring residents and non-profit public interests organizations opposing the City of Long Beach Harbor Department, Port of Long Beach Board of Harbor Commissioners Approval of the Gerald Desmond Bridge Replacement Project and Certification of the Final Environmental Impact Report (FEIR)/Final Environmental Assessment (FEA).

Ground # 2. POLB Failure To Allow An Adequate Public Comment Period & Public Participation

CFASE/LBCFASE and members of the public have regularly requested that there be a minimum 90 day public comment period for all Environmental Impact Report documents and POLB has refused to adopt this reasonable public request. Although the POLB has occasionally granted past time extensions it still refuses to make it a standard policy.

The POLB is under additional obligation when historically it has been asked by the public to provide additional and more specific advance public notification of public hearings and meetings when POLB proposed projects may have significant environmental, life threatening, public health, public safety and economic impacts and when they are multiple other known projects undergoing the same or similar public process. Numerous members of the public and non-profit organizations have requested additional public comment time, public information and proposed reasonable means of public notification and information distribution via newspapers articles, distribution of brochures, participation in community events and attendance at multiple public organization meetings.

The POLB has the option to also notify the Long Beach City Council of its decisions and to seek their opinion and/or approval to provide additional public comment time, yet it never has, thus failing to exercise this option.

Ground # 3. POLB Failed To Notify The Public & Circulate The EIR/EA Statewide

The POLB and Caltrans are required to notify and circulate the EIR/EA statewide when the POLB made the decision to transfer the Port of Long Beach privately owned and 100% POLB paid for Gerald Desmond Bridge to Caltrans. This action then transfers the majority of costs of \$ 983 million to replace the Gerald Desmond Bridge to the State of California, tax payers, residents, environmental justice communities, low income residents, protected classes, counties, cities and regional, state and federal transportation planning agencies. This action also obligates and encumbers the State of California, tax payers, residents, environmental justice communities, low income residents, protected classes, counties, cities, regional, state and federal transportation planning agencies for all future bridge liabilities, maintenance, repair, replacement, utility support, CHP, public safety, police, paramedic and towing costs in perpetuity.

Ground # 4. POLB State Tidelands Trust Agreement Prohibits Transfer of Property or Assets

The POLB State Tidelands Trust Agreement prohibits the POLB from transferring property or assets without the approval of the State Lands Commission (SLC). State law only authorizes the State Lands Commission to transfer or gift property or assets held by the POLB or purchased using public funds. The SLC would also have to provide public notice, place the item on the agenda, hold a public meeting and vote to approve the action.

Ground # 5. POLB Failed To Get Secretary of State Approval To Obligate And Encumber The State, Counties And Cities

The POLB failed to get Secretary of State approval or opinion to obligate and encumber the State of California, California counties and cities to pay the majority of the \$ 983 million for a new bridge and be liable for all future bridge liabilities, maintenance, repair, replacement, utility support, CHP, public safety, police, paramedic and towing costs in perpetuity.

A POLB Project EIR/EA has no authority to obligate and encumber the State of California, California counties and cities to pay for and be liable for all future bridge liabilities, maintenance, repair, replacement, utility support, CHP, public safety, police, paramedic and towing costs in perpetuity.

California residents did not vote on a statewide ballot measure nor did the California legislature pass a law to obligate and encumber the State of California, California counties and cities to pay the majority of the \$983 million for a new bridge and be liable for all future bridge liabilities, maintenance, repair, replacement, utility support, CHP, public safety, police, paramedic and towing costs in perpetuity.

Ground # 6. POLB Failed To Get State Treasurer & Controller Approval or Opinion

The POLB failed to get California State Treasurer and Controller approval or opinion to obligate and encumber the State of California, California counties and cities to pay the majority of \$ 983 million for a new bridge and be liable for all future bridge liabilities, maintenance, repair, replacement, utility support, CHP, public safety, police, paramedic and towing costs in perpetuity.

A POLB Project EIR/EA has no authority to obligate and encumber the State of California, California counties and cities to pay for and be liable for all future bridge liabilities, maintenance, repair, replacement, utility support, CHP, public safety, police, paramedic and towing costs in perpetuity.

California residents did not vote on a statewide ballot measure nor did the California legislature pass a law to obligate and encumber the State of California, California counties and cities to pay the majority of the \$983 million for a new bridge and be liable for all future bridge liabilities, maintenance,

repair, replacement, utility support, CHP, public safety, police, paramedic and towing costs in perpetuity.

Ground # 7. POLB Failed To Get Attorney General Approval or Opinion Of Proposed Actions

The POLB failed to get California State Attorney General approval or opinion to:

- a. Bypass California voter ballot law, regulation or measure approval process and/or
- b. Bypass California state legislature bill approval process and/or
- c. Obligate and encumber the State of California, California counties and cities to pay the majority of the \$ 983 million for a new bridge and be liable for all future bridge liabilities, maintenance, repair, replacement, utility support, CHP, public safety, police, paramedic and towing costs in perpetuity.

A POLB Project EIR/EA has no authority to obligate and encumber the State of California, California counties and cities to pay for and be liable for all future bridge liabilities, maintenance, repair, replacement, utility support, CHP, public safety, police, paramedic and towing costs in perpetuity.

California residents did not vote on a statewide ballot measure nor did the California legislature pass a law to obligate and encumber the State of California, California counties and cities to pay \$983 million for a new bridge and be liable for all future bridge liabilities, maintenance, repair, replacement, utility support, CHP, public safety, police, paramedic and towing costs in perpetuity.

Ground # 8. POLB Failed To Get California Coastal Commission Approval or Opinion Of Proposed Actions

The POLB failed to get California Coastal Commission approval or opinion to issue a Level III Harbor Development Permit knowing that its approval of the Gerald Desmond Bridge Project would be challenged over numerous public comments identifying EIR/EA deficiencies such as failure to eliminate where feasible all negative impacts, failure to mitigate negative impacts where feasible to less than significant, failure to include all reasonable, feasible, cost effective and available project alternatives and mitigation measures.

Ground # 9. POLB Failed To Adequately Identify, Describe, Assess And Disclose All Negative Environmental Justice Community, Protected Classes and Low Income Community Impacts

The POLB failed to adequately identify, describe, assess and disclose all negative, cumulative, socio-economic and Environmental Justice Community Impacts such as:

- a. EJ Communities and cities will now be disproportionately impacted and deprived of limited local, regional, state and federal transportation infrastructure financial resources for badly needed local public projects while subsidizing and creating nearly exclusive bridge freight transportation corridor for private shipping companies and big box retailers like Walmart and increasing their private profits.
- b. EJ Communities and cities will be disproportionately impacted by decreasing discretionary personal income due to increased city, state and federal taxes, state and federal bond obligations as compared to non-EJ Communities.

- c. EJ Communities and cities will be disproportionately impacted by increasing income and luxury taxes which will account for a greater percentage of income as compared to non-EJ Communities.
- d. EJ Communities which border the I-710 Long Beach Freeway will be disproportionately impacted by increasing truck, port worker, contractor traffic, vehicle congestion and truck diesel emissions. CFASE/LBCFASE disagree with the POLB that there will be no increase in traffic.

Ground # 10. POLB Failed To Adequately Identify, Describe, Assess And Disclose All Negative Socio-Economic And Cumulative Public Impacts

The POLB failed to adequately identify, describe, assess and disclose all negative socio-economic and cumulative public impacts which will be transferred to the public, subsidized by the public and obligated in perpetuity such as:

- a. The amount the POLB and its private company tenants will contribute to the new bridge construction costs vs subsidized public costs.
- b. Future bridge maintenance, repair and replacement costs.
- c. Future bridge electric utility support costs.
- d. Future CHP & local police support costs
- e. Future governmental agency public safety costs.
- f. Future fire department and paramedic support costs.
- g. Future towing truck costs.

An Environmental Impact Assessment vs an Environmental Assessment would have taken these issues into consideration and require mitigation or project denial.

Ground # 11. POLB Failed To Adequately Identify, Describe, Assess And Disclose All Negative Port Drayage Truck And Commuter Vehicle Traffic

The POLB failed to adequately identify, describe, assess and disclose all negative truck and commuter vehicle traffic in its referenced traffic studies and forecasts.

- a. The POLB references that 39% of non-port, regional traffic in the future will be port trucks and states in the EIR/EA the balance will be commuter traffic, which is not entirely true. It intentionally misrepresents the facts by failing to disclose that of the commuter traffic the majority of the current and future non-port traffic is and will be port employees, terminal employees, dock workers, construction contractors, suppliers and support service providers.
- b. The POLB provided no evidence that substantiates its claims, conducted no actual survey or interview of bridge commuter travelers.
- c. There will be no significant increase in local and regional use of the bridge and Long beach Freeway. The FEIR/EA provided no public survey study to validate this claim. In fact, Wilmington residents a primarily EJ, low income and protected class community will practically never use the bridge to get to either destination since they do not like driving along port drayage trucks and will especially not want to drive alongside twice as many trucks in the future. The average truck container size and load weight will also increase in the future. Local streets are safer and more convenient. CFASE is not aware of any study or in its personal conversations with San Pedro residents and members that validates that San Pedro residents will increase their visits to the Long Beach Pike.
- d. There is no other significant or proposed new shopping or tourist destination point in Long Beach or San Pedro that would validate the FEIR/EA conclusions that there will be an increase in regional visits.

Ground # 12. POLB Failed To Adequately Identify, Describe, Assess And Disclose All Negative Port Drayage Truck And Commuter Vehicle Public Impacts

The POLB failed to adequately identify, describe, assess and disclose all negative port drayage truck and commuter vehicle public impacts such as:

- a. Port drayage truck travel to pick up off-port property chassis yards
- b. Port drayage truck traffic to deliver and pick up off-port property empty containers
- c. Port drayage truck traffic to off-port property container inspection facilities
- d. Port drayage truck traffic to truck staging areas
- e. Port drayage truck traffic to diesel fuel gas stations
- f. Port drayage truck traffic to maintenance and repair facilities
- g. Increasing truck traffic congestion on public freeways, highways, streets and bridges.
- h. Increasing truck traffic accidents.
- i. Increasing public car insurance rates due to truck accidents.
- j. Increasing public health care costs due to truck caused accidents.
- k. Increasing truck breakdowns on freeways, highways, streets.
- l. Increasing truck breakdowns on public bridges.
- m. Increasing truck traffic running of street lights.
- n. Increasing truck blockage of drivers views.
- o. Increasing truck traffic running over sidewalks & curves while making turns.
- p. Increasing truck traffic damage to freeways, highways, streets, bridges.
- q. Increasing truck traffic failing to stop for residents crossing the streets.
- r. Increasing illegal truck driver dumping of tires, truck parts, oil, fluids and trash.
- s. Increasing illegal truck traffic through residential areas.
- t. Increasing illegal truck driver usage of containers to transport personal items.
- u. Increasing illegal truck parking on city streets, residential areas & public parks.
- v. Increasing public costs to maintain, repair & replace transportation infrastructure.
- w. Increasing truck transportation of toxic and hazardous chemicals, substances & materials.
- x. Increasing truck transportation of public health hazards such as the West Nile Virus, bacteria, fungus, molds and other non-native species.
- y. Failure to sanitize and decontaminate trucks & containers.
- z. Truck honking at all hours of the night while stopped at train intersections.
- aa. Trucks revving their engines.
- bb. Failure to update and include the Port Traffic Management Plan

These public impacts would have been further documented and disclosed had the POLB conducted a Health Impact Assessment (HIA), but refused to conduct one.

These public impacts would have been further documented and disclosed had the POLB conducted an Off-port Property Community Nexus Impact Study, but refuse to conduct one.

Ground # 13. Project As Proposed Primarily Benefits The Ports & Their Tenants Which Is Why We Request That LBCC Deny Approval of Project as Proposed

The POLB project as proposed primarily benefits the Ports & their Tenants by:

- a. Shifting the majority of the new \$983 million construction costs from the ports to the general public.
- b. Is intentionally changing the bridge purpose to a primary private industry diesel truck transportation corridor by adding new lanes and accommodations that will increase truck usage and traffic onto the I-710 Long Beach Freeway that goes unmitigated.
- c. Allows the Port and its Tenants to delay and fail to increase their usage of the Alameda Corridor asap to decrease the number of trucks on public highways, freeways, roads and other bridges and to mitigate the numerous negative public impacts.
- d. Allows the Ports and its Tenants to delay, fail to invest and increase their usage asap of Zero Emissions electric and hydrogen fuel cell drayage trucks.
- e. Allows the Ports and its Tenants to delay, fail to invest and use asap alternative Zero Emissions Cargo Transportation Systems, such as the publicly requested MagLev Train and Electric Train in lieu of trucks.

Ground # 14. The Final EIR/EA Fails to Comply With CEQA and NEPA And Should Not be Certified as Proposed

The POLB project final EIR/EA:

- a. Does not mitigate all or the most significant socio-economic impacts identified by the public
- b. Does not mitigate all or the most significant Environmental Justice Community & City impacts identified by the public
- c. Does not mitigate all or the most significant low income, people of color and civil rights protected classes impacts identified by the public
- d. Fails to require the use of feasible, cost effective and maximum achievable air pollution control technologies
- e. Fails to require the use of feasible, cost effective Zero Emissions Cargo Transportation Technologies and environmentally friendly near noiseless technologies

Ground # 15. The Statement of Overriding Considerations is Not Adequately Justified

The POLB prepared Statement of Overriding Considerations is Not Adequately Justified because:

- A. The benefits of the project are not balanced:
 - a. The project as proposed will shift of the cost of replacement from 100% POLB responsibility to as high as over 80% to the public. The public will incur a significant economic debt and future financial liability.
 - b. The project as proposed benefits primarily the Ports and its Tenants not the general public by becoming a new primary transportation route for port employees, truck drivers, port workers, contractors and suppliers which will cause more traffic, vehicle congestion and air pollution emissions. The 39% truck usage claim fails to include the other referenced users which could increase Port related uses to over 80%. The Port has no research to support its claims Wilmington, San Pedro residents will significantly increase their use to go

the Long Beach Pike or Long Beach use of the San Pedro Waterfront. It is a fact that 99% Wilmington residents never use the Gerald Desmond Bridge to go to Long Beach because they do not want to be with Port truck traffic on the same bridge, expressway, freeway or highway. Wilmington residents use Pacific Coast Hwy. and Anaheim Street.

- c. Caltrans has not proposed allocating an equal \$983 million for local Long Beach or Los Angeles public benefit transportation infrastructure projects that are not Port related.
- d. The public incurs 100% all legal liabilities when the bridge is transferred to Caltrans.
- e. The public incurs 100% of all future maintenance, repair and replacement costs when the bridge is transferred to Caltrans.
- f. The public incurs 100% of all future support costs such as utility, CHP, city/county police, fire department, paramedic, towing, public safety and increased insurance costs when the bridge is transferred to Caltrans.
- g. The public incurs 100% of the increased traffic congestion, travel delays, air emissions and accident impacts.
- h. Local Long Beach and Los Angeles residents who live adjacent to the I-710 Long Beach Freeway and connecting freeways, highways, bridges, warehouses, distribution centers, fumigation facilities, inspection facilities, truck staging areas, chassis and container storage yards will be more significantly and disproportionately impacted than statewide residents.
- i. The vast majority of construction workers and subcontractors will not be Long Beach or Los Angeles residents and no proposal is offered to train local residents as workers. Although some union trades have local based offices, the vast majority of their members do not live in Long Beach or Los Angeles.
- j. The vast majority of construction contractor companies and suppliers will not be Long Beach or Los Angeles based

B. The project does not require the use of technologies with superior benefits:

- a. The project does not identify or require the use of zero emitting cargo transportation technologies that are currently feasible for demonstration and or build out such as MagLev Trains (American MagLev Technologies), Linear Induction Trains and Electric Trains. The EIR/EA did not consider these technologies as an integral part of 21st century cargo transportation systems and infrastructure.
- b. The project does not identify or require the use of zero emitting drayage truck cargo transportation technologies that are currently feasible for demonstration, increased field testing and/or purchase such as Electric Battery (Balqon) and Hydrogen Gas Fuel Cell Trucks (Vision Motor Corps).
- c. The project does not identify or require the use of maximum achievable air pollution control technologies (MACT) on diesel trucks and heavy duty equipment. Best Available Control Technologies (BACT) very significantly in their efficiencies.

C. The project does not require available, feasible and cost effective mitigation to prevent unavoidable public risks and impacts:

- a. The project does not identify or require the use of zero emitting technologies and maximum achievable air pollution control technologies.

- b. The project does not adequately mitigate port truck, contractor construction, heavy equipment and vehicle traffic, congestion and accidents on the I-710 Long Beach Freeway and connecting public freeways, highway, bridges and streets. CEQA/NEPA requires mitigation of secondary and indirect impacts. There is no third party Mitigation Monitor.
- D. The project does not identify all public health impacts and require available, feasible and cost effective mitigation to prevent unavoidable public health impacts during construction and after bridge operation:
- a. Health Risk Assessments do not identify all public health impacts, the degree of impacts, the number of people impacted.
 - b. Health Risk Assessments do not identify and require that all public health impacts be mitigated.
 - c. The POLB current mitigation funds are not sufficient to eliminate or significantly reduce public health impacts from this project and its long term usage.
 - d. The POLB did not require additional funds from this project be contributed to the mitigation funds or future funds as a result of increased public health impacts from the bridge usage.
- E. The project can generate new jobs without becoming a major port and private transportation and retail sector truck transportation corridor route:
- a. CFASE/LBCFASE support building a new bridge and new jobs but without it becoming a major port truck transportation corridor route.
 - b. The vast majority of construction workers and subcontractors will not be Long Beach or Los Angeles residents and no proposal is offered to train local residents as workers. Although some union trades have local based offices, the vast majority of their members do not live in Long Beach or Los Angeles.
- F. The project will allow larger air polluting ships to enter the inner harbor:
- a. The POLB claim that future ships will be cleaner is an assumption based on future regulations that are not in place, thereby significantly delaying any environmental or public benefits which will in the meantime go unmitigated for numerous years.
 - b. POLB misrepresents the fact that future cleaner ships are approaching near zero or zero emission levels which is not true. Future ships will remain significant air pollution sources.
 - c. POLB misrepresents the fact that future cleaner ships will be used by every shipping company which is not true. The fact is that current shipping companies are using older smaller ships now as compared to previous years. Low sulfur ship fuels are available now and not currently used by the vast majority of POLB Tenants.
 - d. POLB misrepresents the fact that the number of future cleaner ships will remain the same as today which is not true. POLB provide no assessment of the amount of emissions from increased fleet sizes. As an example a fleet of 12 cleaner ships would still generate the same amount of air pollution from 10 current ships.
 - e. POLB misleads the public in the EIR/EA by stating that there are currently no plans to dredge the inner harbor deeper to accommodate larger ships. Inner harbor terminals are

also significantly closer to West Long Beach and East Wilmington residential areas and sensitive receptors.

Ground # 16. POLB Is Obfuscating Its Responsibility In Neglecting To Include An Off-Port Property Nexus Study and Mitigation Requirements In Its Lease Agreements With Its Tenants

The POLB is obfuscating its responsibility in neglecting to include an off-port property nexus study and mitigation requirements in its lease agreements with its tenants to prevent negative environmental, life threatening, public health, public safety, biological habitat and socio-economic impacts from all of the Ports off-port property nexus activities, both locally and regionally.

The failure of the POLB to include a CEQA and NEPA off-port property nexus analysis has resulted in the Board of Harbor Commissioners not knowing that there are numerous and significant off-port property nexus indirect and secondary environmental and public impacts.

The POLB has failed to study off-port property nexus tenant activities such as offsite chassis assembly & storage yards, offsite container & cargo storage yards & inspection facilities, fumigation facilities, offsite truck staging, local & regional public transportation congestion, parking and storage areas, railroad & rail yard activities, transportation infrastructure impacts, loss of wetlands, loss of community alternative land-use development opportunities. The POLB has made no assessment of the categories of off-port property nexus tenant business activities. The POLB has failed to conduct any CEQA or NEPA off-port property nexus analysis that has identified these issues and impacts as a problem even though CFASE has requested such a study and mitigation.

As an example, Port containers have not been decontaminated or sanitized and are having significant environmental, public health, public safety, biological habitat and socio-economic impacts that are require to have a CEQA and NEPA analysis and be mitigated. The West Nile Virus in the West Coast is an example of vector bourn crisis that probably originated from a port container. In 2007/2008 a Wilmington child was hospitalized at the Long Beach Memorial Hospital for months with West Nile Virus. The POLB has made no assessment of the number of containers that are stored off-port property and never returned to their place of origin.

Ground # 17. POLB Claim That It Is Not Appropriate To Perform The CFASE Requested Public Health Survey, Establish a Public Health Baseline or Conduct Health Impact Assessment Is Not True

POLB claim that it is not inappropriate to perform the CFASE/LBCFASE requested Public Health Survey and Health Impact Assessment is not true. Health Risk Assessments provide a limited amount of public health risk information and are significantly not accurate. HRA's information is calculated based on computer model developed using statewide health data. No local public health data of the City of Long Beach residents & workers, POLB's surrounding bordering communities nor transportation corridor communities is included in the model.

CFASE/LBCFASE requested that a Health Impact Assessment (HIA) be conducted which is a more comprehensive public health study that would meet our cumulative public health impacts assessment and information requirements. POLB failed to disclose the benefits of a HIA and to include information regarding HIA's.

HRA's provide information only on potential cancer deaths and are based primarily on exposure to diesel air pollution. They do not tell you how many people died of cancer or will get cancer due to long term exposure to VOC's from diesel fuel or other petroleum fuels. Diesel truck drivers, fuel station attendants, locomotive engine operators, engineers, mechanics and fence-line residents who die or get leukemia, lymphoma or myeloma are not counted, assessed or even mentioned in a HRA. People who died of an acute asthma attack or COPD due to the increased or cumulative exposure to diesel fuel emissions are not counted. HRA's do not tell you how many people have asthma, bronchitis, sinusitis, allergies etc..

A Public Health Survey would identify the number of all public health impacted residents and workers, the types of public health problems, the distribution of health problems, the seriousness of the health problem and the socio-economic impact. An accurate Public Health Baseline could be established by which an accurate Health Risk Assessment could be performed. As of this time the POLB nor any governmental regulatory or public health agency can tell you this information as important as it is.

A CFASE review of Los Angeles County Health Department data disclosed that lung cancer deaths in the Long Beach/Los Angeles harbor and south bay has been increasing 6% since 2005. Yet the EIR/EA references no public health data what so ever. The public has no clue as to its public health status and ports impacts on public health.

Ground # 18. Proposed Mitigation Programs Are Not Adequate To Address Public Health Impacts

The proposed mitigation programs although a great step forward are not adequate to address all the identified public health impacts and unmitigated impacts described in the FEIR/FEA, these public comments and previous public comments. The established mitigation programs are significantly underfunded to address the public health impacts because no Health Impact Assessment was performed to determine all of the public health impacts. Applications for funding mitigation projects exceed the POLB current financial commitment.

The Port has failed to provide any medical financial assistance to the impacted families who have identified themselves at previous Port of Long Beach public hearings and meetings. The Port has failed to assess the extent of the public health problems and premature deaths it has caused. The Port has failed to provide any financial assistance to impacted families who have had family members die due to the Ports and its Tenants business operations.

CFASE and the public have requested that the Port of Long Beach establish a Public Health Care Mitigation Trust Fund which can provide financial assistance for immediate, short term and long term such as:

- a. Public health care & treatment.
- b. Financial assistance to pay for health care at local clinics & county hospitals.
- c. Financial assistance to pay for health insurance.
- d. Financial assistance to pay for medical equipment.
- e. Financial assistance to pay for medical supplies.
- f. Financial assistance to pay for medical prescriptions.
- g. Financial assistance for funeral expenses.
- h. Financial assistance for short & long term convalescent care.
- i. Financial assistance for rehabilitation.

- j. Financial assistance for job retraining.
- k. Financial assistance for lost income.
- l. Financial assistance for special learning disability assistance.

CFASE requested that the Port of Long Beach establish a Public Health Care Mitigation Trust Fund and charge a Public Health Care Mitigation Tariff of \$10.00 per TEU for terminals using the I-710 Long Beach Freeway.

Ground # 19. EIR/EA Fails To Adequately Disclose The Public Benefits of the POLB Remaining The Owner of the Gerald Desmond Bridge

The FEIR/EA response to CFASE public comments regarding restricting truck usage of the bridge or requiring that only electric trucks, hydrogen fuel cell trucks and other technologies etc. intentionally mischaracterizes information and the truth:

- a. Failed to disclose that the if the bridge remains under the ownership and jurisdiction of the Port of Long Beach and City of Long Beach that they do have the legal right to restrict truck usage of the bridge or requiring that only electric trucks, hydrogen fuel cell trucks and other technologies etc..
- b. Failed to disclose that if the bridge remains under the ownership and jurisdiction of the Port of Long Beach and City of Long Beach that they do have the right to require an increased usage of the Alameda Corridor.
- c. Failed to disclose that the Port of Long Beach (POLB) could have an operating MagLev Train Demonstration Project currently operating but have chosen not to approve American MagLev Technology, Inc. (AMT). POLB staff and commissioners have visited the AMT demonstration project in Atlanta, GA. AMT has provided proof of a financial commitment and capability. POLB denies that they know of a POLB tenant who has volunteered to use the Maglev train and place containers on it. There are several documents and power point presentations that have been given and/or shown to the Port of Long Beach and Board of Harbor Commissioners that SSA Terminal wants the MagLev demonstration project. In addition, the POLB could continue its research of other Zero Emission Cargo Transportation Systems.

Ground # 20. The EIR/EA Failed To Disclose All Of The Significant Information To The Public Regarding The Affected Environment Study Area

“2.1.3.1.2 Affected Environment Study Area

The EIR/EA was reviewed to identify potentially adverse effects of the project on the adjacent communities within the project area.”

The truth and correct information is that all potentially adverse effects of the project on the adjacent communities within the project area were not identified. CEQA requires that all indirect and secondary impacts be assessed and mitigated:

- a. The POLB and Caltrans arbitrarily determined what census tracks and selected the minimum census track areas to include when in fact entire port communities and adjacent Transportation Corridor Communities and Warehouse Distribution Center Communities and cities will be impacted that are located near the regional freight transportation network.
- b. EIR/EA should have included as a minimum all of West Long Beach, Wilmington and Carson.

- c. The EIR/EA should have identified and included the I-710 Long Beach Freeway, Alameda Corridor, I-405, I-110, I-10, I-210, I-60, I-91 freeways and highways which make up the POLB's regional freight transportation network.
- d. The EIR/EA should have identified and included regional freight transportation network Transportation Corridor Communities and Warehouse Distribution Center Communities who are located near the regional freight transportation network who will be impacted by the increased truck traffic and ship emissions.

Coalition For A Safe Environment Mission Statement is - To protect, promote, preserve and restore our Mother Earth's delicate ecology, environment, natural resources and wildlife. To attain Environmental Justice in international trade marine ports, goods movement transportation corridors, petroleum and energy industry communities.

Respectfully Submitted,



Jesse N. Marquez
Executive Director

And As,

Jesse N. Marquez
613 N. Gulf Ave.
Wilmington, CA 90744

City of Los Angeles Resident
Member of the Coalition For A Safe Environment
Member of the Sierra Club Harbor Vision Task Force
Member of Coalition For Clean & Safe Ports
Resident & Member Of The Public Adversely Impacted By The Projects Environmental, Public Health,
Public Safety and Socio-Economic Negative Impacts

and

Gabrielle Weeks
Executive Director
Long Beach Coalition For A Safe Environment

City of Long Beach Resident
Member of the Long Beach Coalition For A Safe Environment
Member of the Sierra Club Harbor Vision Task Force
Resident & Member Of The Public Adversely Impacted By The Projects Environmental, Public Health,
Public Safety and Socio-Economic Negative Impacts

Attachments:

1. CFASE/LBCFASE FEIR/FEA Public Comments 8-9-2010
2. CFASE/LBCFASE DEIR/DEA Public Comments 3-22-2010
3. NRDC Joint Sign-on Letter Public Comments 8-2-2010
4. NRDC Letter 8-9-2010
5. NRDC Letter 8-13-2004
6. Health Impact Assessment Group-UCLA School of Public Health
7. Introduction to Health Impact Assessments-Human Impact Partners

Coalition For A Safe Environment

P.O. Box 1918, Wilmington, California 90748
wilmingtoncoalition @ prodigy.net 310-834-1128

August 9, 2010

Richard Cameron
Director of Environmental Planning
Port of Long Beach
925 Harbor Plaza
Long Beach, CA 90802
cameron@polb.com
562-590-4160

State of California
Department of Transportation (DOT)
Ronald Kosinski
Deputy District Director
Caltrans District 7
100 S. Main Street
Los Angeles, CA 90012
213-897-1835

RECEIVED
CITY CLERK
LONG BEACH, CALIF.
10 AUG 23 PM 4:30

Re: Gerald Desmond Bridge Replacement Project
Final Environmental Impact Report (FEIR)/Environmental Assessment (EA)
SCH No. 200210141
07-LA-710

Su: Request To Deny Approval of Project As Proposed & Not Certify FEIR/EA

The Coalition For A Safe Environment (CFASE) wishes to request the Port of Long Beach Board of Harbor Commissioners (POLB BOHC), City of Long Beach (COLB) and State of California Department of Transportation (Caltrans):

- a. Deny approval of project as proposed
- b. Not certify the Final EIR/EA
- c. Not adopt a statement of overriding considerations
- d. Not adopt a mitigation program as proposed
- e. Not adopt the application Summary Report as written
- f. Not issue a Level III Harbor Development Permit as proposed

The reason for this request is as follows: The Final Environmental Impact Report (FEIR)/ Environmental Assessment (EA) for non-compliance and in violation of California Department of Transportation (Caltrans) in accordance with Section 6005 of the Safe, Accountable, Flexible,

and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005 (23 United States Code [U.S.C.] 327[a][2][A]), the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*); the Council on Environmental Quality (CEQ) *Guidance for Environmental Justice Under NEPA* (CEQ, 1997) Regulations implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508); Federal Highway Administration (FHWA) Environmental Regulations (23 CFR 771); and the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code [PRC] 21000 *et seq.* as amended) , implementing guidelines (California Code of Regulations [CCR], Title 14, Section 15000 *et seq.*), the Federal Clean Air Act, Clean Water Act, Executive Order 12898, AB 32 Global Warming Act, Resource, Conservation & Recovery Act (RCRA), U.S. Civil Rights Act Title VI, the California Health and Safety Code.

The Coalition For A Safe Environment is an Environmental Justice Community based non-profit organization with members in Long Beach, Wilmington, Carson, San Pedro and over 20 cities in California.

We find the proposed Gerald Desmond Bridge Replacement Project Final Environmental Impact Report (FEIR)/Environmental Assessment (EA) to be unacceptable because it fails to disclose all negative public and Environmental Justice Community impacts, fails to eliminate where feasible all negative impacts, fails to mitigate negative impacts where feasible to less than significant, fails to include all reasonable, feasible, cost effective and available project alternatives and mitigation measures.

The following information and outlined points, concerns, references, examples, issues, recommendations and requests describe the inadequacies of the FEIR/EA:

1. CFASE disagrees with Caltrans using an Environmental Assessment in lieu of the traditionally NEPA required Environmental Impact Statement (EIS) which is a more comprehensive assessment on environmental and public impacts. We believe that the U.S. Army Corps of Engineers should have been the lead agency since the project involves US oceans and waterways. An EA will not disclose all the negative environmental, cumulative impacts, Public and Environmental Justice Community impacts nor will it mitigate all the negative impacts.
2. The FEIR/EA while mentioning only once in the 1004 page FEIR/EA that the SR-47 and Gerald Desmond Bridge would be transferred to Caltrans it failed to disclose the negative and significant socio-economic impacts to the public and Environmental Justice Communities. These would have been disclosed if a proper and comprehensive socio-economic impact assessment had been performed and if Environmental Justice Consultants would have been hired.
 - a. Failed to clearly disclose that if the SR-47 and bridge were not transferred to Caltrans the Port of Long Beach and its tenants would be 100% responsible for the selected North Side \$ 983 million bridge replacement costs and future repair, maintenance and replacement costs. Although the FEIR/EA states that the new bridge will have a 100

year life, the public was also told the original existing bridge would have 100 year life and due to the excessive truck use and weight it in reality only lasted 50 years.

- b. Failed to disclose that the Public under the Caltrans transfer will now be responsible for approximately 80% of the \$983 million new bridge replacement costs. These will come from local, regional, state and federal public funds.
- c. Failed to disclose that the Public and EJ Communities will now be disproportionately impacted and deprived of limited local, regional, state and federal transportation infrastructure financial resources for badly needed local public projects while creating nearly exclusive freight transportation corridor for private shipping companies and big box retailers like Walmart and increasing their private profits.
- d. Failed to disclose that the Public and EJ Communities after the transfer will now be 100% responsible for the future repair, maintenance and replacement costs of the SR-47 and bridge. The new bridge will not last 100 years.
- e. Failed to disclose that EJ Communities and Protected Classes will bear a disproportionate impact in taxes and loss of income due to the fact that they pay a higher percentage of their personal income in taxes than non-EJ Communities and non-Protected Classes.
- f. Failed to disclose that Public and EJ Communities after the transfer will now be 100% responsible for the future public services support costs of the SR-47 and bridge such as CHP, fire department, paramedics, clean-up and towing services.

3. The FEIR/EA intentionally mischaracterizes information such as in the following paragraph:

"The bridge is forecast to carry a substantial amount (39 percent) of non-port, regional through traffic in 2030 (Iteris, 2009). Regional traffic will increase due to several major development projects that have been constructed in downtown Long Beach, such as the Pike at Rainbow Harbor and the proposed San Pedro Waterfront Development in the Port of Los Angeles (POLA)."

The truth and correct information is:

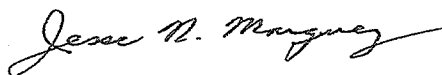
- a. Port drayage trucks will be the majority and primary user of the new expanded bridge and SR-47 connection not the general public.
- b. Port workers and outside contractors driving to the ports will be the second largest user of the bridge and SR-47 connection not the general public.
- c. The FEIR/EA failed to contain an assessment of the number local City of Long Beach and City of Los Angeles residents who would benefit from the new local bridge expansion and SR-47. Local benefits and usage would actually be minimal.
- d. There will be no significant increase in local and regional use of the bridge and SR-47 connection. The FEIR/EA provided no public survey study to validate this claim. In fact, Wilmington residents a primarily EJ, low income and protected class community will practically never use the bridge to get to either destination since they do not like driving along port drayage trucks and will especially not want to drive alongside twice as many trucks in the future. The average truck container size and load weight will also increase in the future. Local streets are safer and more convenient. CFASE is not aware of any study or in its personal conversations with San Pedro residents and

members that validates that San Pedro residents will increase their visits to the Long Beach Pike.

- e. There is no other significant or proposed new shopping or tourist destination point in Long Beach or San Pedro that would validate the FEIR/EA conclusions that there will be an increase in regional visits.
4. The FEIR/EA response to CFASE public comments regarding restricting truck usage of the bridge or requiring that only electric trucks, hydrogen fuel cell trucks and other technologies etc. intentionally mischaracterizes information and the truth:
- a. Failed to disclose that if the bridge remains under the ownership and jurisdiction of the Port of Long Beach and City of Long Beach that they do have the right to restrict truck usage of the bridge or requiring that only electric trucks, hydrogen fuel cell trucks and other technologies etc..
 - b. Failed to disclose that if the bridge remains under the ownership and jurisdiction of the Port of Long Beach and City of Long Beach that they do have the right to require an increased usage of the Alameda Corridor.
 - c. Failed to disclose that the Port of Long Beach (POLB) could have an operating MagLev Train Demonstration Project currently operating but have chosen not to approve American MagLev Technology, Inc. (AMT). POLB staff and commissioners have visited the AMT demonstration project in Atlanta, GA. AMT has provided proof of a financial commitment and capability. POLB denies that they know of a POLB tenant who has volunteered to use the Maglev train and place containers on it. There are several documents and power point presentations that have been given and/or shown to the Port of Long Beach and Board of Harbor Commissioners that SSA Terminal wants the MagLev demonstration project. In addition, the POLB could continue its research of other Zero Emission Cargo Transportation Systems.
5. CFASE is unable to provide additional information due to the short 45 day public comment period. CFASE requests that the Public Comment period be extended to 90 days.

The Coalition For A Safe Environment Mission Statement is - To protect, promote, preserve and restore our Mother Earth's delicate ecology, environment, natural resources and wildlife. To attain Environmental Justice in international trade marine ports, goods movement transportation corridors, petroleum and energy industry communities.

Respectfully Submitted,



Jesse N. Marquez
Executive Director

And As,

Jesse N. Marquez
613 N. Gulf Ave.
Wilmington, CA 90744

City of Los Angeles Resident
Member of the Coalition For A Safe Environment
Member of the Sierra Club harbor Vision Task Force
Resident & Member Of The Public Adversely Impacted By The Projects Environmental, Public Health, Public Safety and Socio-Economic Negative Impacts

and

Gabrielle Weeks
Executive Director
Long Beach Coalition For A Safe Environment

City of Long Beach Resident
Member of the Long Beach Coalition For A Safe Environment
Member of the Sierra Club
Resident & Member Of The Public Adversely Impacted By The Projects Environmental, Public Health, Public Safety and Socio-Economic Negative Impacts

Coalition For A Safe Environment

P.O. Box 1918, Wilmington, California 90748
wilmingtoncoalition @ prodigy.net 310-834-1128

March 22, 2010

Richard Cameron
Director of Environmental Planning
Port of Long Beach
925 Harbor Plaza
Long Beach, CA 90802
cameron@polb.com
562-590-4160

State of California
Department of Transportation (DOT)
Ronald Kosinski
Deputy District Director
Caltrans District 7
100 S. Main Street
Los Angeles, CA 90012
213-897-1835

Re: Gerald Desmond Bridge Replacement Project
Draft Environmental Impact Report (DEIR)/Environmental Assessment (EA)
SCH No. 200210141
07-LA-710

Su: Request To Revise the DEIR to Address Deficiencies

The Coalition For A Safe Environment (CFASE) wishes to request the Port of Long Beach Board of Harbor Commissioners (POLB BOHC), City of Long Beach (COLB) and State of California Department of Transportation (DOT) revise the proposed DEIR to address deficiencies of the Draft EIR.

The Draft Environmental Impact Report (DEIR)/ Environmental Assessment (EA) for non-compliance and in violation of California Department of Transportation (Caltrans) in accordance with Section 6005 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005 (23 United States Code [U.S.C.] 327[a][2][A]), the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*); the Council on Environmental Quality (CEQ) *Guidance for Environmental Justice Under NEPA* (CEQ, 1997) Regulations implementing NEPA (40 *Code of Federal Regulations* [CFR] 1500-1508); Federal Highway Administration (FHWA) Environmental Regulations (23 CFR 771); and the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code [PRC] 21000 *et seq.* as amended) , implementing guidelines (California Code of Regulations [CCR], Title 14, Section

15000 *et seq.*), the Federal Clean Air Act, Clean Water Act, Executive Order 12898, AB 32 Global Warming Act, Resource, Conservation & Recovery Act (RCRA), U.S. Civil Rights Act Title VI, the California Health and Safety Code.

The Coalition For A Safe Environment is an Environmental Justice Community based non-profit organization with members in Long Beach, Wilmington, Carson, San Pedro and over 20 cities in California.

We find the proposed Gerald Desmond Bridge Replacement Project Draft Environmental Impact Report (DEIR)/Environmental Assessment (EA) to be unacceptable because it fails to support evaluation factors approval criteria, fails to adequately justify all of its purposes and objectives, fails to eliminate where feasible all negative impacts, fails to mitigate negative impacts where feasible to less than significant, fails to include all reasonable, feasible, cost effective and available project alternatives and mitigation measures.

The following information and outlined points, concerns, references, examples, issues, recommendations and requests describe the inadequacies of the DEIR/EA:

1. The DEIR/EA intentionally mischaracterizes information such as in the following paragraph:

“ES 1.2 INTENDED USES AND AUTHORIZING ACTIONS

The Port and Caltrans are acting as the lead agencies for the proposed project in accordance with CEQA and NEPA, respectively. The Port and Caltrans have prepared a joint EIR/EA for the proposed project.”

The truth and correct information is that the Port of Los Angeles (POLA) will also use the bridge:

- a. Port of Los Angeles should have been included as a co-lead agency.
- b. It is a fact that the Port of Los Angeles also uses the bridge.
- c. It is possible that POLA usage may exceed Port of Long Beach usage.
- d. The POLA is not being required to mitigate its usage if the bridge and its increased capacity.

Caltrans and the ports are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. The Port of Los Angeles be included as a co-lead agency.
- b. An analysis of POLA current usage of the bridge.
- c. POLA mitigation of its negative impacts and cumulative impact increases.

2. The DEIR/EA intentionally mischaracterizes information such as in the following paragraph:

“The bridge is forecast to carry a substantial amount (39 percent) of non-port, regional through traffic in 2030 (Iteris, 2009). Regional traffic will increase due to several major development projects that have been constructed in downtown Long Beach, such as the Pike at Rainbow Harbor and the proposed San Pedro Waterfront Development in the Port of Los Angeles (POLA).”

The truth and correct information is that the bridge was primarily built for two purposes:

- a. Facilitate local resident workers driving to and from work at the port.
- b. Non-port through traffic to Long Beach, San Pedro and Wilmington.

The bridge was never built to be a primary or major truck route for the ports, their tenants, the goods movement, importers and big box retailers. The ports, their tenants, the goods movement industry, importers and big box retailers are primarily responsible for the significant bridge infrastructure damage, premature degradation, deterioration and decrease in life time usage.

The DEIR/DEIS fails to state that the building of the bridge was paid for primarily by the public and not the ports, their tenants or goods movement industry or importers.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. A correct description not the port interpretation of the bridges original purpose.
 - b. Clearly state that the public paid for the original bridge.
 - c. Clearly state that the public will pay for the bridge and not the ports tenants, goods movement industry or importers. ie. WalMarts, K-Marts, Home Depot’s etc.
3. The DEIR/EA intentionally mischaracterizes information such as in the following paragraph:

“Deficiencies

The primary roadway deficiencies are the lack of outside shoulders and the steep approach grades.

Shoulders. The lack of shoulders often results in broken-down trucks or passenger vehicles being stuck in the outside lane, effectively blocking or severely restricting the entire traffic flow in that direction of travel until the incident is cleared. The lack of shoulders also makes it more difficult for emergency vehicles and tow vehicles to gain access to the incidents.”

The truth and correct information is that:

- a. Caltrans and the port failed to restrict or eliminate significant port truck usage of the public bridge.
- b. Caltrans and the port have allowed old trucks to service the ports a public agency knowing that they present significant traffic problems and safety concerns.
- c. Caltrans and the port failed to state that trucks are overwhelmingly the cause of breakdowns on the public bridge.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. An acknowledgement and discussion that Caltrans and the ports failed to restrict or eliminate significant port truck usage of the public bridge.
 - b. An acknowledgement and discussion that Caltrans and the ports have allowed old trucks to service the ports a public agency knowing that they present significant traffic problems and safety concerns.
 - c. An acknowledgement and discussion that Caltrans and the ports failed to state that trucks are overwhelmingly the cause of breakdowns on the public bridge.
4. The DEIR/EA intentionally fails to disclose information to the public such as in the following paragraph:

“ES 1.7.3 SCE Transmission Line Relocation

Because the new bridge would be 200 ft (61 m) above the MHWL, in contrast to the existing bridge at 156 ft (47.4 m) above MHWL, the project also requires that the SCE high-voltage transmission towers and lines that cross the Cerritos Channel north of the bridge be raised.”

The truth and correct information is that:

- a. Who is going to pay for the raising, replacement and/or extension of the SCE high-voltage transmission towers and lines.
- b. What is the cost of raising, replacement and/or extension of the SCE high-voltage transmission towers and lines.
- c. If SCE pays for these the costs, the costs will be passed on to the public via higher ratepayer rates which is a negative socio-economic impact.
- d. Clearly state that the port, their tenants, goods movement industry, importers and big box retailers. ie. WalMarts, K-Marts, Home Depot’s etc. will not pay for this negative socio-economic impact.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. Caltrans and the port identify who will pay for the raising, replacement and/or extension of the SCE high-voltage transmission towers and lines.
 - b. Caltrans and the port identify What is the cost of raising, replacement and/or extension of the SCE high-voltage transmission towers and lines.
 - c. Caltrans and the port state that if SCE pays for these the costs, the costs will be passed on to the public via higher ratepayer rates which is a negative socio-economic impact.
 - e. Caltrans and the port clearly state that the ports, their tenants, goods movement industry, importers and big box retailers. ie. WalMarts, K-Marts, Home Depot’s etc. will not pay for this negative socio-economic impact.
5. The DEIR/EA intentionally fails to disclose information to the public such as in the following paragraph:

“ES 1.8.1 No Action Alternative

Under the No Action Alternative, the Gerald Desmond Bridge would not be replaced or rehabilitated. It would remain in its existing deteriorated condition until a retrofit schedule is established. It would remain with insufficient roadway capacity to handle projected car and truck traffic volumes, and inadequate channel clearance for safe passage of some existing and new-generation container ships.”

The truth and correct information is that:

- a. Caltrans and the port intentionally have failed to schedule the bridge for rehabilitation.
- b. Caltrans and the port intentionally have failed to secure funding such as stimulus funds for the bridge rehabilitation.
- c. Bridge deterioration would slow down if Caltrans and the port restricted and eliminated significant port truck usage of the public bridge.
- d. Number of breakdowns would slow down if Caltrans and the port restricted and eliminated significant port truck usage of the public bridge.
- e. The bridge height does not have to be raised if the port does not allow large ships to use the inner harbor.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include the information stated in a. – e.

6. The DEIR/EA intentionally fails to disclose information to the public such as in the following paragraph:

“ES 1.8.4 Bridge Rehabilitation Alternative

“...Lacking a detailed seismic performance study, it is assumed that the casings would be placed along the full height of the columns....”

The truth and correct information is that:

- a. Caltrans and the port have had since 2004 to conduct a detailed seismic performance study and failed to do so.
- b. Caltrans and the port have had since 2004 to seek expert professional engineering opinion.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR include:

- a. Caltrans and the port contract to conduct a detailed seismic performance study.
- b. Caltrans and the port seek expert professional engineering opinion.
- c. Caltrans and the port delay the DEIR/EA and supplement the DEIR/EA until all necessary studies are included.

7. The DEIR/EA intentionally mischaracterizes information such as in the following paragraph:

“Year 2030 forecasted traffic volumes without the project are approximately 124,670 total trips per day (including 54,360 trucks or 43.6 percent of the total traffic) on the Gerald Desmond Bridge (Iteris, 2009). Table 1-1 summarizes the daily traffic and truck percentages over the project planning years.”

The truth and correct information is that:

- a. Caltrans and the port failed to include comparison forecast data of other options such as prohibiting truck usage of the bridge which would significantly decrease bridge traffic.
- b. Caltrans and the port failed to include comparison data of other options such as limiting the number of trucks using of the bridge.
- c. Caltrans and the port failed to include comparison data of other options such as diverting containers being placed on trucks to containers being placed on rail and using the Alameda Corridor, which is currently at approximately 30% capacity.
- d. Caltrans and the port failed to include comparison data of other options such as the port building an alternative cargo and container transportation systems such as an Zero Emissions Electric MagLev Train System such as the American MagLev Technology, Inc. proposed system which would significantly decrease and/or eliminate the usage of the bridge.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. Caltrans and the port include comparison forecast data of other options.
 - b. Caltrans and the port disclose that American MagLev Technology, Inc. has proposed building a MagLev Train System at the Port of Long Beach that would eliminate a significant number of trucks.
 - c. Caltrans and the port disclose that the Port of Long Beach has refused to grant a 20' right-of-way to build a demonstration MagLev project at no cost to the public.
 - d. Caltrans and the port disclose that a Port of Long Beach terminal operator has volunteered to place 400 containers a day on the Maglev Train which would significantly reduce the number of trucks using the bridge.
8. The DEIR/EA intentionally fails to disclose information to the public such as in the following paragraph:

"1.6 ALTERNATIVES

The June 2004 Draft EIR/EA analyzed two alignment alternatives (Build Alternatives) and a No Action Alternative. Like the previous document, this revised Draft EIR/EA fully analyzes the North-side Alignment Alternative (identified as the preferred alternative [see Section 1.8.1.1]), the South-side Alignment Alternative, and the No Action Alternative; it adds a fourth alternative, Bridge Rehabilitation, which was not considered in the previous document.

The truth and correct information is that:

- a. Caltrans and the port did not consider or disclose all alternatives that are known to them such as building a new bridge that prohibits truck usage, therefore no environmental, public health and public safety impacts.
- b. Caltrans and the port did not consider or disclose building a MagLev Train System at the Port of Long Beach would eliminate or minimize truck usage of the new bridge.
- c. Caltrans and the port did not disclose American MagLev Technology, Inc. has proposed building a MagLev Train System at the Port of Long Beach that would eliminate all or a significant number of trucks from using the bridge.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. An assessment of all alternatives that are known to them such as building a new bridge that prohibits truck usage, therefore no environmental, public health and public safety impacts.
 - b. An assessment and demonstration a MagLev Train System at the Port of Long Beach that would eliminate or minimize truck usage of the new bridge.
 - c. An assessment of a MagLev Train System at the Port of Long Beach that would eliminate or minimize truck usage of the new bridge.
 - d. Caltrans and the port disclose that American MagLev Technology, Inc. has submitted a proposal to the Port of Long Beach for building a MagLev Train System at the Port of Long Beach that would eliminate all or a significant number of trucks from using the bridge.
9. The DEIR/EA intentionally fails to disclose information to the public such as in the following paragraph:

“1.7.1 Toll-Operation Alternative

A tolling alternative was considered because the Port is looking at various funding sources (including federal, state, and local sources) to help pay for the cost of the new bridge. This alternative was considered given that tolling is used on many northern California bridges as a primary revenue source; therefore, POLB and POLA jointly sponsored a Terminal Island Traffic and Toll Revenue Study to assess the following options:”

The truth and correct information is that:

- a. Toll fees are regressive and will have a disproportionate impact on low income drivers and Environmental Justice Communities by requiring that they pay a higher percentage of monies towards the construction of the bridge.
- b. Trucks are 5-10 times longer than passenger vehicles and therefore should pay 5-10 times the toll fee, yet they will pay the same toll as a passenger vehicle.
- c. The public is being forced to pay and subsidize the majority of construction costs when the primary beneficiaries will be the ports, their tenants, goods movement industry, importers and big box retailers. ie. WalMarts, K-Marts, Home Depot’s etc. who will not pay for this negative socio-economic impact.
- d. The bridge was never built to be a primary or major truck route for the ports, their tenants, the goods movement industry, importers and big box retailers.
- e. The ports, their tenants, goods movement industry, importers and big box retailers are primarily responsible for the significant bridge infrastructure damage, premature degradation, deterioration and decrease in life time usage.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. An analysis f the regressive nature and disproportionate impact of tool fees on the public.
- b. A description of truck lengths and their impacts by not paying fair and equal toll fees as the public.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. An assessment of all alternatives that are known to them such as building a new bridge that prohibits truck usage, therefore no environmental, public health and public safety impacts.
 - b. An assessment and demonstration a MagLev Train System at the Port of Long Beach that would eliminate or minimize truck usage of the new bridge.
 - c. An assessment of a MagLev Train System at the Port of Long Beach that would eliminate or minimize truck usage of the new bridge.
 - d. Caltrans and the port disclose that American MagLev Technology, Inc. has submitted a proposal to the Port of Long Beach for building a MagLev Train System at the Port of Long Beach that would eliminate all or a significant number of trucks from using the bridge.
9. The DEIR/EA intentionally fails to disclose information to the public such as in the following paragraph:

“1.7.1 Toll-Operation Alternative

A tolling alternative was considered because the Port is looking at various funding sources (including federal, state, and local sources) to help pay for the cost of the new bridge. This alternative was considered given that tolling is used on many northern California bridges as a primary revenue source; therefore, POLB and POLA jointly sponsored a Terminal Island Traffic and Toll Revenue Study to assess the following options:”

The truth and correct information is that:

- a. Toll fees are regressive and will have a disproportionate impact on low income drivers and Environmental Justice Communities by requiring that they pay a higher percentage of monies towards the construction of the bridge.
- b. Trucks are 5-10 times longer than passenger vehicles and therefore should pay 5-10 times the toll fee, yet they will pay the same toll as a passenger vehicle.
- c. The public is being forced to pay and subsidize the majority of construction costs when the primary beneficiaries will be the ports, their tenants, goods movement industry, importers and big box retailers. ie. WalMarts, K-Marts, Home Depot’s etc. who will not pay for this negative socio-economic impact.
- d. The bridge was never built to be a primary or major truck route for the ports, their tenants, the goods movement industry, importers and big box retailers.
- e. The ports, their tenants, goods movement industry, importers and big box retailers are primarily responsible for the significant bridge infrastructure damage, premature degradation, deterioration and decrease in life time usage.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. An analysis f the regressive nature and disproportionate impact of tool fees on the public.
- b. A description of truck lengths and their impacts by not paying fair and equal toll fees as the public.

- c. A discussion and analysis that the ports, their tenants, goods movement industry, importers and big box retailers. ie. WalMarts, K-Marts, Home Depot's etc. will not pay for this negative socio-economic impact.
- d. A discussion as to the original intent and usage of the bridge and how Caltrans and the ports have illegally allowed the private profit making port tenants, goods movement industry, importers and big box retailers to commandeer and take over a public bridge over time.
- e. A discussion and analysis of the negative impacts to the bridge caused by port tenants, goods movement industry, importers and big box retailers

10. The DEIR/EA discloses significant information to the public such as in the following paragraph:

“2.1.2.3 Environmental Consequences

...The *Port and Model Elasticity Study* (Leachman & Associates, 2005), which was prepared for SCAG, and supplemental analyses conducted by SCAG indicate that a container fee of under \$200 per forty-foot equivalent unit (FEU), combined with transportation congestion relief projects, would not alter shipper supply chain logistics. Another study, *Cargo on the Move through California* (Energy and Environmental Research Associates, 2006) prepared for the Natural Resources Defense Council (NRDC) concluded that a \$30 container fee for capital improvements would not result in the diversion of cargo.”

However it is buried in the middle of the document text, not highlighted nor the findings adopted as a course of action in the EIR/EA:

- a. The issue as to who will pay for the cost of the bridge is the most important and significant negative public socio-economic aspect of the project.
- f. A principal public governmental agency and an independent private third party non-profit organization conducted economic studies which concluded that the ports tenants, the goods movement industry, importers and big box retailers are fully capable of paying for the bridge construction via a container fee with less than significant impacts.
- b. Caltrans and the port failed to select and recommend a container fee as the best and primary method to pay for the bridge.
- c. Caltrans and the port have obfuscated their responsibility to represent the public's best interests and have in fact sold out the public to private business interests and lobbying to allow them to make higher profits at the public expense.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. The recommendation that a container fee be the principle means of financing the bridge construction.
- b. An increased discussion and analysis of the principal public governmental agency and an independent private third party non-profit organization economic studies.
- d. An explanation why Caltrans and the port failed to recommend a container fee best and primary method to pay for the bridge.
- c. Caltrans and the port acknowledge that their primary responsibility as a public agency is to represent the public's best interests.

11. The DEIR/EA intentionally mischaracterizes information such as in the following paragraph:

“2.1.2.3 Environmental Consequences

...For this reason, while the potential for growth inducement in cargo movement is identified as a possible impact of the roadway improvements associated with the bridge replacement project, the effects are too speculative to reliably evaluate and essentially remain unknown.”

The truth and correct information is that the bridge will be a growth inducement and will have a significant negative impact:

- a. The effects are not too speculative to reliably evaluate, there is an abundant of port data that will clearly disclose that there has always been increased growth when there have been transportation infrastructure improvements.
- b. If Caltrans and the port were not capable of reliably evaluating this issue they could have easily hired a consultant firm to conduct an assessment as they have always done in the past when they want to justify items they or their tenants, goods movement industry, importers and big box retailers want.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. An assessment of the potential for growth inducement in cargo movement is identified as a possible impact of the roadway improvements associated with the bridge replacement project.
- b. An assessment of additional negative environmental, public health, public safety and socio-economic impacts.
- c. The inclusion of additional mitigation to address the additional negative environmental, public health, public safety and socio-economic impacts.

12. The DEIR/EA discloses significant information to the public such as in the following paragraph:

“2.1.2.4 Avoidance, Minimization and/or Mitigation Measures

No measures are required.”

The truth and correct information is that there are significant negative impacts that were not adequately disclosed, assessed, avoided, minimized or mitigated:

- a. This submitted public comment identifies numerous deficiencies in the DEIR/EA.
- b. Caltrans and the port intentionally refused to recognize these deficiencies although known to them and/or referenced by them in the DEIR/EA.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. Include omitted deficiencies identified in public comments.
- b. Include recommended and requested project alternatives and mitigation measures.

13. The DEIR/EA failed to disclose all of the significant information to the public such as in the following paragraph:

“2.1.3.1.2 Affected Environment Study Area

The EIR/EA was reviewed to identify potentially adverse effects of the project on the adjacent communities within the project area.”

The truth and correct information is that all potentially adverse effects of the project on the adjacent communities within the project area were not identified:

- a. Caltrans and the port arbitrarily determined what areas were impacted when in fact entire communities and cities will be impacted.
- b. Caltrans and the port failed to include Transportation Corridor Communities and Warehouse Distribution Center Communities who will be impacted by the increased truck traffic and increased ship emissions from larger ships.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

1. The EIR/EA include all of Wilmington, Carson, North San Pedro and all of the City of Long Beach Transportation Corridor Communities and Warehouse Distribution Center Communities
2. The EIR/EA include all Transportation Corridor Communities and Warehouse Distribution Center Communities within a fifty (50) mile radius Transportation Corridor Communities and Warehouse Distribution Center Communities.

14. The DEIR/EA failed to disclose all of the significant information to the public such as in the following paragraph:

“2.1.3.3.4 Avoidance, Minimization and/or Mitigation Measures

All measures summarized above and as discussed in Sections 2.1.5 (Traffic and Circulation) and Section 2.2.5 (Air Quality) would be implemented.”

The truth and correct information is that all potential project alternatives, mitigation measures to avoid, minimize or eliminate impacts to Environmental Justice Communities and protected classes were not identified:

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. Caltrans and the port do not have an Environmental Justice Advocate or department to advise them on Environmental Justice issues.
- b. Caltrans and the port never hired an Environmental Justice Consulting firm or Environmental Justice Organization to advise them on Environmental Justice issues.
- c. Caltrans and the port failed to include the cumulative impacts identified by EJ Communities in the past into the EIR/EA.
- d. Caltrans and the port failed to consider zero emitting and near zero emitting goods movement transportation technologies, pollution capture or control technologies.
- e. Caltrans and the port never hired a consulting firm to research Environmental Justice Community recommended alternative technologies to mitigate impacts.

- f. Caltrans and the port did not consider banning or limiting trucks on the bridge.
- g. Caltrans and the port did not consider allowing only Electric Trucks and Hydrogen Fuel Cell Battery Trucks on the bridge.
- h. Caltrans and the port did not consider allowing only trucks which have fuel combustion efficiency equipment and high efficiency pollution control devices.
- i. Caltrans and the port did not consider requiring the Advanced Maritime Emissions Control System (AMECS) to be used on the larger ships that would be entering the inner harbor terminals.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a. Caltrans and the port hire an Environmental Justice Advocate and establish an EJ Department to advise them on Environmental Justice issues.
 - b. The Port of Long Beach establish a Port Community Advisory Committee equal to the Port of Los Angeles.
 - c. The DEIR/EA include EJ Community identified cumulative impacts that have in the past been presented to the port into the EIR/EA and in this public comment document.
 - d. The DEIR/EA include a recommendation to use the alternative transportation MagLev Train, AMECS System, Electric trucks, Hydrogen Fuel Cell Battery Trucks and fuel combustion efficiency equipment and high efficiency pollution control devices.
15. The DEIR/EA failed to disclose all of the significant public health impacts information to the public which would be identified in a Health Impact Assessment and not part of a Health Risk Assessment such as:

The DEIR Health Risk Assessment is not complete and accurate because it did not include:

A. A review of all public health impacts:

- 1. Respiratory Health Diseases.
- 2. Cardio-Pulmonary Diseases.
- 3. Neurological Diseases.
- 4. Child Learning Disabilities.
- 5. Physiological Development Disorders.
- 6. Blood Diseases (Leukemia, Lymphoma, Myeloma, Anemia).
- 7. Diabetes.
- 8. Autoimmune Diseases (Lupus, Fibromyalgia).
- 9. Child Obesity.
- 10. Endocrine Disruptors.
- 11. Mental Health. (Stress, Anger, Fear, Depression)
- 12. Temporary & Permanent Disabilities
- 13. Death

B. A comprehensive door-to-door Public Health Survey to establish a Public Health Baseline.

C. An accurate Sensitive Receptor Impact Zone Study.

D. Wind Pattern Aerosol Dispersion Meteorological Study.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

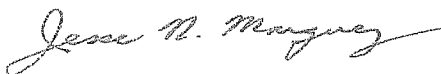
- a. Caltrans and the port include a Health Impact Assessment in the EIR/EA.
 - b. Caltrans and the port include a Public Health Survey in the EIR/EA
 - c. Caltrans and the port include a Public Health Baseline in the EIR/EA.
 - d. Caltrans and the port include a more comprehensive Sensitive Receptor Impact Zone Study.
 - e. Caltrans and the port include a Wind Pattern Aerosol Dispersion Meteorological Study.
16. The DEIR/EA failed to include appropriate mitigation to address all the public health impacts described in # 15 above.

Caltrans and the port are required to include correct and complete information. CFASE requests that the Final EIR/EA include:

- a... Mitigation to reduce all public health impacts to less than significant.
- b... Caltrans and the ports establish a Public Health Mitigation Trust Fund to pay for all Public Health Impacts based on a container fee of \$ 10.00 per TEU that passes under the bridge into the inner harbor.

The Coalition For A Safe Environment Mission Statement is - To protect, promote, preserve and restore our Mother Earth's delicate ecology, environment, natural resources and wildlife. To attain Environmental Justice in international trade marine ports, goods movement transportation corridors, petroleum and energy industry communities.

Respectfully Submitted,



Jesse N. Marquez
Executive Director

And As,

Jesse N. Marquez
613 N. Gulf Ave.
Wilmington, CA 90744

City of Los Angeles Resident
Member of the Coalition For A Safe Environment
Member of the Sierra Club
Resident & Member Of The Public Adversely Impacted By The Projects Environmental, Public Health, Public Safety and Socio-Economic Negative Impacts

and

Gabrielle Weeks
Executive Director
Long Beach Coalition For A Safe Environment

City of Long Beach Resident
Member of the Long Beach Coalition For A Safe Environment
Member of the Sierra Club
Resident & Member Of The Public Adversely Impacted By The Projects Environmental, Public Health, Public Safety and Socio-Economic Negative Impacts

**CENTER FOR BIOLOGICAL DIVERSITY
COALITION FOR A SAFE ENVIRONMENT
COMMUNITIES FOR A BETTER ENVIRONMENT
COMMUNITIES FOR CLEAN PORTS
LONG BEACH COALITION FOR A SAFE ENVIRONMENT
NATURAL RESOURCES DEFENSE COUNCIL**

August 5, 2010

President Sramek and Members of the Board
Port of Long Beach,
925 Harbor Plaza,
P.O. Box 570
Long Beach, California 90802
Fax No: (562) 901-1728
E-mail: crouch@polb.com

RECEIVED
CITY CLERK
LONG BEACH, CALIF
10 AUG 23 PM 4:30

Re: Gerald Desmond Bridge Replacement Project Environmental Impact Report/Environmental Assessment & Application Summary Report.

Dear President Sramek and Members of the Board of Harbor Commissioners:

On behalf of the undersigned organizations, we are writing about the upcoming hearing on the Environmental Impact Report for the Gerald Desmond Bridge Replacement Project. At the outset, we are disappointed that the Port of Long Beach is seeking to push this project that perpetuates a future premised on diesel transport prior to addressing serious issues related to advancing cleaner technologies and mitigating port-related community impacts. Specifically, we are concerned about how this project interrelates with the following two important issues for the Long Beach community and the region as a whole.

- First, we remain deeply concerned that the Port of Long Beach is not truly committing to a path to implement zero emission or near zero emission ways to transport containers. For years advocates have been asking for the ports to make progress on advancing this type of strategy to alleviate the serious harm posed by reliance on diesel vehicle transport. Moving forward on this diesel truck bridge project now without developing a strategy to push forward on developing non-diesel strategies continues the practice of funding projects that do not move us towards resolving our serious air quality, greenhouse gas, and energy independence problems in the region.
- Second, despite a commitment to provide community mitigation, we remain deeply concerned about the lack of progress in advancing the various mitigation grant programs that were developed through the Middle Harbor Redevelopment Project. The Desmond Bridge project includes funding commitments to these grant programs, but there is currently a lack of incentive to ensure that the community receives this desperately needed mitigation in a timely fashion.

Given these significant issues, we suggest that the Commission delay the hearing on the Gerald Desmond Bridge Replacement for 60 days or as soon as these issues are resolved. We will be filing more detailed comments on the Environmental Impact Report shortly.

Sincerely,



Adriano Martinez
Project Attorney
Natural Resources Defense Council

Matt Vespa
Attorney
Center for Biological Diversity

Jesse Marquez
Executive Director
Coalition for a Safe Environment

Maya Golden-Krasner
Staff Attorney
Communities for a Better Environment

Giselle Fong
Executive Director
Communities for Clean Ports

Gabrielle Weeks
Executive Director
Long Beach Coalition for a Safe Environment



NATURAL RESOURCES DEFENSE COUNCIL

August 9, 2010

Via electronic mail

President Sramek and Members of the Board
Port of Long Beach,
925 Harbor Plaza,
P.O. Box 570
Long Beach, California 90802
Fax No: (562) 901-1728
E-mail: crouch@polb.com

RECEIVED
CITY CLERK
LONG BEACH, CALIF
10 AUG 23 PM 4:30

Re: Final Environmental Impact Report/Environmental Assessment for Gerald Desmond Bridge Replacement Project

Dear President Sramek and Members of the Commission:

On behalf of the Natural Resources Defense Council, I write to provide comments on the Gerald Desmond Bridge Replacement Final Environmental Impact Report (EIR)/Environmental Assessment (EA) (EIR/EA). I appreciate the opportunity to provide comments on the EIR/EA. NRDC has previously described the legal failings of the Draft EIR/EA in its letter of March 22, 2010, which is by this reference incorporated in its entirety. NRDC still has several concerns about the project itself and the enclosed environmental document. After careful review, we have concluded that it fails in many respects to comply with the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

I. The Port Must Ensure That The Mitigation Grant Programs Established Under the Middle Harbor Development Project Are Rapidly Executed.

It is NRDC's understanding that the Port has had significant success in receiving funding proposals for school-related projects under the school mitigation grant program. It is also our understanding that this program has been moving along relatively quickly, which is a very positive step for community health and welfare. The success and popularity of the school program demonstrates the great need for community mitigation related to the major port operations that occur in the harbor area. Even with this success, we recommend that the Port ensure that the other mitigation programs (e.g. Health Care and Seniors and Greenhouse Gas) move rapidly as well.

It is notable that the Middle Harbor project has already begun construction, so these mitigation funds should be spent now.¹ The imperative to quickly deploy the healthcare mitigation program is bolstered by recent studies. For example, the University of Southern California released a study late last year that determined the following—

The study, which appears in an online edition of the American Journal of Public Health, estimated that nine percent of all childhood asthma cases in Long Beach and six percent in Riverside were attributable to traffic proximity.

The study also found that ship emissions from the Los Angeles-Long Beach port complex contributed to the exacerbation of asthma. For example, approximately 1,400 yearly episodes of asthma-related bronchitis episodes in Long Beach (21 percent of the total) were caused by the contribution of ship emissions to nitrogen dioxide levels in the city.²

The true impacts from the movement of freight are being felt by harbor adjacent residents now, and we encourage action from the Board of Harbor Commissioners that the Health Care and Seniors Facilities mitigation grant program will expeditiously start spending money to mitigate project-specific and cumulative port-related impacts.

The Gerald Desmond Bridge Replacement Project also proposes to spend approximately 0.24% of total project costs on community mitigation (e.g. \$2.4 million for mitigation programs for an approximately \$1 billion dollar project). At a minimum, the Port needs to ensure that this small allocation of funds to community mitigation be deployed quickly upon construction. Moreover, as the EIR suggests, NRDC recommends that the Board of Harbor Commissioners use “Step 3” in the funding formula within the EIR/EA in determining the allocations of funding for the mitigation programs for specific projects. This part of the calculation states—

Step 3:

The Board may also want to consider other unique factors, which may cause the calculation above to not reflect project circumstances, in determining the final amount of the contribution to the grants programs.³

Given that this project continues to perpetuate a future premised on diesel truck transport for the harbor area, we suggest that the Port of Long Beach allocate additional funding to mitigate the serious impacts associated with this project, other projects planned for the Port, and the existing baseline impacts from port operations. Thus, we

¹ EIR/EA, at 4-250 (“the Middle Harbor project, which began construction in 2009.”)

² USC, Study Finds Big Air Pollution Impacts on Local Communities, November 5, 2010, available at <http://healthnews.usc.edu/2009/11/study-finds-big-air-pollution.html>.

³ FEIR/EA, at 3-10.

respectfully request that the Harbor Commission ignore the consultants suggestion that \$2.4 million (\$1 million for school mitigation; \$1 million for health care and seniors; and \$400,000 for greenhouse gas) is ample mitigation for this project.⁴ Accordingly, the Board of Harbor Commissioners should allocate additional funds to community mitigation programs.

II. The EIR/EA Offers No Sufficient Justification for its Dismissal of Feasible Alternatives.

The EIR/EA summarily dismisses the critique in NRDC's March comment letter that the EIR/EA fails to explore a reasonable range of alternatives. The EIR/EA states that "the Port is committed to development and implementation of [Zero Emissions Container Movement System]."⁵ This stated commitment in the EIR/EA is unclear because there is not a clear path towards moving forward on deploying these technologies. Moreover, the response to NRDC's comments critique fails to discuss the need to deploy electric trucks to mitigate harmful port-related emissions.

It appears the Port is trying to have it both ways. The EIR/EA claims a commitment to advance zero emission systems, but we have not seen this commitment come to fruition. We remind the Port of its commitments in the 2006 Clean Air Action Plan. In pertinent part, the Board of Harbor Commissioners included the following section in the unanimously approved Clean Air Action Plan—

"Green-Container" Transport Systems

This component of the program is focused on finding the next generation of transport solutions for goods movement. The ultimate goal is a 21st century electric powered system that will move cargo from our docks to the destinations within 200 miles that today are moved by truck. It make take 20 years to complete such a system but it will always be 20 years away unless in the next five years we build and test a demonstration prototype and perfect a detailed plan for widespread construction.

It is the goal of this effort to find and demonstrate innovative technologies that can be utilized for more efficient and greener movement of cargo. This includes renewable energy technologies, hybrid technologies, and broadening the use of electrification (from "green energy" sources) in port-related sources. In the face of growing cargo throughput and activity, the ultimate goal is to move to pollution-free technologies and strategies. The program will not only evaluate

⁴ EIR/EA, at 3-10 ("however, no adjustments to the calculated amounts appear to be needed for purposes of this project, so the \$2 million set forth at the end of Step 2 remains the appropriate recommendation.")

⁵ EIR/EA, at 4-258.

*innovative strategies, but will provide funding for pilot programs to demonstrate their feasibility.*⁶

As five years rapidly approaches, it is unclear what progress has actually been made in “find[ing] and demonstrat[ing]” the innovative technologies committed to in the Clean Air Action Plan. Unfortunately, based on our assessment of recent board hearings, it does not appear there is a sufficient commitment to live up to the promise made in the 2006 Clean Air Action Plan. NRDC reminds the Port that it becomes increasingly important to advance these advanced systems because the Port is on the precipice of approving another major expansion project that will result in approximately \$1.75 billion dollars in capital expenditures (e.g. Middle Harbor + Gerald Desmond Bridge) that are premised mainly on diesel transport of goods. We fail to see how the Port can achieve its vision of a zero emissions system without tying deployment of technology to its current slate of projects set to proceed in the upcoming years.

III. The EIR/S Fails To Discuss How Air Quality Analysis Of This Transportation Project Will Be Affected By The New Bridge Height.

As noted by the South Coast Air Quality Management District (SCAQMD), the Final EIR/EA fails to assess the possible environmental effects of allowing larger container ships or more ships into the Port. The EIR/EA claims that the Port does not “anticipate...any quantifiable additional vessel-related air emissions associated with an increased bridge height...” however it is not about what they anticipate but rather CEQA requires agencies to discuss all calculable growth inducing impacts.⁷

According to CEQA Guidelines § 15126(d), the EIR must discuss the Project’s growth inducing impacts. This requires the lead agency to “discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment... Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.” CEQA Guidelines § 15126.2(d). The depth of such an analysis depends on “the directness or indirectness of the contemplated impact and the ability to forecast the actual effects the project will have on the physical environment.” *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, 91 Cal. App. 4th 342 (1st Dist. 2001). Further, an agency is required to study the potential growth-inducing impacts even if they are not currently within the plan. *Id.* at 367 (“[A]n agency cannot avoid the EIR process simply because a project does not itself call for the construction of housing or other facilities that will be needed to support the growth contemplated by the Project”).

⁶ San Pedro Bay Ports Clean Air Action Plan, Final 2006, available at <http://www.polb.com/civica/filebank/blobdload.asp?BlobID=3451>.

⁷ EIR/EA, at 4-209.

The bridge's height allows for the passage of some of the largest container ships, 11,000-11,999 TEU capacity.⁸ Though the Port claims current and planned navigational constraints prevent access of such ships, the Port admits that "[b]oth Piers A and S would be capable of handling any forecasted vessel [including ones with an 11,000-11,999 TEU capacity] if there were no navigational constraints."⁹ The assumption is that such a height increase was chosen to accommodate the future option of such activity. Thus, it requires an environmental study of how those ships will affect the air quality within the Port. This would be a direct effect of the contemplated impact that is completely possible to forecast since studies have been done on emissions by these vessels as well as the number of vessels that could possibly dock at Pier A and S if such navigational restrictions were removed.

The Port also considers a whole list of effects that would occur if a "modest increase in throughput" were to happen: "additional truck, train, ship, and cargo handling equipment operational emissions and cumulative contribution to greenhouse gases (GHGs) and additional effects on the Port, City and State roadways to accommodate potential additional truck trips to move the additional throughput into the State and national distribution networks."¹⁰ However, none of these effects are discussed in detail because the Port claims that such increases are "speculative." The threshold is not how likely such events are to occur, but rather the Port's ability to analyze the effects if they do occur. In *Stanislaus Audubon Society, Inc. v. County of Stanislaus* 33 Cal. App. 4th 144, 157 (5th Dist. 1995), the court recognized that market forces set into play by one project can create pressure to change general plans of other related projects in the area. See also *Friends of "B" Street v. City of Hayward* 106 Cal. App. 3d 988, 1003 (1st Dist. 1980) (The Court found that an EIR was necessary for a road construction project since "conversion of single-family dwellings to commercial or multi-family use would be accelerated"). Therefore, such issues must be discussed in the EIR since they are predictable, direct impacts that are possible to forecast. The Port must complete this section of the EIR in full in order to comply with CEQA.

IV. The EIR/EA Contains Significant New Information That Requires Recirculation.

In the final EIR/EA, the Port has provided new information as to the ability of larger ships to use Pier A and S. Such new information must be presented to the public for comment and debate.

Given the Project's size and the extensive impacts that will result to the community, the EIR/EA must be recirculated to allow consultation with community groups regarding existing conditions and expected future impacts in surrounding neighborhoods. The CEQA Guidelines state: "In determining whether an effect will be adverse or beneficial, the lead agency shall consider the *views held by members of the*

⁸ EIR/EA, at 4-209.

⁹ EIR/EA, at 2-21.

¹⁰ EIR/EA, at 2-22, 2-23.

public in all areas affected as expressed in the whole record before the lead agency.” CEQA Guidelines 15064(c); emphasis added. The surrounding community is already highly and disproportionately impacted and stands to suffer even greater impacts in the future.

The EIR/EA includes a discussion about how the bridge’s height will not affect the kind or number of ships that will use Piers A and S. Such new information is essential to the understanding of the environmental as well as economic impacts of the bridge and requires the Port to consider the views of the public. Such views cannot be considered if the Port does not allow the public ample ability to comment on this information.

V. The EIR/EA Makes Confusing Statements As To The Amount Of Pollution The Project Will Emit And How It Will Be Distributed Through The Region.

In response to the Long Beach Generation LLC concerns of the Port’s mobile emissions impact on their power plant, the Port explained that:

The elevation of the new Gerald Desmond Bridge, as well as of the associated roadway connectors (near the LBGS Units) will be higher than the elevation of the LBGS inlet facilities; thus, pollutants from the vehicular traffic on the new Gerald Desmond Bridge will be emitted at higher elevations than the inlet facilities of the LBGS Units; therefore, it is expected that increase in pollutant concentrations at the inlet facilities of the LBGS Units from vehicular traffic on the new Gerald Desmond Bridge would be minimal.¹¹

However, the Port never explains how the elevation of the bridge may cause pollution to spread to other areas. If the pollution will not affect the inlet facilities because of the height, then the pollution must be affecting other areas.

Concurrently, the EIR/EA claims that the only appropriate area to study is the area closest to the Project. “The corridor is also appropriate because the project merely accommodates trips within it; no new trips are generated by the project and therefore a logical argument cannot be made for capture area extending beyond the immediate vicinity.”¹² The EIR/EA on one hand claims that the bridge’s height will cause pollution to spread so as not to affect the immediate area but then explains that the pollution will only affect the “immediate vicinity.” These are two contradicting statements.

CEQA requires an EIR to properly inform the public in a way that enables them to “intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision.” *Environmental Planning*

¹¹ EIR/EA, at 4-272.

¹² EIR/EA, at 4-253.

and Information Council v. County of El Dorado 131 Cal. App. 3d 350, 354 (3rd Dist. 1992). The public is unable to formulate any intelligent opinions if the document has internal contradictions and presents a confusing picture of the environmental effects. Moreover, the overly narrow project area prevents a true assessment of the impacts from this Project.

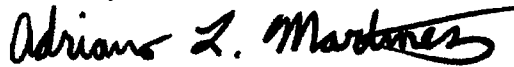
If the EIR/EA claims that the bridges height will spread pollution, then it must explain where that pollution is being spread to and extend their study area accordingly. Currently the EIR/EA claims that the pollution will not affect the immediate area but then claims that it will only affect the immediate area. By doing so, the EIR/EA completely defeats one of the main purposes of the CEQA EIR process, which is to inform the public. The current EIR cannot survive as it currently stands with this core contradiction.

VI. Failure To Prepare An Environmental Impact Statement Violates NEPA.

This project requires an Environmental Impact Statement ("EIS") pursuant to NEPA. Allowing the Port's partner agency, the California Department of Transportation, to continue to make claims that this project with serious air quality impacts only requires an EA creates concerns for this project as well as other projects that the Port currently undertaking with CALTRANS (e.g. the I-710 corridor expansion project).

Thank you for considering these comments. If you have any questions, please contact Adrian Martinez, amartinez@nrdc.org.

Sincerely,



Adriano L. Martinez

Project Attorney

Natural Resources Defense Council



NATURAL RESOURCES DEFENSE COUNCIL



August 13, 2004

Robert Kanter, Ph.D
Planning Division
Port of Long Beach
925 Harbor Plaza
Long Beach, CA 90802

RECEIVED
CITY CLERK
LONG BEACH, CALIF
10 AUG 23 PM 4: 30

Re: Draft EIR for the Gerald Desmond Bridge Replacement Project

Dear Mr. Kanter:

We write on behalf of NRDC (Natural Resources Defense Council), the Coalition for Clean Air, and our over 1 million members and e-activists, thousands of whom live and work in Southern California, regarding the draft environmental impact report (EIR) for the Gerald Desmond Bridge Replacement Project (Project). We are troubled by the utter lack of analysis and mitigation in this EIR for all of the environmental impacts that will doubtlessly result from the reconstruction of this "vital link" to and from the Port of Long Beach. EIR at ES-4.

THE DESCRIPTION OF THE PROJECT IS INSUFFICIENT TO ENSURE A PROPER ANALYSIS AND PUBLIC PARTICIPATION

It is extremely unclear from the Project description exactly what the new bridge will look like. We are aware, for example, that the Project will have a much larger capacity than the existing bridge and will accommodate a significantly larger number of trucks and other vehicles. Nevertheless, the EIR fails to describe the proposed bridge in sufficient detail to determine precisely what it will look like. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193. Accordingly, the Port must revise the EIR to make clear the scope of the proposed project.

Natural Resources Defense Council
1314 Second Street
Santa Monica, CA 90401
310-434-2300

Coalition for Clean Air
523 W. 6th Street, 10th Floor
Los Angeles, CA 90014
213-630-1192

THE EIR MUST BE REDONE TO REFLECT, ANALYZE, AND MITIGATE THE TREMENDOUS "GROWTH-INDUCING" IMPACTS THAT WILL RESULT FROM THE RECONSTRUCTION OF THIS MAJOR ARTERY TO AND FROM THE PORT.

The clear insufficiency of this EIR begins with the Project's asserted objective: "to promote efficient vehicular and vessel circulation and access to accommodate existing operations and future growth in the transport of container cargo to and from the Port." EIR at ES-3 (emphasis added). This objective is incorrect and misleading. As a result, the EIR fails to assess – in any meaningful way – the significant impacts of this project, and most significantly, of the "growth inducing" impacts that will result from the construction of this expanded passageway to and from the ports.

In fact, the true objective of this Project is not to "accommodate" future growth, but to *enable* the Port of Long Beach to grow. As is correctly stated in the letter submitted by the San Pedro and Peninsula Homeowners' Coalition, the Ports of Long Beach and Los Angeles both plan to more than quadruple their throughput, from 9,908,787 twenty foot equivalent units (TEUs) in 2002 to 47,184,000 in 2025. This Project is necessary to allow this growth to occur.

The Port would have the public believe that it is helpless to stop this explosion in throughput (as though future growth has a life of its own), and that the Port can therefore only try and "accommodate" the "inevitable" growth through projects like this. See, e.g., EIR at 5-2 ("the proposed project is growth sustaining, not growth inducing"). To the contrary, the Port is the *only* entity in the position to control future growth and the level of environmental and public health impacts that will result. The Port of Long Beach is a landlord. Accordingly, it alone has the sole power to contract with shipping lines to allow any future increase in cargo. Indeed, the Port concedes in the EIR that not undertaking this Project "would...limit the ability of the Port to secure long-term leases with prospective tenants for nearby terminal facilities." EIR at ES-4. See also EIR at 1-4. It is hard to conceive of a more direct concession than this that the Project will *enable* future Port growth, rather than simply accommodate it.¹

Further, it is the Port alone that conceives of, and has the sole power to approve, projects that increase the physical size and capacity of the Port, like Pier J and Pier S, as well as the infrastructure that will enable such growth, such as the current bridge project. While the Port *desires* to quadruple its throughput, such growth simply cannot occur under the current conditions and without these infrastructure expansion projects. For example, the Ports' recent joint transportation study projects that, *if* the ports quadruple as they would

¹ Indeed, as this further demonstrates, the Ports of Los Angeles and Long Beach are not the only ports on the West Coast. If there is insufficient room at these ports to accommodate additional expansion – or, more importantly – if the impacts of expansion are too much for the local communities and our region to bear, then shipping companies will simply have to bring their expanded business elsewhere. In other words, future growth *here* of the magnitude desired by the Ports is by no means inevitable.

like, the bridges (including the Gerald Desmond Bridge), freeways, and other major arteries to and from the ports will be stressed well beyond their capacity. *See also* EIR at ES-4 ("The existing Gerald Desmond Bridge would be unable to adequately support continued growth in the Ports"). The EIR acknowledges (EIR at ES-3) that 70% of the truck traffic from the two Ports uses the Gerald Desmond Bridge. It is therefore clear that this project is the key to enabling the Ports' desired future expansion to occur.

In fact, the Port appears to acknowledge this, when it is to its benefit. In purporting to weigh the harms versus the benefits of this Project on page 5-1 of the EIR, the Port touts the "enhanced economic growth" that will result. Clearly, the Project would not lead to economic growth if it simply accommodates future Port expansion that would happen anyway. The Port cannot have it both ways. As it is clear that the Project *will* enable growth, then the Port is required by CEQA to consider the clear costs to the environment, nearby communities, and public health, not just the purported benefits to the economy.

The Port's resort to the claim that its future planned growth is contemplated in its "Long-Range Plans" or "Port Master Plan," and thus that "the proposed project is growth sustaining, not growth inducing" is unavailing. The Port does not get a "pass" from CEQA just because a Project's impacts are included in some general long-range plan. Nor does CEQA allow the Port to defer its analysis and mitigation of impacts resulting from a project to the future, when other, related projects are proposed.

The California Environmental Quality Act (CEQA) and the CEQA guidelines clearly mandate that an EIR must "discuss the ways in which the proposed project could foster economic or population growth ... either directly or indirectly, in the surrounding environment." CEQA Guideline § 15126.2(d); *see also* CEQA Guideline § 15126.2(a) ("The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected"). In a similar case, *City of Antioch v. City Council of the City of Pittsburg* (1st Dist. 1986) 187 Cal.App.3d 1325, the court stated:

[T]he sole reason to construct the road and sewer project is to provide a catalyst for further development in the immediate area. Because construction of the project could not easily be undone, and because achievement of its purpose would almost certainly have significant environmental impacts, construction should not be permitted to commence until such impacts are evaluated in the manner prescribed by CEQA."

This EIR lists many future and present projects that would be enabled and accommodated by the new bridge (EIR at 2-2 to 2-3), but utterly fails to analyze the air quality, public health, noise, traffic, aesthetic, public health, environmental justice, and other impacts that will result from the hundreds of thousands, if not millions of additional truck trips that will be generated and facilitated. The Ports plan to quadruple throughput and, consequently, the number of trucks that must haul those additional containers to and from their ultimate destinations.

SPECIFIC PROBLEMS WITH THE AIR QUALITY AND TRAFFIC ANALYSES

First, the EIR improperly appears to use the "no project" alternative as the baseline for truck traffic. This is improper under CEQA, which instead requires an agency to compare the future impacts with the project to those impacts that exist as of the time of the notice of preparation. Here, the EIR indicates that currently, there are only 55,030 vehicles per day using the bridge, 19,811 of which are heavy-duty trucks. EIR at 3-46. The EIR further indicates that the Project will result in 88,690 vehicle trips per day, 31,471 of which would be heavy-duty trucks. EIR, Table A-14. This alone would result in extremely significant air quality and toxic impacts. As you are well aware, diesel exhaust is listed by the State of California as a known carcinogen, and according to the South Coast Air Quality Management District's MATES II study, it is responsible for over 70% of the cancer risk in our region. Moreover, diesel trucks are a significant source of particulate matter, which contributes to rising asthma rates in the harbor communities, and smog-forming oxides of nitrogen (NOx). These significant impacts are neither analyzed nor mitigated in the EIR.

In addition, it is unclear from the EIR how far into the future these estimates are projected. Since the Port plans to quadruple its throughput by 2025, we believe that the increases in truck and other traffic will be much more substantial than that reported in the EIR. Similarly, another recognized purpose of this project is to allow a new generation of larger container ships to service the Port. Larger vessels with larger engines are likely to be more polluting, yet the EIR does not at all evaluate the resulting impacts on air quality. It must do so.

Thank you for considering these comments. We assume that the Port will make the changes discussed above to the EIR, in order to comply fully with CEQA.

Sincerely,



For: Julie Masters
Senior Project Attorney
Natural Resources Defense Council

Todd Campbell
Policy Director
Coalition for Clean Air

Health Impact Assessment Group

UCLA School of Public Health

What is HIA?

Health impact assessment (HIA) is

"a multidisciplinary process within which a range of evidence about the health effects of a proposal is considered in a structured framework, ...based on a broad model of health which proposes that economic, political, social, psychological, and environmental factors determine population health."

Northern and York Public Health Observatory, 2001

HIA has the potential to:

- Identify "those activities and policies likely to have major impacts on the health of a population in order to reduce the harmful effects on health and to increase the beneficial effects" (Northern and York Public Health Observatory, 2001).
- Highlight potentially significant health impacts that are either unknown, under-recognized or otherwise unexpected.
- Facilitate inter-sectoral action for health promotion by bringing a consideration of health issues into decision-making in other sectors, for instance in agriculture, education or economic policy.
- Assess distributional effects between population sub-groups, including existing health disparities, as well as differential effects of policies on various population sub-groups.

Key elements of HIA

HIA is a new, rapidly evolving field. It has taken on a number of different forms as it is applied to wide range of issues in diverse social, political and bureaucratic environments. Variations in HIA practice have retained several common elements:

1. Analysis starts with proposed policies or projects;
2. Comprehensively examines potential health effects;
3. Based on a broad model of population health;
4. Employs a multidisciplinary approach to analysis;
5. Uses a structured framework to consider a range of evidence.

1. Analysis starts with proposed policies or projects, proceeding from a potential decision or series of decisions, such as whether to approve or not approve a proposal, whether an alternative might be preferable, or whether to modify a proposal. The goal of HIA is to provide unbiased information to policy-makers and the public, not to make decisions for them based on health criteria that would trump other social goals. HIA avoids giving a "thumbs up" or a "thumbs down" for a particular decision, but it will highlight areas of concern and compare the relative health benefits and costs of alternatives and/or modifications of the policy. Analyses may be based on existing data about current or past conditions and trends, HIA focuses prospectively on the potential consequences of a specific policy decision.

2. HIA comprehensively examines health effects. HIA looks squarely and explicitly at health outcomes. This of course begs the question "What is 'health'?" The World Health Organization has proclaimed that "'health' is not just the absence of disease; it is physical, mental and social well-being." Although scientific rigor can be maintained by narrowly defining research questions, outcomes and causal relations of interest, in HIA there is a competing demand for comprehensiveness that places a high value on addressing potentially significant outcomes even if they are difficult to ascertain. The appropriate balance between rigor and comprehensiveness needs to be determined in each HIA, based on the issue being analyzed, the state of knowledge about the relevant causal relations, the resources available to conduct the HIA and the information demands of the target audience(s).

3. HIA is based on a broad model of population health-one that recognizes the complex, interacting patterns of determinants that shape the health outcomes of groups of individuals and the distribution of outcomes within those groups. This implies several things. First, HIA must consider aggregate outcomes in the population. Second, HIA usually examines distributional effects. Third, and most significantly, HIA must take a broad, systems-based approach to understanding health outcomes and their determinants. While ultimately it is the individual that experiences good or poor health, the environmental determinants of health, along with the context of health outcomes must be considered.

4. Most approaches to HIA are multidisciplinary. As a broader range of health determinants is considered, it becomes necessary to draw from expertise in disciplines outside of health. In our work we have found that economics plays an especially significant role as a determinant or modifier of many policies' effects on health. A multidisciplinary focus is also necessitated by the fact that the most valuable HIAs examine the effects of proposals in sectors outside of health, such as agriculture, education and commerce, where health effects are typically not a major consideration in the policy-making process.

5. HIA uses a structured framework to evaluate a range of evidence. Due to variations in the types of outcomes considered and the substantial uncertainties involved in assessing potential effects, it becomes necessary to cobble together an assortment of evidence. Different kinds of criteria may be used to assess different kinds of evidence in different situations, which is discussed in the methodology section. What is always important is that the process for gathering and evaluating evidence is explicit, transparent and balanced.

Objective

Ensure that health and health disparities are considered in decision-making using an objective and scientific approach, and engage stakeholders in the process.

Essential Tasks

- **Screening:** Determines the need and value of a HIA
- **Scoping:** Determines which health impacts to evaluate, analysis methods, and a workplan
- **Assessment:** Provides 1) a profile of existing health conditions; 2) evaluation of potential health impacts; 3) strategies to manage identified adverse health impacts
- **Reporting:** Includes the development of the HIA report and communication of findings and recommendations
- **Monitoring:** Tracks impacts on decision-making processes and the decision as well as impacts of the decision on health determinants

Key Points

Health Impact Assessment is a combination of procedures, methods and tools that systematically judges the potential, and sometimes unintended, effects of a policy, plan, or project on the health of a population and the distribution of those effects within the population. HIA identifies appropriate actions to manage those effects.

HIA is used to assess a defined project, plan, or policy. The purpose of HIA is to inform decision-makers before they make a decision. A HIA is most often carried out before a decision is made or a proposal is implemented.

HIA address social determinants of health. HIA assesses how proposed projects, plans, and policies affect issues – such as housing, employment, transportation, access to public and retail services, social cohesion, education, and incarceration – and how those impacts affect health outcomes and health inequities.

Using a health frame can be persuasive. Health is a value we all share. We experience health personally and collectively. Health is one of the few indicators of quality of life and well-being. Disparities in health outcomes can lead to moral outrage.

The goals of HIA analysis and reporting are to:

- Judge the health effects of the proposed project, plan or policy
- Make health impacts more explicit
- Highlight health disparities
- Provide recommendations to improve the decision
- Shape public decisions and discourse

The goals of the HIA process are to:

- Engage and empower communities
- Emphasize everyday experiences in decision-making
- Build consensus around decisions
- Build relationships and collaborations

Key Points (cont'd)

HIA has many benefits. It:

- Provides a comprehensive lens on issues and helps identify trade-offs in decision-making.
- Supports community engagement and legitimizes "unheard" voices.
- Helps to provide input up-front in decision-making and build support for better outcomes.
- Considers historical, cumulative and disparate impacts.
- Targets communities experiencing the most significant policy externalities.

HIAs have been conducted on:

- Land use and transportation plans and projects, including:
 - Comprehensive, general, and area plans
 - Mixed-use and residential development projects
 - Transit-oriented development
 - Port and freeway expansions
- Employment policies
- Natural resource extraction projects

Resources

A Health Impact Assessment Toolkit:

A Handbook to Conducting HIA, 2nd Edition.

Developed by HIP, this toolkit introduces and defines HIA, describes each step of the HIA process, and discusses other aspects of HIA such as collaboration and when to use HIA. The toolkit also contains practice exercises for the reader.

<http://www.humanimpact.org/component/jdownloads/finish/1/81>

Practice Standards for Health Impact

Assessment.

Created by the North American HIA Practice Standards Working Group, these standards were developed to provide practitioners of health impact assessment with a set of benchmarks to guide their own HIA practice, and to stimulate discussion about HIA content and quality in this emerging field.

<http://www.humanimpact.org/component/jdownloads/finish/1/9>

Human Impact Partners HIA training materials

<http://www.humanimpact.org/component/jdownloads/finish/10/79>

HIA Case Studies

Jack London Gateway Rapid HIA

<http://www.humanimpact.org/doc-lib/finish/8/14>

Humboldt County General Plan HIA

<http://www.humanimpact.org/doc-lib/finish/4/62>

Other Websites

San Francisco Department of Public Health

www.sfpbes.org

Health Impact Project (Pew & RWJF)

www.healthimpactproject.org

UCLA HIA Clearinghouse

www.ph.ucla.edu/h/hiaclic

World Health Organization

<http://www.who.int/hi/en/>

University of New South Wales

<http://www.hiaconnect.edu.au/>

STEP 1: SCREENING

Objective

To decide whether a HIA is feasible, timely, and would add value to the decision-making process.

Key Points

HIA is used to assess a defined project, plan, or policy. The purpose of HIA is to inform decision-makers before they make a decision. A HIA is most often carried out before a decision is made or the proposal is implemented.

Have sufficient information about the decision. Conducting a HIA requires sufficient information about the proposed policy or plan to evaluate health impacts. Vague plans or policy statements may provide too little substance for a HIA.

Establish the value of HIA. It is not possible or desirable to conduct a HIA on every public decision. Projects that benefit from HIA are those where such an analysis might significantly protect or promote the health of a population and where partners are engaged in the HIA process and will use the results.

Assess feasibility. Feasibility involves being able to conduct an informative HIA within the decision-making time frame and with available resources.

Understand timing. Conducting a HIA early in the design and decision-making process offers the best opportunity for influencing the design of the project, plan, or policy. If the HIA occurs too late in the process, it risks confronting a fixed design or closed positions.

Evaluate decision openness. For HIA to be most valuable, the decision-making process should be open to receiving and acting on new information.

Be inclusive. Have community groups, public agencies and other potential HIA collaborators participate in the screening process. Participation of stakeholders in the HIA process at the earliest possible stage can help to ensure buy-in, constructive dialogue, and openness to HIA findings and recommendations.

Avoid redundancy. A HIA may be less useful if health effects related to the decision are already well established, or if another impact assessment or analysis will serve to comprehensively analyze health impacts.

Essential Tasks

- Define the decision and its alternatives
- Decide who will be involved in screening
- Determine if potential partners are ready to work on a HIA
- Evaluate the project, plan, or policy based on screening criteria
- Make a decision about whether to conduct a HIA
- Notify stakeholders of your decision

Tools

Example Screening Criteria

1. The project, plan or policy has been proposed, a final decision about whether to adopt the proposal has not been made, and there is sufficient time to conduct an analysis before the decision is made.
2. The decision has the potential to affect, positively or negatively, environmental or social determinants of health that impact health outcomes of a population - and those health impacts are not being or likely to be considered without the HIA.
3. Evidence, expertise, and/or research methods exist to analyze health impacts associated with the decision being considered.
4. The proposal being considered could potentially impact health inequities.
5. The proposal's impact on health outcomes is potentially significant. This can be measured in terms of the number of people impacted, the magnitude of impacts, and the breadth of the impacts.
6. The connections between the proposal and health outcomes are neither too obvious nor too indirect.
7. Decision-makers and/or those stakeholders who have the capacity to influence decision-makers are likely to use HIA findings and recommendations to inform or influence the decision-making process, whether through regulatory requirements or voluntarily.
8. The HIA could help lead to institutional and/or systemic changes that promote better health outcomes for all.
9. Partners are available to participate in the HIA process and use HIA findings and recommendations.
10. Resources (including funding, personnel, technical capacity, and leadership) are available to conduct the HIA.

Resources

- Human Impact Partners. 2009. Considerations for the Selection of Appropriate Policies, Plans, or Projects for Analysis using Health Impact Assessment. <http://www.humanimpact.org/component/jdownloads/finish/12/20>
- Human Impact Partners. 2009. HIA Readiness Questions. <http://www.humanimpact.org/component/jdownloads/finish/12/3>
- Taylor L. *et al.* 2003. Deciding if a Health Impact Assessment Is Required (Screening for HIA). NHS Health Development Agency. <http://www.humanimpact.org/component/jdownloads/finish/12/13>
- Health Impact Assessment: A Screening Tool for the Greater London Authority. 2001. <http://www.humanimpact.org/component/jdownloads/finish/12/25>
- Scott-Samuel A. *et al.* 2001. The Merseyside Guidelines for Health Impact Assessment. Second Edition. Published by the International Health Impact Assessment Consortium. <http://www.humanimpact.org/component/jdownloads/finish/11/24>

STEP 2: SCOPING

Objective

To create a plan and timeline for conducting a HIA that defines priority issues, research questions and methods, and participant roles.

Essential Tasks

- Determine who will oversee the HIA process
- Set ground rules or principles of collaboration for working together, including participant roles
- Establish objectives of the HIA
- Develop research questions, workplan, and timeline
- Determine the format for the final HIA report, and how findings and recommendations will be communicated

Key Points

To set the scope, determine:

- Decision alternatives to be evaluated
- Potential health impacts of the decision and health issues to be considered in the HIA
- Populations to be evaluated, including vulnerable populations defined by place, income, race, gender, or age
- Research questions, data sources, and analytic methods
- Timelines
- Draft plans for reporting, monitoring, and evaluation
- Resources available
- Participant roles and responsibilities

Be inclusive. Include all stakeholders in scoping and other steps of the HIA.

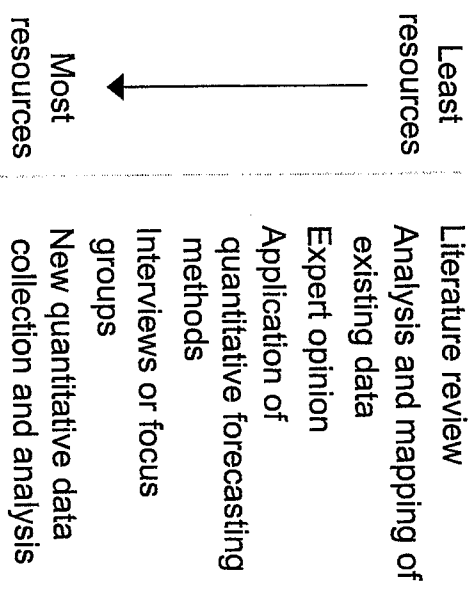
Stakeholders include community and advocacy groups, public health and other government agencies, project proponents, elected officials, and affected community members.

Use diverse outreach methods to

solicit feedback and participation from a variety of stakeholders by hosting a public meeting, receiving public comments, interviewing stakeholders and experts, or inviting input from local health experts.

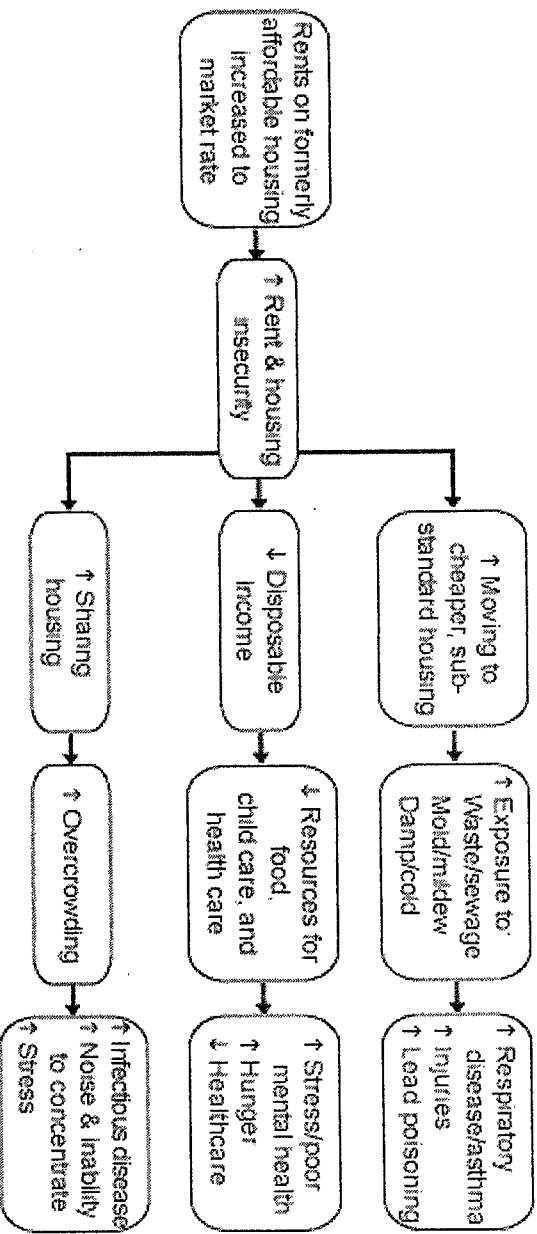
The scope should reflect resources available. Begin with an understanding of the broad set of health determinants that could be impacted by the decision. Then, consider the resources needed to apply methodologies and tools to define a realistic workplan.

Resource requirements for HIA analysis methods:



Key Points (cont'd)

Consider all pathways that link the proposed decision to health. Focus on impacts with greatest significance and greatest public concern. Use pathway diagrams:



Tools

Example Scoping Questions

- What are the goals for this HIA?
- What are potential health impacts of the proposed project or policy? Which of these will be included in the scope?
- What is known about existing health conditions of the populations that could be impacted? What are the specific populations (e.g., age, gender, race, income, place) that will be impacted?
- What research questions will the HIA answer?
- What research methods and data sources will be used?
- Who will oversee the HIA process?
- What roles will stakeholders and collaborators play?
- What is the workplan and timeline?

Resources

See HIP's Tools & Resources page (<http://www.humanimpact.org/hips-hia-tools-and-resources/>) for links to the HIA Toolkit and Principles of Collaboration and the Document Library (<http://www.humanimpact.org/doc-lib/>) for examples of a land use development project scope (e.g., Concord, CA, Naval Weapons Station).

STEP 3: ASSESSMENT & RECOMMENDATIONS

Objective

To provide a profile of existing conditions data, an evaluation of potential health impacts, and evidence-based recommendations to mitigate negative and maximize positive health impacts.

Essential Tasks

- **Profile Existing Conditions**
Research baseline conditions, including health outcomes and determinants of health disaggregated by income, race, gender, age, and place.
- **Evaluate Potential Health Impacts**
Use theory, baseline conditions, and population concerns. Consider evidence that supports and refutes health impacts. Assess affects by income, race, gender, age, and place. Include assessments of the certainty, significance, and equity of impacts. Justify the selection or exclusion of data/methods. Identify data gaps, uncertainties, and limitations. Allow stakeholders to critique findings.
- **Propose Evidence-based Recommendations**
Recommendations gathered from experts and prioritized by HIA stakeholders.

Key Points

Gather existing data and collect primary data when necessary. Data sources include:

- empirical literature
- community expertise
- available social, economic, environmental, and health measures and surveys, often available from public health and planning agencies
- regulatory criteria, standards, checklists and benchmarks
- focus groups and community surveys
- neighborhood assessment tools

It is necessary to profile baseline conditions in order to predict future conditions if a project, plan, or policy is enacted.

Conduct a literature review. Clarify the question of interest and data needs, develop criteria for included studies, identify literature databases, identify studies and reviews, evaluate studies, and document your findings.

Include direction, magnitude and quality of evidence in impact predictions.

Don't start from scratch. Use tools and methods that already exist to assess health conditions and potential impacts.

Predicting health impacts with absolute certainty is not possible. Make informed judgments of effects based on available information, analysis, expertise, and experience. Be cautious with generalizations. Acknowledge assumptions and limitations.

It is not always necessary to quantify health impacts. Pathways between decisions and health effects are complex and quantification does not mean causal certainty. Assess a health impact by evaluating how a decision would affect environmental conditions known to be important to health.

Use qualitative analysis for issues that don't lend themselves to quantitative forecasting.

Different approaches used together can support better judgments. Use lay and expert knowledge and analysis using different methods (such as GIS mapping and surveys) collectively to draw conclusions.

Key Points (cont'd)

Answer the following questions for quantitative forecasting:

- Is there a causal relationship?
- Does data allow for quantitative predictions?
- Would prospective predictions be valid?
- Is there available time and resources?
- Would quantification support the needs of the decision-making process?

Methods for collecting new data include:

- Environmental measures (e.g., pedestrian quality, retail access)
- Modeling (e.g., air quality, noise)
- Surveys
- Forecasting tools (e.g., pedestrian injuries)
- Epidemiological studies

Recommendations include alternative ways to design a project, plan, or policy or management strategies to lessen adverse health effects.

Recommendations are not always appropriate. A HIA of a policy may simply state the potential benefits or harms without recommending changes.

Recommendations should be supported by evidence of feasibility, efficiency, cost-effectiveness, and political acceptability. Communication with stakeholders can be used to gauge buy-in or feasibility.

Recommended mitigation measures may require skills and expertise from outside the HIA team, underscoring the need for interdisciplinary collaboration.

Potential impacts of recommendations and mitigation measures could also be assessed as part of the HIA.

Ideally, every recommendation should be tied to indicators that can be monitored. This is also a great way to ensure that planning for monitoring is included throughout the process.

Consider the following criteria for recommendations. They should be:

- Responsive to predicted impacts
- Specific and actionable
- Experience-based and effective
- Enforceable
- Can be monitored
- Technically feasible
- Politically feasible
- Economically efficient
- Do not introduce additional negative consequences

Resources

San Francisco Department of Public Health. Program on Health, Equity and Sustainability. Health Impact Assessment Tools. http://www.sfphes.org/HIA_Tools.htm

San Francisco Department of Public Health. Program on Health, Equity and Sustainability. The Healthy Development Measurement Tool: Recommendations and Mitigations. Available at: www.thendmt.org

Human Impact Partners. A Review of the Evidence Base for Planning Projects. <http://www.humanimpact.org/evidencebase>

HIP's Toolkit has a list of HIA Data Sources for Baseline Profiles of Health

STEP 4: REPORTING

Objective

To develop the HIA report and communicate findings and recommendations.

Essential Tasks

Develop the HIA Report

- Develop a consensus among stakeholders regarding key findings and recommendations
- Determine the format and structure of the report
- Write the report

Communicate HIA Findings and Recommendations

- Develop a communication plan
- Prepare communication materials to suit the needs of all stakeholders in the decision-making process
- Send communication materials to stakeholders and decision-makers

Key Points

A HIA report summarizes key health issues the proposal could impact and provides recommendations to improve health outcomes and determinants.

When available, regulatory processes (e.g., Environmental Impact Assessment) can be used to report findings and recommendations.

The HIA report:

- **Identifies all HIA participants** and their contributions
- **Documents the process** for each of the HIA steps, including criteria for prioritizing recommendations
- **Details for health issues analyzed:** available scientific evidence, data sources and analytic methods and rationale, existing conditions, results, predicted health impacts and their significance, and corresponding recommendations for improving health
- **Should be made readily accessible for public review and comment**

Report formats include: formal structured written reports, comment letters on environmental impact reports, and presentations.

Summarize the full report into clear, succinct messages that allow all stakeholders to understand, evaluate, and respond to findings and recommendations.

Frame messages to help people relate to the information. Frames help people make sense of information by triggering familiar concepts.

Develop messages regarding overall magnitude of health benefits, benefits to vulnerable populations, feasibility of solutions, and public concerns.

Interest groups and media can support effective translation of results into action.

Methods of communication include:

- Letters to decision-makers
- Fact sheets
- Public testimony
- Presentations to key audiences
- Panel discussions
- Press conferences

Good communication throughout the HIA process can engage stakeholders and lead to greater acceptance of findings and recommendations.

Examples

Health Impact Assessment	Method of Communication
Humboldt County General Plan Update Health Impact Assessment http://www.humanimpact.org/doc-ilib/viewcategory/4	Newsletter; Powerpoint presentation to Supervisors
Concord Naval Weapons Station Reuse HIA, Executive & Chapter Summaries http://www.humanimpact.org/doc-ilib/viewcategory/3	Briefing Paper
SFDPH Comment on the Scope of the Trinity Plaza Redevelopment Draft Environmental Impact Report http://www.sfphes.org/publications/comments/ Comment_on_Trinity_DEIR_scope.pdf	Comment Letter
Bhatia R, Katz M. 2001. Estimation of Health Benefits from a Local Living Wage Ordinance. <i>American Journal of Public Health</i> . 91(9)1398-1402.	Peer-Reviewed Journal Article
Oregon Transportation Policy HIA http://www.upstreampublichealth.org/sites/default/files/Binder1.pdf	Fact Sheet

Resources

For examples of reports and other communication materials, see HIP's website: <http://www.humanimpact.org/doc-ilib>

For information on framing and media see:

The California Endowment's Health Exchange Academy: Communicating for Change series <http://www.calendow.org/Article.aspx?id=3904>

The Praxis Project: <http://www.thepraxisproject.org/irc/media.html>

Berkeley Media Studies Group: <http://www.bmsg.org>

The Frameworks Institute: <http://www.frameworksinstitute.org/>

STEP 5: MONITORING

Objective

To track the impacts of the HIA on the decision-making process and the decision, the implementation of the decision, and the impacts of the decision on health determinants.

Essential Tasks

- **Track** recommendation adoption, discussion of findings in the decision-making process, and how the decision-making climate for health considerations, and HIA institutionalization, changed as a result of the HIA.

- **Monitor decision implementation** to track whether the policy was carried out in accordance with HIA recommendations or if the project was built with HIA mitigations.
- **Monitor health determinants** and outcomes to evaluate HIA predictions.

Key Points

The purposes of monitoring are to:

- Ensure the project, plan, or policy is implemented as designed
- Establish accountability by tracking how recommendations were received and acted upon
- Track and support compliance with implementation agreements, rules, and standards
- Build a better understanding of the value of HIA and demonstrate how HIA influenced decision-making
- Provide early warning of unexpected consequences
- Test the validity and precision of health impact predictions

Monitoring decision impacts on health outcomes is challenging.

Data sources for monitoring include:

- Media reports about the HIA or the decision-making process
- Accounts from public agencies on changes
- Planning department reports on a project
- Interviews with decision-makers and stakeholders

Consider whether useful routine monitoring information is already being collected by agencies or organizations.

Essential elements of a monitoring plan, include:

- Goals
- Resources to conduct, complete, and report monitoring activities
- Identification of the outcomes, impacts and indicators to monitor
- Process for collection of meaningful and relevant information (baseline, long-term)
- Defined roles for individuals or organizations
- Criteria or triggers for action, if agreed-upon mitigations or recommendations are not met
- Process for reporting monitoring methods and results and making them publicly available
- Process for learning, adaptation, and response to monitoring results
- Commitment to monitoring to encourage policy makers and planners to be more conscious of health

Key Points (cont'd)

Indicators that could be monitored include health outcomes (consider latency and specificity), behaviors, health determinants, and compliance process measures.

Tools

Examples of monitoring questions

- Did the HIA influence the project/policy decision?
- Did the HIA inform a discussion of the trade-offs involved with a project/policy?
- Did the final project/policy decision change in a way that was consistent with the recommendations of the HIA?
- Did the HIA aid in securing funds for project mitigations?

Outcomes of HIA on decision-making processes and institutional practices:

- Did the HIA help to build consensus and buy-in for policy decisions and implementation?
- Were HIA findings and recommendations useful or influential to policy-makers?
- Were discussions of connections between the decision and health evident in the media, statements by public officials or stakeholders, public testimony, public documents, or policy statements?

Monitoring evaluates the impact of the HIA on the decision-making process and the results of the decision on health determinants. HIA Evaluation is focused on the HIA process.

- Did the HIA lead to interest from previously uninvolved groups?
- Did the HIA encourage public health agencies to participate in new roles in policy and planning efforts?
- Have requests for the study of health impacts on additional projects, plans, or policies in the same jurisdiction followed? Are there new efforts to institutionalize HIA or other forms of health analysis of public policy?
- Did the HIA lead to greater institutional support for consideration of health in formal decision-making processes?
- Has the HIA led to the development of new partnerships and coalitions focused on ensuring that health is considered in decision-making? Are stakeholders who participated in the HIA continuing to work together on other health-related initiatives?

Resources

Examples of monitoring from other fields:

- National Ambient Air Quality Standards monitoring and planning under the Clean Air Act
- Mitigation monitoring under the California Environmental Quality Act
- Inspection procedures for compliance of building standards
- Notification requirements for compliance of labor laws

HIA EVALUATION

Objective

To evaluate the process of conducting the HIA.

Key Points

Be clear about the focus of the evaluation.

During HIA scoping consider how to build evaluation into the HIA process.

Meaningfully include stakeholders in planning the evaluation, including selecting the evaluation questions.

Ways to gather evaluation data include:

- Establish an evaluation plan.
 - Delineate information that will be required for evaluation. Identify data sources and tools and methods for analysis.
 - Ensure resources are available to conduct, complete and report evaluation results.
 - Identify the individual or team that will be in charge of leading the evaluation. Assign responsibility for gathering data.
 - Conduct the evaluation.
 - Share evaluation results with others involved in the HIA
- Surveys:
 - Before/after focus group or other data collection process with HIA participants
 - Before/after HIA process with all stakeholders
 - Key informant interviews with HIA partners/stakeholders
 - Document review
 - Meeting minutes and agendas
 - Scoping worksheets and workplans
 - Grant proposal narratives
 - Email exchanges

Evaluation of the HIA process is an important way to develop and improve HIA methods, approaches and techniques, even though it is not included as one of the five steps of HIA. Evaluation can help:

- Provide feedback on successes and challenges, showing how HIA practice could be improved
- Assess whether the HIA met HIA practice standards
- HIA evaluation differs from HIA monitoring as monitoring is focused on outcomes of the decision that the HIA intended to influence, and the impacts of the decision's implementation on health determinants and health outcomes

Tools

Example Evaluation Questions

Screening

- Who was involved in screening the HIA and why? Were there others who should have been involved?
- What were the reasons for deciding to conduct the HIA?
- Were there arguments against conducting the HIA?

Scoping

- Who was involved in scoping? Were there others who would have been helpful to have participate in scoping?
- What methods were used to identify and prioritize health issues during scoping?
- Which health issues did the HIA address, which were left out, and how were those decisions made?

Assessment

- Did the HIA make judgments about positive and negative health effects of the decision under review?
- Did the HIA assess disproportionate harms or benefits to vulnerable populations?
- Was evidence used in the HIA supported by findings in the literature?
- Did the HIA document assumptions and limitations of the assessment?

Recommendations

- Did the HIA identify evidence-based health-promoting design solutions, mitigations, or alternatives? Did the HIA provide analysis of the effectiveness and feasibility of these recommendations?
- Did efforts to mitigate the potentially negative effects of the proposal focus on impacts of the largest magnitude?
- Were recommendations prioritized by the HIA steering committee? What process was used?

Reporting

- Did the HIA include comprehensive documentation of the process, analysis, and findings?
 - Were stakeholders given an opportunity to review the findings and provide comment?
 - How and when were recommendations delivered to the relevant decision-makers?
 - Were stakeholders able to use HIA findings to develop or communicate their positions on policies/projects?
- #### Monitoring
- Was a monitoring plan developed?

HIA Governance

- Was the HIA decision-making process transparent?
- How much time was spent on each phase of the HIA? What was the cost of conducting the HIA?
- What did those involved think about the process used?

Public Engagement

- What efforts were undertaken to involve affected populations in the process? How were these efforts successful?
- Do stakeholders feel that the HIA was responsive to their interests/concerns?
- Did the HIA utilize community experience as evidence?

Resources

- Taylor L, Gowman N, Lethbridge J, Quigley R. 2003. Deciding if a Health Impact Assessment Is Required. NHS Health Development Agency. <http://www.humanimpact.org/component/jdownloads/finish/12/13>
- Parry JM, Kemm J. 2005. Criteria for use in the evaluation of health impact assessments. *Public Health*. 119:1122-9.
- Wismar M. 2004. The effectiveness of health impact assessment. *Eurohealth*. 10(3-4):4-1-3.

Objective

By meaningfully involving potentially impacted communities, ensure that the HIA process, its results, and subsequent actions are as powerful as possible and engage and empower impacted community residents.

Essential Tasks

- Recruit different stakeholders, including community organizations and individuals, to participate in the HIA.
- Ensure that community partners are prepared and have the capacity to participate. Provide leadership development and skills training necessary to support participation.
- Establish shared goals and objectives among stakeholders early in the process.
- Ensure community input at each stage of the HIA process.

Key Points

Community involvement at every stage can enable individuals and organizations to better contribute to, understand, and use HIA results.

Participation in the HIA by a variety of stakeholders, including strong community organizations, will help ensure that HIA findings are as objective as possible. Community groups bring information that complements the perspectives of other HIA stakeholders. It is perceived by many that community organizations lack objectivity, but all stakeholders have some level of bias and can be viewed by other stakeholders as not objective.

Involving community organizations and impacted individuals in the HIA process along with other diverse stakeholders can foster new relationships.

Community partners can play a unique role in using HIA findings and recommendations for advocacy purposes. Other HIA collaborators may have limited capacity to engage in advocacy, but may have the trust of decision-makers. The ability to advocate for the implementation of HIA recommendations and have the trust of decision-makers is crucial to creating change.

Community involvement in health impact assessment can lead to community empowerment. As the WHO Commission on Social Determinants states, "Any serious effort to reduce health inequities will involve political empowerment." Empowerment enables communities to play a role in shaping their living and working conditions, and helps ensure that the changes needed to improve well-being are implemented. Simply having public meetings to inform community members of policy, plan or project changes, or to gather input, does not lead to empowerment.

Key Points (cont'd)

The health lens is an effective frame that can serve to engage community residents in decisions that impact their lives, and can help make community organizations more effective. Assessing local projects and policies that residents are concerned about is an ideal way to highlight links between planning, policy and health. The HIA process and results are effective tools with which to educate community members about decision-making, about the systemic causes of disparities, and about how public decisions impact their health. HIA reporting and communication are opportunities to build leadership through public speaking and meetings with decision-makers. HIA findings can be used by community organizations to support the credibility of their efforts.

Examples of Roles for Community Groups and Impacted Individuals

Minimal Role	More Substantial Role
Screening informed by conditions and needs in the community	Community chooses HIA topic or partners with others to choose topic
Community members inform HIA scope (form of input varies: surveys, meetings)	Community members lead/play substantial role in scoping and prioritizing focus of HIA
Assessment includes results of community input (surveys, focus groups)	Community conducts research, suggests and prioritizes recommendations
HIA communication targets a community audience	Community participates in communicating HIA results (testimony, press conferences)
Government monitors outcomes on behalf of community	Community collects/reports monitoring data themselves or in partnership with others

Tools

The Tools & Resources page of HIP's website (<http://www.humanimpact.org/hips-hia-tools-and-resources>) has links to the HIA Toolkit, which includes:

- Structured ways to speak with community groups about how land use planning and public policy affects health, including:
 - The health tree exercise
 - Community mapping exercises
- HIA Readiness Questions, which can help organizations evaluate whether they are ready to undertake a HIA.
- Principles of Collaboration, which can be put in place early in the HIA process to ensure that stakeholders understand how they will work together.