

PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE
SAN PEDRO COORDINATED PLAN SUBCOMMITTEE

Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, California

Minutes
February 9, 2011

ATTENDEES

COMMITTEE MEMBERS

Richard Pavlick, Chair
June Burlingame Smith, Voting Member
Richard Havenick, Alternate Member

PORT STAFF

Augie Bezmalinovich

Meeting held at POLA Charter High School, 250 W. 5th Street, San Pedro, CA 90731

- A. Call to Order: 5:15 p.m., Richard Pavlick, Chair
- B. Sign-In/Introductions
- C. Agenda Approved
- D. Approved Minutes of January 12, 2011 Coordinated Plan Subcommittee Meeting
- E. Public Comment: None
- F. EIR Options for USS Iowa Project (Discussion of the Attached Letter):
Richard Pavlick introduced the attached letter with the intent of initiating a dialogue on how the PCAC might assist the Port in expediting the preparation of the USS Iowa Project Description. It was their understanding that the Port felt that the USS Iowa project may require a full Environmental Review.

The EIR Subcommittee, on January 13, 2011, agreed to submit the attached letter to the Board President, Cindy Miscikowski, stating that they did not see that the USS Iowa project generates any of the conditions in the California Public Resources Code, Section 21166.

Section 21166, states that "When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report;

- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; and or
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.”

Augie Bezmalinovich, from the POLA Public Relations Division, stated that they had not made any decisions on an environmental document. They were still working with the Battleship Center to assess the project to define a Project Description. Without a Project Description an appropriate level of environmental review cannot be determined. Besides, the Navy had not yet determined to whom they would grant the ship (Vallejo or LA).

June Burlingame Smith agreed that an assessment would be necessary, but that a full EIR was questionable. Given that there was no Project Description, it would be premature to take any action on our part.

Richard Havenick suggested that they look at the quantifiable differences between that which was studied in the San Pedro Waterfront EIR/Alternative #4 for a cruise ship terminal and that which had not yet been identified or studied for the USS Iowa. Richard Pavlick agreed that it would be prudent to compare the elements within the different alternatives.

The PCAC needs an update from the POLA Environmental team as to where they are in the decision making process and what conclusions they have made, if any. The Subcommittee is requesting a list of quantifiable differences that they are using to make a determination on an appropriate EIR.

The concerns of the community were that a full EIR would be extremely expensive and that it would delay the project timeline. It was the Subcommittee's desire to comply with CEQA regulations, but, at the same time minimize the time and expense of the environmental review process.

Mr. Bezmalinovich was asked to take these concerns back to senior management and to the Environmental Division. He stated that Dr. Geraldine Knatz, POLA Executive Director, had been apprised of these concerns.

G. Staff Reports:

- USS Iowa:
The Navy is expected to make a final decision in May 2011. Ms. Burlingame Smith asked for a timeline schematic on the whole process. When would the final proposal go before the Board?

Mr. Pavlick will contact the Pacific Battleship Center, to request that they provide for the Port the Project Description “data” needed to begin the analysis of the project.

The Committee agreed to refer the USS Iowa EIR issue back to the EIR Aesthetic Mitigation Subcommittee.

- Cabrillo Marina Phase II:
The Marina project is on schedule and should be completed sometime in August 2011.
- Timeline for Future Community Meetings:
 - February 22, 2011, at 11:00 a.m., Unveiling “Ship in a Bottle”
Cabrillo Marina, 22nd St and Miner St., San Pedro
 - February 23, 2011, 6:00 to 9:00 p.m., 100 Swinford Avenue,
Cruise the Evening along LA Waterfront (Local Cuisine)
 - February 28, 2011, Waterfront Public Meeting, 6:00 p.m.,
Crowne Plaza Hotel, San Pedro
 - March 24, 2011, 2nd Public Workshop for Sampson Way, 6:00 p.m.,
POLA Charter High School

H. Review San Pedro Waterfront Implementation Guidelines: Postponed and carried over to next meeting.

I. Next Meeting: March 9, 2011

J. Adjournment: 6:00 p.m.

Signature on File

Richard Pavlick, Chair
San Pedro Coordinated Plan Subcommittee

Signature on File

Debra Babcock-Doherty, PCAC Executive Assistant

January 23, 2011

Port of Los Angeles Community Advisory Committee
EIR Sub-Committee

To: Ms. Cindy Miscikowski
Chair, Los Angeles Board of Harbor Commissioners

Re: Environmental Documentation for USS Iowa to be berthed at Berth 87

Dear Cindy,

The EIR Sub-Committee met January 13, 2011. Among the topics discussed was possible environmental documentation for the Iowa project by the Pacific Battleship Center (PBC). The group requested I write you this letter.

I reported to the Sub-Committee that I had attended a meeting January 10, 2011 between PBC and Port Environmental Division staff at the request of PBC. At that meeting, Port staff stated that they were certain that a full EIR would be needed to berth the Iowa at POLA. They repeated this claim to our subcommittee January 13. Additionally they stated that they had already gotten an estimate or quote of more than one million dollars to do this "full EIR" from ICF Jones and Stokes.

Briefly, we have a number of problems with Port staff's position on this. Based on what we know about the project so far, we disagree that a full EIR or a Supplemental EIR will be needed. At present we think an "Addendum to a Previously Certified EIR" (the San Pedro Waterfront Project EIR) is all that will be required. Additionally, it should not have been possible to have any estimate on the cost from Jones and Stokes.

First, at present *there is no formal Project Description available*. As you know, the Project Description must be prepared and available for study before the multiple steps required to determine if an EIR is needed can be carried out. Without a formal Project Description, the determination that an EIR is needed cannot be made. Staff is at best premature on this.

The PBC project as we understand it so far is basically to *berth a ship where ships have historically been berthed and cars have been parked landside*. Berth 87 is used intermittently for cruise ship berthing and has been used for other types of ships as the former Omni Terminal in the past. The battleship would be entirely cold ironed ("AMPed in POLA parlance) with no use of main propulsion engines or auxiliary generators in contrast to cruise ships. Thus the battleship use would be less polluting. The ship is to be used as a historical museum and tourist attraction. PBC representatives indicated at the Jan. 10 meeting that they were willing to forego any landside buildings if necessary.

The condition of having a third cruise ship in the inner harbor with use of Berth 87-90 for this was analyzed fully and coequally in three of the six project alternatives in the San Pedro Waterfront EIR with Alternative Number 4 most closely resembling the Iowa proposal with continuation of "current use as a cruise berth". This analysis included all of the "downstream effects" of not having the North Harbor development.

Full analysis of the impacts of having a large ship docked at that location has been done in the recently certified Waterfront EIR. The idea of berthing the battleship there does not represent a change in existing conditions or something not anticipated in the EIR.

And yet at the Jan 10 meeting with PBC, POLA staff insisted that all the downstream effects be analyzed in a new EIR. Why is Staff insisting the wheel needs to be re-invented here? Additionally, staff suggested that the environmental impacts of towing the Iowa from *San Francisco to here* would have to be “analyzed and mitigated”! We note that this sort of analysis is not done for cruise ship trips or container ship trips. POLAs meeting minutes have been sanitized of this strange assertion, but I was at the meeting.

The EIR Subcommittee notes the following section of the California Public Resources Code pertinent to when an EIR is needed:

“21166. When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.”

Based on our present knowledge of the Iowa project the EIR Subcommittee does not see that any of the conditions a. through c. above would occur due to the Iowa project.

Thus at present we do not see the need for the expense and delay of a “new EIR” or Supplemental EIR. Indeed “expense and delay” would appear to be the only purpose served by this. We wonder why?

It is pertinent that in the process of adopting and certifying the S.P. Waterfront EIR the BOHC accepted Staff’s recommendation for “deferring constructing the North Harbor Cut for economic reasons and staging construction of this element at the end of the overall project construction period.” This sounds to the Subcommittee like North Harbor might never be built. The Staff recommended interim use for the area at Berth 87 would be for “landscaped cruise passenger parking.” This sounds very much like this could be parking for visitors to the Iowa with no significant change in anticipated conditions.

As community members, we perceive that the Iowa project has more diverse and broad community support than any project at the Port within our collective recall.

Respectfully,

John G. Miller, M.D. FACEP
Chair PCAC EIR Subcommittee