

**NATURAL RESOURCES DEFENSE COUNCIL
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COALITION FOR CLEAN AIR
COMMUNITIES FOR A BETTER ENVIRONMENT
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LONG BEACH ALLIANCE FOR CHILDREN WITH ASTHMA
LOS ANGELES ALLIANCE FOR A NEW ECONOMY
PHYSICIANS FOR SOCIAL RESPONSIBILITY—LOS ANGELES
SAN PEDRO RESIDENTS
SAN PEDRO AND PENINSULA HOMEOWNER'S COALITION
SIERRA CLUB HARBOR VISION TASK FORCE**

December 14, 2007

Via Hand Delivery

Members of the Los Angeles City Council
c/o City Clerk
Los Angeles City Council
200 N. Spring Street, Rm 395
Los Angeles, CA 90012

Re: Appeal From Board of Harbor Commissioners Decision to Approve the Final Environmental Impact Report (EIR) For the Berths 136-147[TraPac] Container Terminal Project (LAHD ADP No. 030127-020; SCH No. 2003104005)

Dear Members of the City Council:

Pursuant to California Public Resources Code Section 21151(c), the undersigned organizations hereby appeal the December 6, 2007 decision of the Board of Harbor Commissioners to approve the TraPac Final Environmental Impact Report ("FEIR").¹ The FEIR purported to analyze the environmental impacts from the TraPac expansion project (the "Project") at the Port of Los Angeles ("Port") under the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act. At full build out, the Project will result in approximately a tripling of cargo throughput when compared to 2003 throughput numbers for the TraPac terminal. We

¹ The Board of Harbor Commissioners' decision, which is the subject of our appeal is attached hereto.

understand that this appeal will be heard by the Los Angeles City Council, and we request that it be calendared for a hearing as soon as possible.

The appeal is made on the following grounds:

- (1) The Board of Harbor Commissioners violated CEQA in approving the Project for several reasons, including but not limited to, failure to adopt all feasible mitigation for significant air quality impacts as required by section 21002 of the California Public Resources Code,² failure to analyze a sufficient range of alternatives as required by section 21100 of the California Public Resources Code,³ and failure to adequately consider and mitigate off port impacts, including land use and aesthetic impacts, from the proposed Project.
- (2) The Port adopted a statement of overriding considerations that ignores the intractable air quality problems this region faces and the unacceptable air pollution problems port-adjacent areas are facing. Although the Project includes some mitigation that will result in eventual emissions decreases, the initial years of the Project will result in increases in pollution according to the FEIR.
- (3) The Ports of Los Angeles and Long Beach are behind schedule on several key pieces of their Clean Air Action Plan ("CAAP"). Implementation of the CAAP and ensuring key deadlines are met should be a prerequisite for Port expansion.

This Project will have an indelible impact on Los Angeles. At full build out, the TraPac terminal is expected to process the equivalent number of containers as the Port of Oakland, the fourth busiest container port in the nation.⁴ The influx of additional trucks, ships, trains, and other equipment as a result of this massive expansion deserves great attention by the City Council because the initial five years of the Project may result in increases in harmful air pollution. As all of the Council Members are intimately aware, Los Angeles suffers from some of the worst air quality in the nation. Thus, massive expansion projects must ensure that they do not exacerbate already unacceptable levels of pollution.

The air quality, noise, traffic, and other impacts from this Project present great challenges for this region's attempt to "grow green." It is best to resolve environmental impacts at the front end by adopting appropriate mitigation now, because once construction and ramped up operations occur, it will be exceptionally difficult to mitigate negative impacts. We need the Port to follow through on its promises and provide pollution reductions and mitigation of its impacts now and

² CEQA is embodied in sections 21000-21177 of the Public Resources Code.

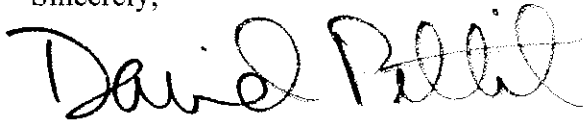
³ See also tit. 14 Cal. Code of Regs. § 15126.6(a), (f) ("An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of alternatives.")

⁴ Compare projected throughput increase from TraPac terminal, to 2006 throughput at the Port of Oakland. Data from American Association of Port Authorities website. Accessed 9/18/07. Available at http://aapa.files.cms-plus.com/PDFs/2006_North_American_Container_Traffic.pdf.

into the future. Several signatories of this letter have submitted oral and written comments expressing great concerns about the Project's impacts, including concerns that have not been articulated in this letter; attached to this document are some of the letters that have been submitted on this Project.

We appreciate your consideration of this appeal. Please contact the undersigned with any questions. We look forward to a full hearing before the City Council.

Sincerely,

A handwritten signature in black ink that reads "David Pettit". The signature is written in a cursive, flowing style.

David Pettit
Senior Attorney
Natural Resources Defense Council

Colleen Callahan
Manager of Air Quality Policy and Advocacy
American Lung Association of California

Greg Tarpinian
Executive Director
Change To Win

Jesse Marquez
Executive Director
Coalition for a Safe Environment

Martin Schlageter
Campaign and Advocacy Director
Coalition for Clean Air

Shana Lazerow
Attorney
Communities for a Better Environment

Joel Bush
Executive Director
Communities for Clean Ports

Jim Stewart
Earth Day LA

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Lillian Light

President
Environmental Priorities Network

Frank O'Brien

Executive Director
Harbor Watts Economic Development Corporation

Chuck Mack

International Vice President and Port Division Director
International Brotherhood of Teamsters

Elina Green

Project Manager
Long Beach Alliance for Children with Asthma

Patricia Castellanos

Co-Director, Ports Campaign
Los Angeles Alliance for a New Economy

Katherine Attar

Health and Environment Program Coordinator
Physicians for Social Responsibility-Los Angeles

Andy Mardesich

President
San Pedro and Peninsula Homeowners Coalition

Tom Politeo

Co-Chair
Sierra Club Harbor Vision Task Force

Individual Signatories:

Danial Nord
Kathleen Woodfield
Janet Gunter
Chuck Hart

Enclosures