

PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE
EIR/AESTHETIC MITIGATION SUBCOMMITTEE

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

Minutes
September 27, 2007

ATTENDEES

COMMITTEE MEMBERS/PCAC

Dr. John Miller, Chair
Skip Baldwin, Alternate Member
Janet Gunter, Alternate Member
Chuck Hart, Voting Member
Jody James, Alternate Member
Lucy Mejia, Alternate Member
Kathleen Woodfield, Alternate Member

PUBLIC PARTICIPANTS

Lou Baglietto
Gene Kinnmonth
William Lyte
Dr. Michael Mahan
Sharon Rubulcava

PORT STAFF

Dennis Hagner
Teresa Scognamillo

- A. Call to Order: 4:10PM
- B. Sign In / Introductions
- C. Agenda Approved
- D. The minutes were approved for the August 23, 2007 EIR Subcommittee meeting.
- E. Port Staff Update on the Status of the Wilmington Aesthetic Mitigation Proposals
Teresa Scognamillo, the Port's Environmental Mitigation Coordinator, reported that State Lands acknowledged receipt of the proposals on September 7, 2007 and that they would have responses back to the Port by October 7, 2007.
- F. Discussion:
Review of China Shipping Settlement Process
The fundamental question was whether the PCAC was following the procedure as stipulated in the China Shipping Settlement? Chuck Hart reviewed portions of the Settlement as follows:

Page 17, Section VIII, MITIGATION OF CHINA SHIPPING TERMINAL AND OTHER PORT IMPACTS, Page 27, Lines 22 – 28, and Page 28, Lines 1 – 8.

“(iii) Proposals linked to past projects.

(b) The PCAC shall submit to State Lands for its review all proposals for which the Working Group found a demonstrable nexus to a past Port project and projects along with the Working Group evaluation. PCAC shall request that State Lands provide a written response to the Working Group within 30 days of receipt by State Lands of the submitted proposal. Upon receipt, the Working Group shall evaluate State Lands’ response and subsequently shall forward to State Lands (for information) and to PCAC: (1) the proposal; (2) the Working Group evaluation; (3) correspondence with State Lands and (4) any reply or reactions of the Working Group to State Lands’ response. PCAC shall then vote to approve the proposal, deny the proposal, or approve the proposal with modifications. The PCAC determination and the working group evaluation do not constitute a CEQA determination or otherwise constrain the Port’s discretion under CEQA.

(c) If the PCAC votes to approve the proposal, it will notify State Lands, ask for the State Lands’ comments within 15 days, and request that such comments be submitted to the Board before the Board votes on the Proposal in accordance with section VIII.B.4.d.”

Ms. Scognamillo referred to the flow chart reflecting this process. Mr. Hart asked if PCAC had voted on the first set of proposals, back in 2005. Ms. Babcock-Doherty was asked to look at past PCAC meeting minutes.

Mr. Hart reviewed further, Page 23, starting with line 8.

“B. Mitigation Payment. The Port shall act to mitigate the environmental and other effects of Port operations on and off Port lands by depositing into a separate designated mitigation account \$10 million per year in five installments for a total of \$50 million.”

Page 25, starting with line 25. “3. Community Aesthetic Mitigation. This community aesthetic mitigation fund is being created, in part, to allow for mitigation of aesthetic impacts of the China Shipping Terminal off of Port lands. All projects funded under this subsection shall be port-related projects on Port land, or shall be projects not on Port land that have a demonstrable nexus or connection to the environmental, aesthetic, and /or public health impacts of the Port’s operations and facilities.”

Page 26, starting with line 21. “4. b. PCAC Evaluation Process for Aesthetic Mitigation Proposals. (i) Each aesthetic mitigation proposal shall describe its nexus to specific adverse impacts from past or future Port projects, and characterize whether the impact is off or on Port land.”

Page 27, (iii) Proposals linked to past projects. Starting with line 14. “(a) The Working group shall evaluate using CEQA Principles (“CEQA”) (defined as assessing the mitigation measure using CEQA standards at 14 Cal. Code Regs. § 15370), and determine whether a demonstrable nexus exists between the proposal

and the impacts of the past project. If a demonstrable nexus is not found, the proposal shall be rejected.”

The focal point of the discussion was the requirement to tie adverse impacts to specific Port projects, thereby creating a connection to the Port and a demonstrable nexus. Ms. Gunter suggested that the Subcommittee use the documentation / framework established by this committee years ago, when they reviewed past EIRs. She also proclaimed that the Subcommittee may have made a grave mistake, early on, by not taking this work product to the PCAC and to the Board of Harbor Commissioners for adoption.

Ms. Gunter explained that the Homeowners Coalition wants to bring forward a project, utilizing the funds that had been originally allocated for the Welcome Park project. The intent is to have an unbiased study done that would evaluate the aesthetic affects of Port growth on the communities of San Pedro and Wilmington over time. Ms. Scognamillo stated that she would work on putting together a “Request for Proposal” (RFP) for San Pedro, as she had done for Wilmington.

The next step is to review the State Lands responses for the Wilmington Aesthetic Mitigation Proposals, which are expected back from the State Lands Commission on October 7, 2007.

- G. Possible Action Item: No Action Taken / Discussion postponed, regarding the Annual Mitigation Scorecard Previously Recommended by the PCAC.
- H. Non-Agenda Items:
Dr. John Miller, Frank O’Brien, Adriana Martinez from NRDC and Dr. Giselle Fong, met with Dr. Ralph Appy, and Ms. Lena Maun DeSantis of the Port of Los Angeles, as well as a City attorney and a private attorney hired by the Port, to discuss the TraPac EIR. They agreed to disagree on a lot of issues. Dr. Miller completed the committee comments and sent them to the Port of LA and to the Army Corp of Engineers.
- I. Next Meeting, October 25, 2007
- J. Adjournment: 5:55PM

Signature on File

Dr. John Miller, Chair
EIR / Aesthetic Mitigation Subcommittee

Signature on File

Debra Babcock-Doherty, PCAC Secretary