

From: Regina Hsu [mailto:rhsu@earthjustice.org]
Sent: Tuesday, November 15, 2022 11:33 AM
To: CityClerk <CityClerk@longbeach.gov>
Subject: 11/15 City Council Meeting - 32 Appeal Presentation

-EXTERNAL-

Hello,

I'm emailing with regards to agenda item 32 for tonight's City Council meeting. For the appeal hearing, appellants will be using the attached slides for our presentation. Please let me know if you have any issues with the PowerPoint.

Thank you,
Regina

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Harbor Deepening Project Appeal

November 15, 2022

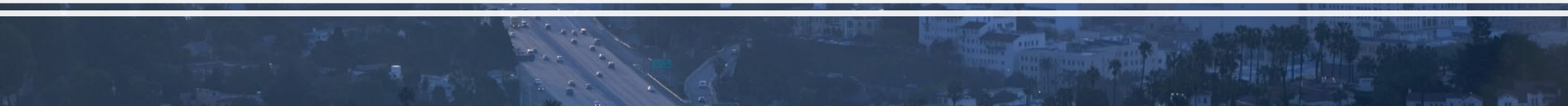
Regina Hsu, Attorney

ARTHJUSTICE

on behalf of Center for Biological Diversity, East Yard
Communities for Environmental Justice, Natural
Resources Defense Council, Pacific Environment,
Sierra Club, West Long Beach Association



Region in Violation of State and Federal Clean Air Standards



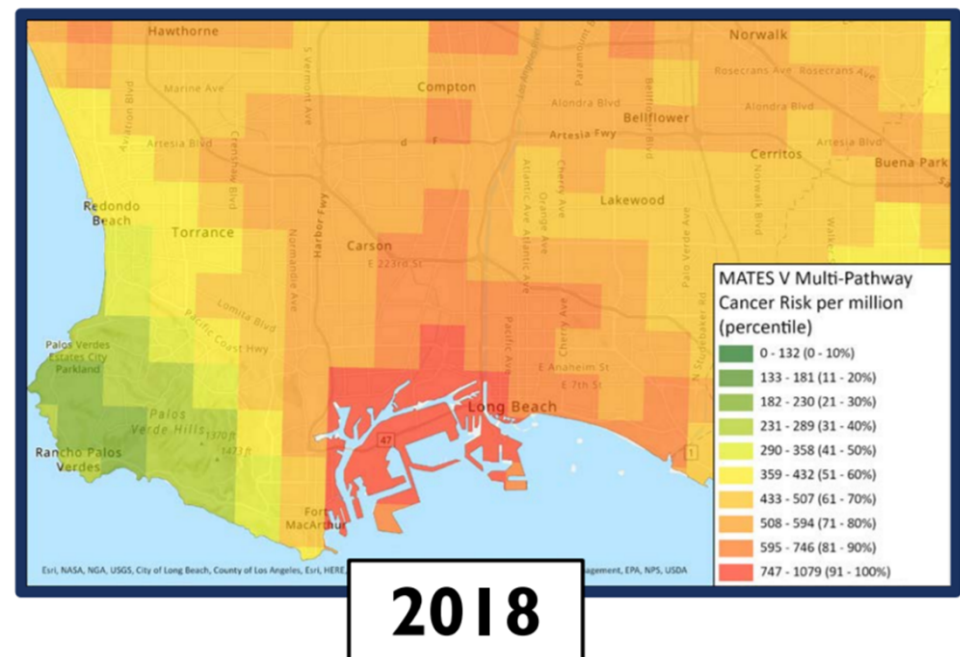
Freight: Primary Source of Air Pollution



AIR QUALITY IMPACTS

- Communities adjacent to ports are in the top 96th percentile of air toxics cancer risk (MATES V)
- Air quality impacts with recent congestion
 - Higher SO₂ levels observed at the ports
 - Modeling shows increased PM_{2.5} levels due to increased emissions from anchorages

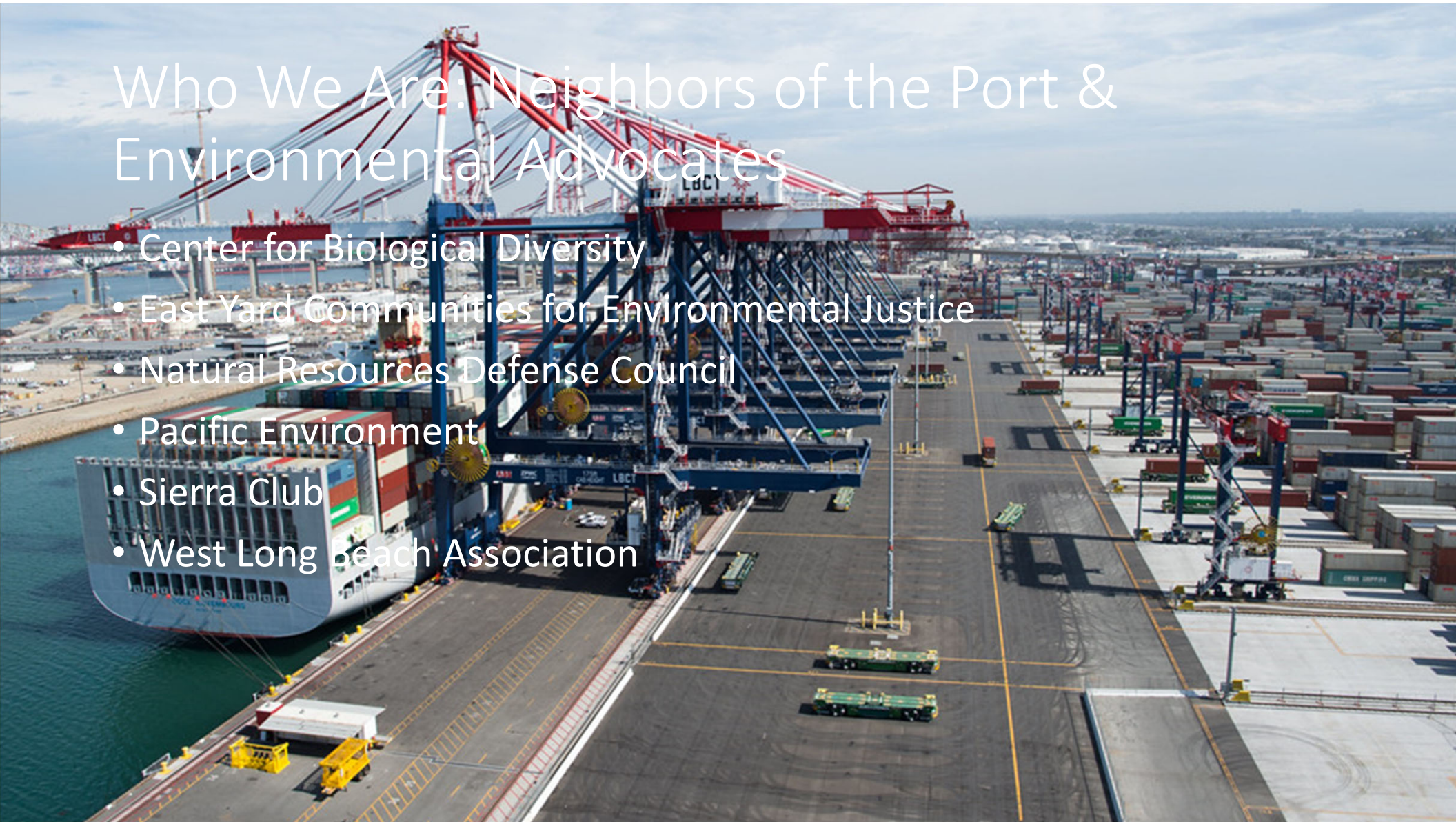
MATES V Air Toxics Cancer Risk (Basin Average): **454-in-a-million**



Source: August 6, 2021 South Coast AQMD Governing Board Meeting Presentation

Who We Are: Neighbors of the Port & Environmental Advocates

- Center for Biological Diversity
- East Yard Communities for Environmental Justice
- Natural Resources Defense Council
- Pacific Environment
- Sierra Club
- West Long Beach Association



Port Expansion Leading to Increased Pollution

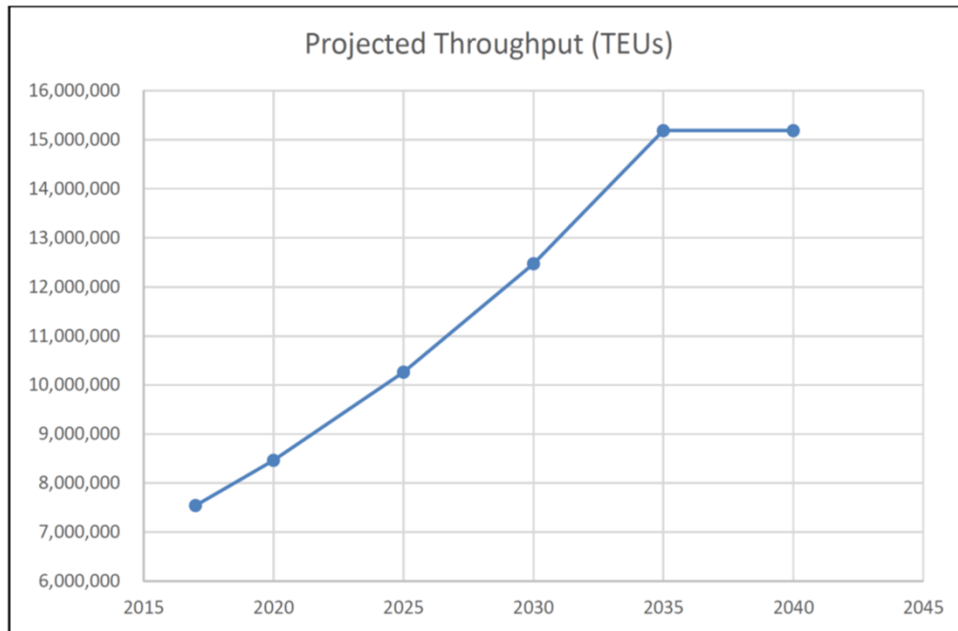
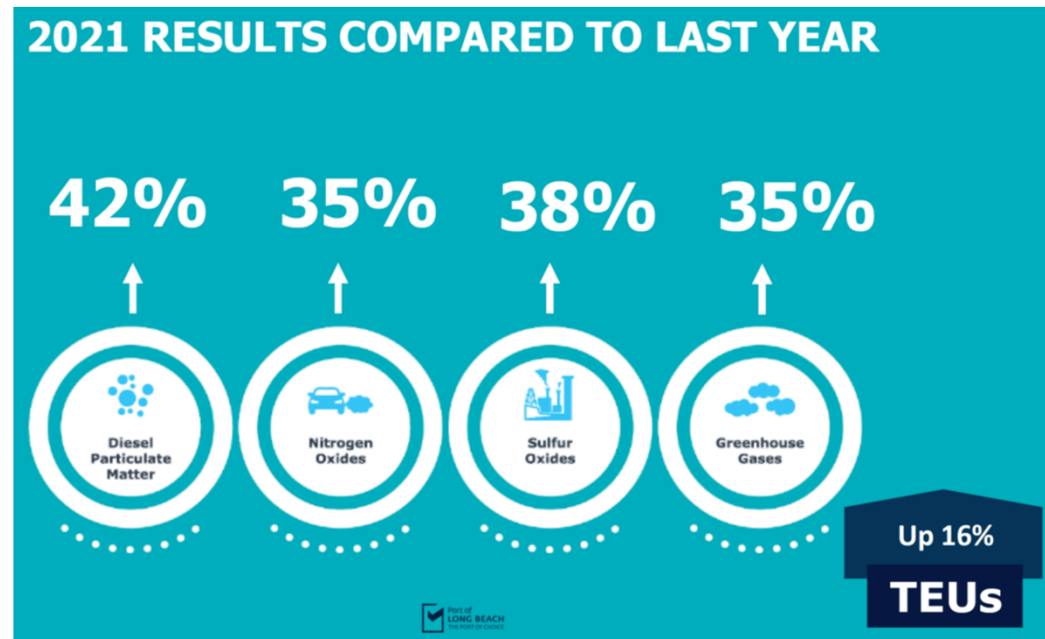


Figure 2-2 Port of Long Beach Projected Container Throughput

Source: Final Environmental Impact Report



Source: October 3, 2022 Port of Long Beach 2021 Emissions Inventory Presentation

Harbor Deepening Project

- Purpose: “Displace Panamax and smaller-scale Post-Panamax vessels with larger-scale Post-Panamax vessels, which have increased cargo capacity.”

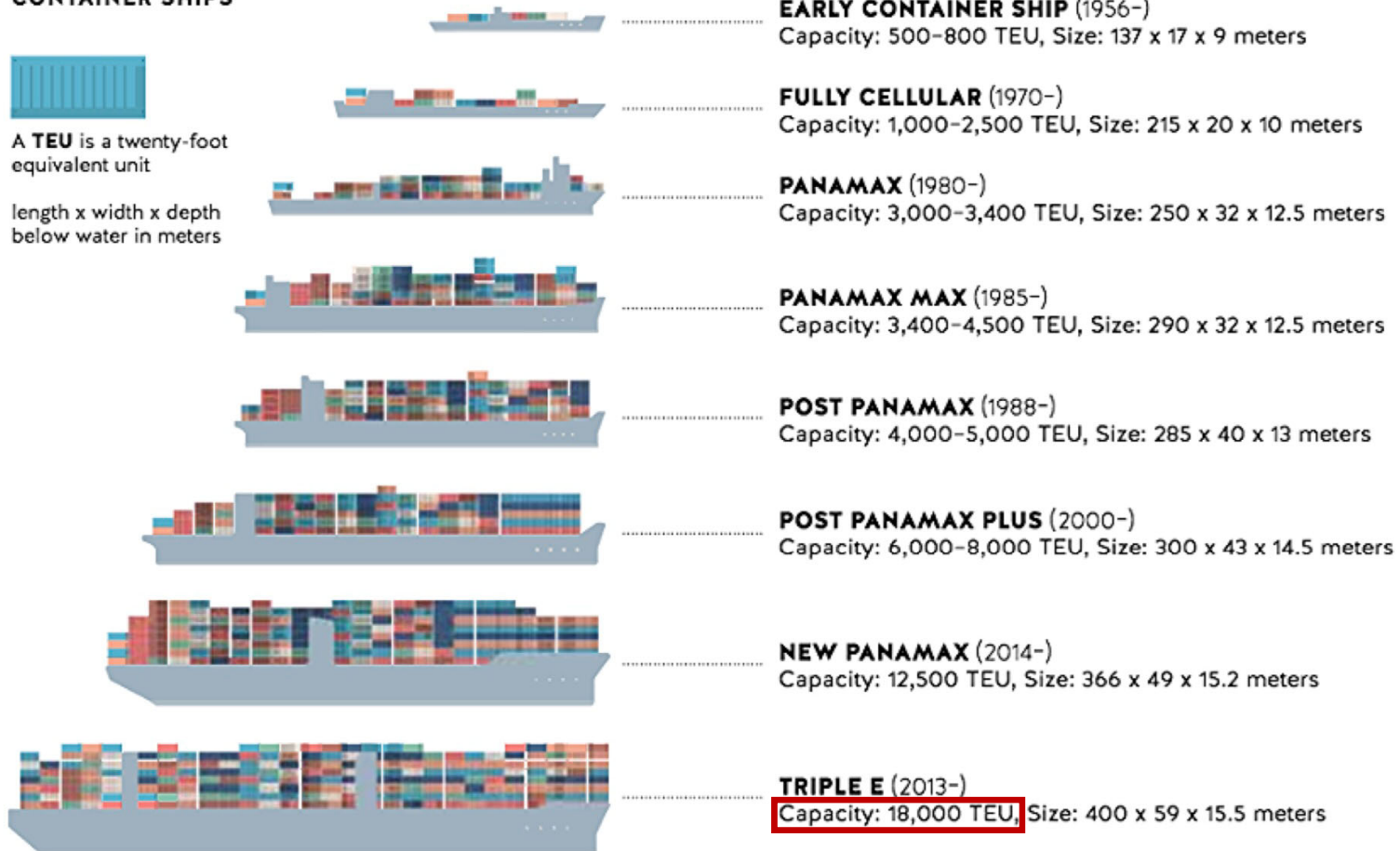


THE EVOLUTION OF CONTAINER SHIPS



A **TEU** is a twenty-foot
equivalent unit

length x width x depth
below water in meters



California Environmental Quality Act

“The foremost principle is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. 3d 247.

Inaccurate Project Description

- “A complete description of a project has to address not only the immediate environmental consequences of going forward with the project, but also all “*reasonably foreseeable* consequence[s] of the initial project.” *Communities for a Better Env't v. City of Richmond* (2010) 184 Cal. App. 4th 70.





Failure to Analyze Growth Inducement & Cumulative Impacts

PORT DREDGING PROJECTS WOULD IMPROVE SAFETY, BOOST COMMERCE

October 15, 2021

More berthing space means more efficient and quicker loading and unloading of cargo,
thus increasing the capacity and efficiency of supply chains overall.

- EIRs must “discuss the ways in which the proposed project could foster economic or population growth ... either directly or indirectly.” CEQA Guidelines section 15126.2(e)
- CEQA prohibits “piecemeal review” of “many little [projects]—each with a minimal potential impact on the environment—which may cumulatively have disastrous consequences.” *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 369.



Failure to Analyze Growth Inducement & Cumulative Impacts

- Project intended to improve operations of marine vessels & allow increased throughput at the Port
- 2021 Emissions Inventory shows reasonably foreseeable impacts of increased throughput include:

Increased equipment hours to handle cargo surge
Longer truck turn times

Source: October 3, 2022 Port of Long Beach 2021 Emissions Inventory Presentation



Project Mitigation is Inadequate

- An EIR shall describe feasible measures which could minimize significant adverse impacts. CEQA Guidelines 15126.4
- Feasible Mitigation Measures:
 - Shoreside power for oceangoing vessels
 - Zero-emission drayage trucks
 - Zero-emission cargo handling equipment
 - Zero-emission harbor craft

City Council Must Demand Lawful CEQA Compliance

- CEQA review critical to understanding, disclosing, and curbing Port of Long Beach pollution impacts
- Project impacts must be quantified accurately to protect Port neighbors already severely affected by current air pollution
- Air basin cannot accommodate currently envisioned project