

JOINT POWERS AUTHORITY
GOVERNING BOARD
of the
INTERMODAL CONTAINER TRANSFER FACILITY

SPECIAL MEETING

TUESDAY, NOVEMBER 29, 2011
SILVERADO PARK COMMUNITY CENTER
LONG BEACH, CALIFORNIA

1 APPEARANCES

2 Chairperson Nick Sramek

3 Vice-Chairperson Cindy Miscikowski

4 Board Member Geraldine Knatz

5 Board Member Richard D. Steinke

6
7 Richard Cameron, Port of Long Beach

8 Christopher Cannon, Port of Los Angeles

9 Thomas Russell, General Counsel

10 Douglas Thiessen, Executive Director

11 Joy Crose, Assistant Counsel

12
13 Public Speakers:

14 James Johnson, Councilman, City of Long Beach

15 John Cross, West Long Beach Association

16 Angelo Logan, East Yard Communities for Environmental
17 Justice

18 Andrea Hricko, Professor, USC Keck School of Medicine

19 Joan Greenwood, Wrigley Area Neighborhood Alliance

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1 MR. SRAMEK: Could I have everybody take their
 2 seat, please, so we can get started.
 3 I'd like to call the meeting to order. I'd
 4 like to welcome everybody to the ICTF JPA meeting. This
 5 is November 29th.
 6 I'd like a roll call first.
 7 THE SECRETARY: Board member Steinke.
 8 MR. STEINKE: Here.
 9 THE SECRETARY: Board member Sramek.
 10 MR. SRAMEK: Here.
 11 THE SECRETARY: Board member Knatz.
 12 MS. KNATZ: Here.
 13 THE SECRETARY: Board member Miscikowski.
 14 MS. MISCIKOWSKI: (Absent for roll call, but
 15 present later in the proceedings.)
 16 MR. SRAMEK: And I think Ms. Miscikowski may be
 17 on her way here. I'm not too sure. We have a quorum,
 18 so we'll get started with the meeting.
 19 First thing I'd like to do is talk about
 20 persons in the audience may address this Board in
 21 connection with any agenda item or during the public
 22 comment period. As provided by the Brown Act, the Board
 23 has limited each individual's speaking time to three
 24 minutes. Anyone desiring to speak during the public
 25 comment period is requested to complete a speaker card

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1 and submit it to the Secretary prior to the start of the
 2 meeting or at any time you want to do it. Okay. Do you
 3 have them? Okay.
 4 So what I'd like to do first of all is ask if
 5 there are comments from the public on nonagenda items.
 6 Nonagenda items.
 7 Okay. Seeing none, I'd like to move approval
 8 of the minutes. Do we have a motion?
 9 MS. KNATZ: I move.
 10 MR. STEINKE: Second.
 11 MR. SRAMEK: Okay. We have a motion and
 12 second. All in favor of approval of the minutes, say
 13 aye.
 14 BOARD MEMBERS: Aye (Knatz, Sramek, Steinke).
 15 MR. SRAMEK: Motion passes unanimously. Thank
 16 you.
 17 So our next item is election of officers.
 18 MS. KNATZ: Mr. Chairman, I'd like to make a
 19 nomination to nominate Board Member Sramek as -- for
 20 chair.
 21 MR. SRAMEK: Thank you.
 22 MR. STEINKE: Second.
 23 MR. SRAMEK: Okay. We have a motion and
 24 second. Does anybody else wish to comment on this item?
 25 Hopefully not.

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1 Okay. We have a motion and second. All in
 2 favor of the motion, say aye.
 3 BOARD MEMBERS: Aye (Knatz, Sramek, Steinke).
 4 CHAIRMAN SRAMEK: Okay. I'd like to have a
 5 nomination for vice president.
 6 MR. STEINKE: Mr. Chairman, I'd like to make a
 7 nomination of Cindy Miscikowski as vice chair for the
 8 next year.
 9 CHAIRMAN SRAMEK: Second?
 10 MS. KNATZ: Second.
 11 CHAIRMAN SRAMEK: Thank you. Okay. We have a
 12 motion and second. Anybody in the audience wish to
 13 comment?
 14 Seeing none, we have a motion and second. All
 15 in favor of the motion, say aye.
 16 BOARD MEMBERS: Aye (Knatz, Sramek, Steinke).
 17 CHAIRMAN SRAMEK: Okay. Motion passes. Thank
 18 you. Okay.
 19 Our last item, let's see. Okay. We're down to
 20 the first item. Mr. Thiessen. Is that where we are?
 21 MR. THIESSEN: Thank you. Mr. Chairman, can
 22 you hear me okay? Is this microphone working okay?
 23 Thank you.
 24 Item number one on the agenda is the report on
 25 the financial audit for the fiscal year ending June

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1 30th. This item was a received and filed audit report.
 2 The JPA has hired KPMG as our auditor, and they have
 3 completed the financial audit for the fiscal year ending
 4 June 30, 2010.
 5 The audit determined that for the fiscal year
 6 financial position, changes in financial position and
 7 cash flows are presented fairly. Operating revenues for
 8 the fiscal year decreased 22.2 percent to \$4,593,000.
 9 Net assets decreased from 15.6 percent to \$18.7 million.
 10 This is due in part to the railroad's increased use of
 11 on-dock rail in the harbor district and diminishing the
 12 amount of cargo moved through the ICTF.
 13 Also in the period reported -- again, this is
 14 reported through June 30th, 2010 -- as you know, there
 15 was a large financial decrease in global economic
 16 activity which reduced a consequent amount of decrease
 17 in container activity in the harbor district area of the
 18 ICTF. Container volume decreased during this period of
 19 time, and additionally, the volume of the containers
 20 through the ICTF gates decreased 22.8 percent to an
 21 amount of 400,866 containers.
 22 It's recommended that the Governing Board
 23 receive and file the financial audit by KPMG for the
 24 fiscal year ended June 30, 2010, and I've also
 25 recommended that the Board make an additional finding

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1 the activity in this report is administrative and will
 2 not result in direct or indirect physical changes to the
 3 environment and, as such, is not a project as defined by
 4 CEQA Guidelines Section 15378.
 5 CHAIRMAN SRAMEK: Okay. Any comments by
 6 Commissioners -- questions?
 7 MR. STEINKE: Mr. President, is it true that it
 8 requires two votes by the Board and that we receive and
 9 file then in one motion?
 10 MR. RUSSELL: You can make it one motion. It
 11 requires three votes.
 12 MR. STEINKE: I make a motion to receive and
 13 file and make the findings according to the staff
 14 report.
 15 CHAIRMAN SRAMEK: Second?
 16 MS. KNATZ: Second.
 17 When you said second, I thought you were
 18 seconding it.
 19 CHAIRMAN SRAMEK: Oh, okay. I guess I can't.
 20 MS. KNATZ: Yes, it would be a good trick, but
 21 you can't do that.
 22 CHAIRMAN SRAMEK: Anybody wish to comment on
 23 this item -- audit?
 24 Okay. We have a motion and second. All in
 25 favor of the motion, say aye.

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1 BOARD MEMBERS: Aye (Knatz, Sramek, Steinke).
 2 CHAIRMAN SRAMEK: Motion passed unanimously.
 3 Okay. Thank you.
 4 Okay. Next item is item number two which is
 5 the Net Facility Revenue Report.
 6 MR. THIESSEN: Thank you, Mr. Chairman. This
 7 is also a received and filed report. Again, KPMG has
 8 completed the review of the ICTF net revenue for the
 9 year ending November 1st, 2010. This contract would be
 10 a financial audit which has a different fiscal year.
 11 During the year there were 414,499 gross container moves
 12 generating \$12,434,970 in gross revenue. This is an
 13 approximate 6.8 percent decrease over the previous year
 14 2009. Gate fees collected at the ICTF, less the
 15 allowable deductions, resulted in net facility revenue
 16 generation of \$7,633,145. As prescribed in the JPA
 17 agreement, these revenues are to be shared equally by
 18 the Authority and the Union Pacific Railroad. On
 19 November 2nd, 2010, Union Pacific transferred \$3,816,573
 20 to the ICTF investment account, and this represents 50
 21 percent of the net revenue share for the JPA.
 22 There is attached to your report a copy of the
 23 net facility revenue, and staff is recommending that the
 24 Governing Board receive and file the draft net facility
 25 revenue report for the year ending November 1st, 2010.

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1 Also staff is recommending the Board make a finding that
 2 this activity is administrative and will not result in
 3 direct or indirect physical changes in the environment
 4 and, as such, is not a project as defined by CEQA
 5 Guidelines Section 15378.
 6 MS. KNATZ: I move we receive and file the net
 7 facility revenue report and make the finding consistent
 8 with the staff report.
 9 MR. STEINKE: I second.
 10 CHAIRMAN SRAMEK: Okay. We have a motion and
 11 second. Anybody in the audience wish to comment on this
 12 item?
 13 Seeing none, I have a motion and second. All
 14 in favor of the motion, say aye.
 15 BOARD MEMBERS: Aye (Knatz, Sramek, Steinke).
 16 CHAIRMAN SRAMEK: Motion passes unanimously.
 17 Thank you.
 18 Okay. Mr. Thiessen, number four our budget.
 19 MR. THIESSEN: Thank you, Mr. Chair. Prior to
 20 reporting on item number four, I'd like to have the
 21 minutes reflect that Vice Chair Cindy Miscikowski has
 22 arrived.
 23 (Ms. Miscikowski entered the proceedings.)
 24 CHAIRMAN SRAMEK: I'd like to welcome her.
 25 MR. THIESSEN: Item number four is . . .

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1 MS. KNATZ: Number three.
 2 MR. THIESSEN: I'm sorry.
 3 CHAIRMAN SRAMEK: Item three.
 4 MR. THIESSEN: Thank you, Mr. Chair. Item
 5 number three is a recommendation to adopt a budget for
 6 fiscal 2011-2012. The recommended budget amount is
 7 \$4,030,457, and it is attached to your staff report.
 8 There are two large categories in the proposed budget
 9 for 2011-2012. The first is \$1,900,000, and this is an
 10 amount that's carried over from the previous year,
 11 essentially associated with the potential capital
 12 improvements on Sepulveda Boulevard for the City of
 13 Carson. In addition to that, there is an amount of
 14 \$1,999,000 approximately for legal and consulting
 15 services associated with the preparation of the EIR for
 16 the proposed modernization of the ICTF. Those are the
 17 two largest categories. The other categories in the
 18 proposed budget are relatively small.
 19 I would like to comment briefly on the actual
 20 budget that was expended in the previous fiscal year
 21 2011 -- I'm sorry, 2010-2011 in contrast to the adopted
 22 budget. There was an adopted budget of \$4.6 million.
 23 The actual expenditures are looking to be just over
 24 \$700,000. The primary reason for the lower than
 25 expected expenditures is due to two things. One, the

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1 City of Carson has not completed the environmental
 2 review for the improvements on Sepulveda Boulevard, and
 3 also the adopted budget for the EIR preparation for the
 4 modernization project has underspent significantly the
 5 approximately \$1.7 million amount for that category.
 6 Therefore, we're pushing those two items over into the
 7 proposed budget for 2011 and requesting an amount of
 8 \$4,030,457.

9 We're also recommending the Board make the
 10 following finding that this activity is administrative
 11 and will not result in direct or indirect physical
 12 changes to the environment and, as such, is not a
 13 project as defined by CEQA Guidelines Section 15378.

14 Oh, and one other thing, we have members of
 15 both ports' financial staff available if there are
 16 questions about the proposed budget.

17 CHAIRMAN SRAMEK: Okay.

18 MS. MISCIKOWSKI: I have one question. That
 19 is, the EIR preparation as compared to this coming
 20 fiscal year versus the previous year is \$500,000 less.
 21 Is that because that much was spent in last year's
 22 budget, not the entirety of what was budgeted, but at
 23 least that amount?

24 MR. THIESSEN: Yes, exactly. We're not
 25 proposing that there be any large increase. The funding

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1 expended -- the estimated actual for 2010-2011 is just
 2 under \$500,000. We would add that to the proposed
 3 \$1.2 million for this coming proposed year, reaching
 4 approximately \$1.7 million.

5 MS. MISCIKOWSKI: And I guess the other
 6 question I would have is why the project management is
 7 reduced by or coming in at about half of the amount? Is
 8 that indicating that a significant part of the project
 9 management has been spent and utilized? I find that a
 10 little odd that the project management has gone down by
 11 half, and the EIR preparation has gone down by just a
 12 little bit, meaning the project management is managing a
 13 very small portion of the EIR.

14 MR. THIESSEN: Yeah. The port staff has picked
 15 up a considerable amount of that project management.
 16 These costs are primarily for outside consulting staff.
 17 We are recommending that the later Board perhaps to
 18 extend the existing project management services. So we
 19 predict we will need them for the following year, but
 20 again we underspent that last category.

21 MS. MISCIKOWSKI: Thank you.

22 MS. KNATZ: How many years do we carry the
 23 1.9 million for the City of Carson's capital
 24 improvements? And are they actually going forward with
 25 the project? Is there an environmental document in

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1 process, and have they got the rest of the money?
 2 MR. THIESSEN: I'm going to have to plead a
 3 little ignorance on this because this predates me. I
 4 understand the project has been delayed pending
 5 environmental action.

6 Dick, do you know anything about that?

7 MR. STEINKE: No, I have been on this board for
 8 14 years, and it has been carried over each and every
 9 year. I think our advice in the past has been that the
 10 City of Carson has not taken it off their books. They
 11 still plan to do it, but they just either haven't gotten
 12 around to it or don't have the matching money to go
 13 ahead and commit to it. So I think the previous advice
 14 was to keep on carrying it on the budget in case they
 15 come back as if they were ready now.

16 MS. KNATZ: Okay. But our amount is set. It
 17 doesn't escalate with cost of living or whatever?

18 MR. STEINKE: Correct. We're capped at \$1.9
 19 million.

20 MR. THIESSEN: The original agreements did
 21 obligate that dollar amount, and it is capped.

22 MS. MISCIKOWSKI: Okay. Then it may be
 23 premature to communicate if the improvement stage would
 24 not be carrying forward, what would we do with the
 25 commitment of that money?

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1 MR. THIESSEN: It would go back. It would go
 2 back through the agreements and confirm that these funds
 3 could be released and put back into the general ICTF
 4 account.

5 MS. MISCIKOWSKI: And then could we request
 6 that the staff -- I think you said earlier it is still
 7 going through the environmental process phase itself
 8 creating documentation. Could we get a memo of what the
 9 status actually is from the City of Carson, and are they
 10 following through with environmental document
 11 preparation or not?

12 MR. THIESSEN: Okay. Very good. We'll get an
 13 update from the City of Carson and get that back to the
 14 Board.

15 CHAIRMAN SRAMEK: Any other questions?
 16 Okay. Could I have a motion?

17 MS. MISCIKOWSKI: I move.

18 CHAIRMAN SRAMEK: Is there a second?

19 MS. KNATZ: Second.

20 CHAIRMAN SRAMEK: Okay. We have a motion and a
 21 second to approve the budget. Anybody in the audience
 22 wish to comment on this item?

23 Seeing none, we have a motion and second. All
 24 in favor of the motion, say aye.

25 BOARD MEMBERS: Aye (Knatz, Miscikowski,

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1 Sramek, Steinke).
 2 CHAIRMAN SRAMEK: Motion passes unanimously.
 3 Thank you.
 4 And item number four, distribution of funds.
 5 MR. THIESSEN: Thank you, Mr. Chairman. There
 6 has been a tradition every year upon approval of the
 7 budget to look at potential net revenue distributions
 8 from the ICTF to the joint ventures. The net revenue
 9 distribution from the tenants ending in November 2010
 10 amounted to \$3.8 million. The present cash balance owed
 11 to the JPA before any distribution to the partners is
 12 \$6.4 million. This exceeds the anticipated needs for
 13 the fiscal year 2011-2012.
 14 Again, the City of Carson required the JPA
 15 contribute to potential improvements including work on
 16 Sepulveda Boulevard. This amount, again, is
 17 \$1.9 million. The distribution of \$6 million from the
 18 JPA account to both ports would leave a balance after
 19 all potential expenditures of \$2.6 million which would
 20 be carried over into fiscal 2011-2012 which is
 21 determined to be appropriate in light of potential cash
 22 flow needs.
 23 Therefore, it is recommended that the Governing
 24 Board authorize distributions in the amount of
 25 \$3 million each to the two ports, the Port of Long Beach

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1 and Port of Los Angeles. We're also recommending the
 2 Board make a finding that this activity is
 3 administrative and would not result in direct or
 4 indirect physical changes in the environment and, as
 5 such, is not a project as defined by CEQA Guidelines
 6 15378.
 7 CHAIRMAN SRAMEK: Thank you, Mr. Thiessen. Any
 8 questions by Board members?
 9 Okay. Seeing none, anybody in the audience
 10 wish to comment on this?
 11 Seeing none, could I have a motion, please?
 12 MR. STEINKE: Motion.
 13 MS. KNATZ: Second.
 14 CHAIRMAN SRAMEK: Okay. We have a motion and
 15 second. All in favor of the motion, say aye.
 16 BOARD MEMBERS: Aye (Knatz, Miscikowski,
 17 Sramek, Steinke).
 18 CHAIRMAN SRAMEK: Motion passes. Thank you.
 19 Now, Southern California Edison license
 20 agreement.
 21 MR. THIESSEN: Thank you, Mr. Chair. With the
 22 development of the Southern California -- I'm sorry, the
 23 Joint Powers Authority ICTF, there was construction of a
 24 sound wall south of Arlington Street on the perimeter of
 25 the Southern California Edison property. There is a

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1 license agreement with Southern California Edison that
 2 expired in October of 2010. Unfortunately, we received
 3 this expiration notice just after we had the last ICTF
 4 Joint Powers meeting. And so Southern California Edison
 5 has been very patient, requesting that this license be
 6 executed and returned to them. The five-year payment is
 7 in the amount of \$2,300.
 8 We're recommending the Governing Board approve
 9 this license agreement with Southern California Edison
 10 on this existing sound wall, and also make a finding
 11 that this activity is licensing of an existing sound
 12 wall involving no change to the structure or expansion
 13 of an existing use and, as such, is exempt under CEQA
 14 Guidelines Section 15301.
 15 CHAIRMAN SRAMEK: Okay. Thank you. Questions
 16 by Board members?
 17 MS. MISCIKOWSKI: What is the expected life of
 18 the sound wall? And why are we only doing a five-year
 19 licensing of a sound wall for our district?
 20 MR. THIESSEN: Well, I can only assume the
 21 sound wall probably lasts 50 years or more. I would
 22 have to check back. This agreement goes back to the
 23 1980s with the inception of the ICTF. I can find out
 24 just what --
 25 MS. MISCIKOWSKI: Why do we only do a five-year

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1 licensing for it, I mean, unless there is some
 2 expectation that something's going to be widened or
 3 constructed in the interim, something that would cause
 4 it to be taken down? But I can't conceive of any other
 5 reason why it would only be five years.
 6 MR. THIESSEN: Perhaps they wanted to reserve
 7 their rights to increase the license cost every five
 8 years. But we can find that out.
 9 MS. MISCIKOWSKI: Okay. Thank you.
 10 CHAIRMAN SRAMEK: Any questions?
 11 Could I have a motion?
 12 MS. MISCIKOWSKI: So moved.
 13 MR. STEINKE: Okay. We have a motion. I'll
 14 second it.
 15 CHAIRMAN SRAMEK: Anybody from the audience
 16 like to comment? I see none.
 17 Okay. We have a motion and second. All in
 18 favor of the motion, say aye.
 19 BOARD MEMBERS: Aye (Knatz, Miscikowski,
 20 Sramek, Steinke).
 21 CHAIRMAN SRAMEK: Motion passes. Thank you.
 22 Okay. Mr. Thiessen -- and Mr. Russell maybe
 23 will help out -- as we're getting into the EIR
 24 preparation now with the next items, and there will be a
 25 number of speakers. How would you recommend we handle

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1 the people speaking on these items?
 2 MR. THIESSEN: Mr. Chair, we have received at
 3 least two comment cards that have asked to speak on item
 4 number six. I assume there may be others in the
 5 audience that may want to speak on item number ten
 6 because we have a couple more. One speaker wishes to
 7 speak on item number seven and ten and another on item
 8 number six. So we have a couple ways we can handle
 9 this. I would recommend that as each item comes
 10 forward, we have the speakers speak on that specific
 11 agenda item.
 12 I also would like to make an announcement about
 13 tonight's meeting that may be useful to some of the
 14 members of the community. This probably would be a good
 15 time to do that, or I can do that at the end of the
 16 agenda. Okay.
 17 The announcement is that we will be hearing
 18 comments from the public on nonagenda items within the
 19 purview of the ICTF JPA. Many of you are aware that the
 20 Port of Los Angeles has publicly released an EIR for
 21 another project. The proposed project I am referring to
 22 Northern Santa Fe Railroad called the Southern
 23 California International Gateway or SCIG project. The
 24 SCIG project is not within the purview of the ICTF Joint
 25 Powers Authority, and therefore, public comments about

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1 the SCIG project should not be made here tonight. Any
 2 comments on the SCIG EIR that are made here will not be
 3 reviewed by the Port of Los Angeles as the lead agency
 4 or recorded as public comments in the official EIR
 5 comment file. Please see the Port of Los Angeles Web
 6 site at www.portoflosangeles.org for more information on
 7 how to provide public comments on the SCIG EIR
 8 directly -- or directly to the Port of L.A.
 9 So I just wanted to make that announcement in
 10 case there was some confusion by potential speakers on
 11 the SCIG project. Tonight's meeting is on the ICTF
 12 Joint Powers Authority. We will have a project report.
 13 That's item number 10 on your agenda on the preparation
 14 of the EIR for the ICTF modernization.
 15 Okay. Under advice of counsel, I am going to
 16 also read that this is not a CEQA hearing for the ICTF
 17 modernization project. Rather, this meeting covers the
 18 progress and status of the preparation of the EIR. The
 19 ICTF EIR is still being prepared, and there will be a
 20 time for comments on the ICTF EIR after it is released
 21 for public review, and staff will be reporting on the
 22 schedule for that. The proposed project details will
 23 not be discussed tonight or approved at this meeting.
 24 CHAIRMAN SRAMEK: Okay. Thank you. I think
 25 that is a good comment as people need to understand that

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1 this is not about the project approval tonight. Nothing
 2 about that. This is about going forward with the
 3 preparation of the EIR, and the contracting with that.
 4 So just to let people know.
 5 Okay. So item number six then.
 6 MR. THIESSEN: Okay. Thank you, Mr. Chair.
 7 Item number six is a ratification of a withdrawal of an
 8 agreement between the Joint Powers Authority and AQMD
 9 for preparation of the EIR for the modernization
 10 project.
 11 In 2008 the Joint Powers Authority entered into
 12 an MOA with the South Coast Air Quality Management
 13 District, otherwise known as AQMD, for EIR preparation.
 14 A copy of that MOA is attached to your -- your Board
 15 packet. Withdrawal upon notice is contemplated in the
 16 agreement. And AQMD staff and the JPA staff have
 17 mutually agreed that it is in their best respective
 18 interests to withdraw from the MOA. And we have done
 19 so, and a copy is attached to the Board packet.
 20 It is recommended that the Governing Board
 21 ratify the withdrawal of the ICTF JPA from the MOA for
 22 EIR preparation as provided for in the attached letter.
 23 We are also recommending that the Board make a finding
 24 that this activity is administrative and will not result
 25 in direct or indirect physical changes to the

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1 environment, and as such, it is not a project as defined
 2 by CEQA Guidelines Section 15378.
 3 And I would like to say, there are a number of
 4 speakers that have indicated they would like to speak on
 5 agenda items six.
 6 CHAIRMAN SRAMEK: Thank you.
 7 Could I have a motion on this so that we can
 8 have something to speak about?
 9 MR. STEINKE: Motion.
 10 MS. MISCIKOWSKI: Second.
 11 CHAIRMAN SRAMEK: Second. Okay. Motion and
 12 second.
 13 Commissioners or Board members have comments?
 14 MR. STEINKE: I think it's probably important
 15 in the context of voting on this, that at least staff
 16 talk a little bit about some of the subsequent items
 17 that are on the agenda, so that there is a broader
 18 understanding of what takes place next for those people
 19 who may have not seen the whole agenda, that there is a
 20 future action to be taken that you might just want to --
 21 or you know, or Tom or the Board or the port staff
 22 explains a little bit of the background on this for the
 23 benefit of the audience.
 24 MR. THIESSEN: Okay. I will attempt to
 25 describe this in a brief detail and may request that

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1 either Rick Cameron or Chris Cannon, staff to the JPA
 2 who have been working with South Coast, describe this a
 3 little bit further.
 4 As described in the staff report, there was an
 5 agreement entered into with AQMD to perform the
 6 environmental report documentation preparation. That
 7 activity has continued for a number of years. A lot of
 8 the work product has been completed, or it is in the
 9 final stage -- something that needs to be finalized.
 10 There is a lot of work that has been underway and has
 11 been very successful.
 12 We, however, have reached a point where we both
 13 agreed that it would be useful to separate that
 14 agreement -- mutually beneficial and have another
 15 consultant step in and perform that work. And that is
 16 actually item number seven on the agenda that follows
 17 this.
 18 To elaborate on this a little further, I would
 19 request that either Mr. Cannon or Cameron speak to this.
 20 MR. CANNON: I don't really have much to add.
 21 It was a decision that was made between the AQMD and the
 22 ports that AQMD would step down, and the ports would
 23 have one of the -- excuse me, the JPA -- did have one of
 24 the consultants step in and really complete the process.
 25 The majority of the technical work has been done. There

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1 is some final work being done in the air quality section
 2 and on health risk and noise, but really the final task
 3 that is left is putting together of the document, and
 4 that's something that we mutually agreed could be
 5 handled by one of the technical consultants that are set
 6 up to do that.
 7 MS. KNATZ: Mr. Chairman, I noticed the actual
 8 agreement says the dissolution of this agreement by
 9 November 15th, 2022. There is a typo there.
 10 MR. THIESSEN: Okay. We will -- I see that
 11 also, and obviously, we made a mistake, and we will
 12 correct that.
 13 We did receive a handful of speaker requests on
 14 this item. I would recommend that we hear those
 15 comments prior to the Board making a vote on this.
 16 CHAIRMAN SRAMEK: Okay. So this is just the
 17 item where we are going to approve the withdrawal of
 18 AQMD for preparing the EIR.
 19 Okay. Go ahead and call the speakers.
 20 MR. THIESSEN: Okay. We have received three
 21 speaker requests. The first is James Johnson from the
 22 City of Long Beach. Following Mr. Johnson is
 23 John Cross, and following Mr. Cross is Angelo Logan.
 24 CHAIRMAN SRAMEK: And I'd like to welcome
 25 distinguished member James Johnson, who is a city

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1 councilman from the City of Long Beach.
 2 MR. JOHNSON: Thank you, Mr. Chair, and
 3 congratulations on your appointment. It's a great day
 4 for the city of Long Beach. And welcome to the
 5 beautiful Seventh District in West Long Beach.
 6 I'll keep most of my comments for item number
 7 ten, but I did just want to comment. Without really
 8 knowing much about why this is changing the details, I
 9 would just hope and note that, hopefully, that this is
 10 not doing any lessening of the commitment to a strong
 11 environmental document or to strong mitigations
 12 particularly to emissions, and I hope to see the
 13 documents.
 14 So I'll hold the rest of my comments for number
 15 ten, but I do look forward to who the new consultant is,
 16 and I hope we have a robust document that really covers
 17 the subjects thoroughly and truly has the mitigations
 18 that are required as we move forward. Thank you.
 19 CHAIRMAN SRAMEK: Thank you.
 20 MR. CROSS: My name is John Cross. I'm a
 21 resident of West Long Beach representing the West Long
 22 Beach Neighborhood Association, currently vice
 23 president.
 24 As the gentleman alluded to, there is an
 25 EIR out now. I'm not going to discuss it. It's got

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1 plenty of holes in it. So since the AQMD is no longer
 2 going to be pursuing the EIR in this, I hope staff from
 3 both ports work with a new group that's going to handle
 4 the EIR when it gets approved, and they keep what some
 5 of the AQMD put into the reports, and I hope it is done.
 6 I don't want to see the EIR doctored and more
 7 in favor of the ports if AQMD says different. I know
 8 they're going to lock heads on there, but they need to
 9 keep these EIRs when the new groups take over -- all
 10 these inputs from both groups and stay as neutral as
 11 possible. And don't sway it one way or the other so
 12 it's in your favor or against it. But it's got to be
 13 outright and honest and upstanding because they've been
 14 working on it for a couple of years or so now, and it
 15 needs to be fair. And whatever the AQMD has put in
 16 there needs to be followed up with a new group and look
 17 at both sides so it's an equal and balanced EIR for
 18 everybody.
 19 Like I said, the one prior that came out from
 20 the Port of L.A., it's got so many holes in it, it's got
 21 more holes in it than a sieve. So please do it right.
 22 I'm asking Mr. Cannon and Mr. Cameron over there to make
 23 sure all the information gets in the EIR, and it's done
 24 right. Thank you.
 25 CHAIRMAN SRAMEK: Thank you very much.

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1 MR. THIESSEN: Our last speaker on item number
 2 six is Angelo Logan.
 3 MR. LOGAN: Thank you. Angelo Logan with East
 4 Yard Communities for Environmental Justice. So I just
 5 wanted to comment both on six and seven. They're kind
 6 of interrelated. I really believe that the public
 7 should be made more aware of the background in terms of
 8 the severance of this agreement between the JPA and the
 9 AQMD. You know, the statement that it was a mutual
 10 agreement doesn't really speak to the reason or
 11 rationale for the severance of this agreement or this
 12 contract. I believe the public deserves to know more
 13 why this is happening.
 14 I think one of the reasons the AQMD was
 15 selected as the contractor, I guess, to do the EIR was
 16 that there is community trust and belief that this will
 17 be an accurate analysis of this particular project. And
 18 so I believe there needs to be more discussion so that
 19 the public can be made more aware of the reason and
 20 rationale and that we can give really meaningful
 21 feedback in comments to the particulars.
 22 Along the same lines, I believe that prior to
 23 an agreement with Environ, there needs more of a
 24 community process or more of a process in which people
 25 can give more feedback. Going back to the reason that

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1 AQMD was selected as the contractor to do the EIR is
 2 that there was community trust with the SCIG EIR, and
 3 Environ's participation in that, with all due respect,
 4 there is a lack of trust with Environ with the work they
 5 have done with the SCIG EIR.
 6 And so I just want to urge you to kind of step
 7 back to reassess how to move forward with the consultant
 8 or contractor on the EIR so that we have full faith from
 9 the communities that this is going to be an accurate,
 10 robust, and thorough analysis. And I would recommend
 11 the JPA think about how to make this more inclusive,
 12 more of a public process.
 13 And also, I tried to download the agenda packet
 14 from the Web site, and really all there is available is
 15 a three-page document which is the agenda that is here
 16 today. So we don't have any of the background
 17 information on any of that agenda item. Thank you.
 18 CHAIRMAN SRAMEK: Thank you.
 19 Very quickly do we know anything about the Web
 20 page? That surprises me.
 21 MR. THIESSEN: Mr. Chairman, I believe all the
 22 items including the attachments should have been posted
 23 to the Web site.
 24 CHAIRMAN SRAMEK: So we will have somebody
 25 double-check this one that will set that up? Make sure

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1 it's on there. We apologize.
 2 MR. THIESSEN: This particular item just has a
 3 two-page attachment of the withdraw agreement to the
 4 JPA/AQMD.
 5 CHAIRMAN SRAMEK: Okay. Thank you.
 6 Any other comments on item number six?
 7 MS. MISCIKOWSKI: Was there a response as to
 8 additional background information as to what led to the
 9 discussion relative to the mutual agreement as
 10 requested? What are we able to provide?
 11 MR. THIESSEN: Well, there's a number of
 12 reasons. First of all, the consultant -- the item
 13 following this item number seven is Environ, and all of
 14 the subcontractors -- and I know we're not voting on
 15 that item right now -- but they were all working for
 16 AQMD on this JPA modernization project. There was a
 17 workload issue with -- and I won't speak for AQMD, but I
 18 can speak for port staff, and perhaps Mr. Cameron or
 19 Cannon can elaborate on this -- so there was an
 20 understanding that if both parties withdrew from that
 21 agreement and all the consultants working for the AQMD
 22 stepped over here and worked under Environ's umbrella,
 23 we could expedite and complete the Draft EIR.
 24 This project has been a couple years in the
 25 making, and it's been dragging out, and we want to get a

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1 draft environmental document out to the public to start
 2 getting comments. There have been a lot of questions
 3 about the project. I don't know if you guys want to
 4 elaborate on that or not.
 5 MS. MISCIKOWSKI: Just to understand that, it's
 6 basically because there was some concern that when we do
 7 get to the next item and look at Environ and they are
 8 scheduled to step in to do this, essentially it was
 9 stated that Environ has already been in or under a
 10 contractual relationship to AQMD to be doing some of the
 11 work that has already been done. So it's not a
 12 substitute of somebody new, but a continuation of an
 13 existing contractor working both with the ports and with
 14 AQMD.
 15 MR. CANNON: Not quite.
 16 MS. MISCIKOWSKI: Not quite? Okay. All right.
 17 CHAIRMAN SRAMEK: A little clarification,
 18 please.
 19 MR. CAMERON: Madam Chair, Board members, many
 20 of the speakers have raised some good points here. I
 21 think maybe for a point of clarification, the adequacy
 22 of this document does not rely with the consultants or
 23 the subconsultants. There is a technical support in
 24 preparation of these documents. The adequacy lies with
 25 staff of the JPA and ultimately, as we go through this

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1 process, the JPA Board and what ends up as concluding as
 2 part of the final environmental document.

3 I think, in terms of the mutual agreement to
 4 separate and go on our different ways was truly that --
 5 AQMD is not here, I don't believe, and I will share this
 6 --

7 MS. MISCIKOWSKI: Yes, they are. I just saw a
 8 hand raised.

9 MR. CAMERON: I mean, you know, in all fairness
 10 to AQMD -- I don't want to speak for them -- I think we
 11 reached the point in the development of an adequate
 12 draft of the EIR document, I would say 90 percent of the
 13 technical document and the sections of the admin draft
 14 have been completed and with AQMD's oversight as being
 15 the prime consultant to this point. We felt there was
 16 some difference of opinions as we moved forward. AQMD
 17 has a personal role. There was some prioritization
 18 amongst what AQMD was working on where we wanted to get
 19 this project up and completed and on the street. And so
 20 in all fairness to AQMD, I don't really know if you want
 21 to say anything.

22 MR. CANNON: Let me just clarify one thing.
 23 The Environ was not working under contract with AQMD.
 24 Environ was working under contract to the JPA. They
 25 were already serving as the administrative project

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1 manager for this project, and they were doing so for
 2 Lisa Ochsner, who was on maternity leave. So since they
 3 took over her job, her role as coordinating the project,
 4 coordinating meetings, managing the schedule, and
 5 coordinating the receipt of information from AQMD and
 6 others, so they were already currently playing that role
 7 for this project, but they were working for the JPA, not
 8 for the AQMD.

9 What was occurring or what did occur is there
 10 are a number of technical consultants who were working
 11 for the AQMD preparing various sections of the document,
 12 in other words, traffic, noise, air. There was an
 13 overall quality assurance person who was sort of
 14 managing the development of the writing. All of those
 15 consultants would continue to serve in those exact same
 16 roles going forward. What will change is that Environ
 17 would take over the job as the overall consultants
 18 project manager.

19 And so the difference is that in addition to
 20 what they were doing before, now they will be actually
 21 receiving the various technical analysis, assembling the
 22 documents, doing QA to make sure that those things --
 23 the I's are dotted and the T's are crossed -- receiving
 24 the edits and the recommended changes from staff as Rick
 25 described that is our job to determine what the content

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1 is, and then turning those around, and we will also
 2 receive the comments and so forth and then turn that
 3 around, and finally putting the document out on the
 4 street.

5 There is no bad feelings toward AQMD, and in
 6 fact, there is good feeling toward AQMD from us. We
 7 have great respect for their work and for, in
 8 particular, Susan Nakamura, who is here. Nothing bad to
 9 be said about her; she is an excellent professional.

10 The only reason we decided to do this is that we reached
 11 a point, as Rick described, that most of the technical
 12 work was done, and it was time to get into that last
 13 sprint that we all know from doing this work you get.
 14 We've got to put the doggone thing together. It hurts;
 15 it's painful.

16 We've got a consultant that's actually set up
 17 to do that, and we determined -- and it was a mutual
 18 decision -- that at that point in the process, we would
 19 have AQMD step aside, and Environ would pick up that
 20 role, in other words, expand their job as administrative
 21 manager, managing, sort of handle the overall
 22 consultants' technical matters.

23 CHAIRMAN SRAMEK: Whose choice was this?
 24 MR. RUSSELL: It was a mutual decision.
 25 MS. MISCIKOWSKI: Thank you for that additional

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1 information clarification, particularly with the
 2 relationship and the use of Environ, and I believe and
 3 understand that the AQMD in no way stepped away from
 4 their regulatory function as a commentator ultimately on
 5 the draft in that role, so that they didn't disappear
 6 entirely from this process. I am sure we will hear from
 7 them once the draft gets out in their role as AQMD being
 8 the responsible agency.

9 MR. CANNON: That's a great point. They are
 10 the responsible agency for this document, and as the
 11 responsible agency, they will be commenting, and they
 12 also -- I must say that even as the transition has
 13 occurred, they have taken upon themselves to provide us
 14 a checklist of things they felt needed to be addressed
 15 as we went forward, just to make sure that things that
 16 were -- you know, loose ends were handled. These are
 17 things they did on their own time and after the 15th
 18 after the transition was technically occurring, and so
 19 we want to thank them for that effort even now.

20 MR. RUSSELL: I think it's worthwhile for
 21 members to point out that the agreement with the AQMD to
 22 mutually withdraw specifically reserves their right to
 23 take any positions on the project. This is in paragraph
 24 11 as provided for, and that includes participating in
 25 litigation regarding any aspect of the project, so they

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1 are not releasing any regulatory vote at all here. They
2 intend to fully exercise their authority.

3 CHAIRMAN SRAMEK: Any questions from Board
4 members?

5 Okay. Do we have two motions?

6 MS. MISCIKOWSKI: Okay. I'll make the motion.

7 MS. KNATZ: Second.

8 CHAIRMAN SRAMEK: Okay. We have a motion and
9 second on item number six. All in favor of the motion,
10 say aye.

11 BOARD MEMBERS: Aye (Knatz, Miscikowski,
12 Sramek, Steinke).

13 CHAIRMAN SRAMEK: Motion passes. Thank you.
14 Okay. Item number seven which lists Environ.

15 MR. THIESSEN: Thank you, Mr. Chair. I'm going
16 to try to summarize this a little bit. We've already
17 had some discussion about the proposed Environ contract,
18 as described in the previous item number six. Both the
19 AQMD and the JPA have mutually agreed to withdraw from
20 the MOA in preparation of the EIR. Therefore, there is
21 a need to have a qualified firm to complete the final
22 preparation of the Draft EIR, as Mr. Cannon so
23 eloquently described.

24 Environ has been supporting the preparation of
25 the EIR as a contractor primarily to the Port of

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1 Los Angeles in assisting the Joint Powers Authority and
2 the staff and is well qualified to perform the remaining
3 aspects of the Draft EIR completion of the document.
4 They have entered into a one-year \$150,000 contract for
5 the preparation of these services, as Mr. Cannon
6 described. Effective November 15th the withdrawal
7 agreement with AQMD occurred, and since that time
8 Environ has stepped into that one-year agreement.

9 This recommendation is for the Governing Board
10 to approve the execution of the proposed amendment to
11 the Environ agreement for an extension of the contract
12 from one year to three years, increasing the maximum
13 amount from \$150,000 to \$1,210,000. I would like to
14 comment that these costs are all reimbursable by the
15 project applicant, the Union Pacific Railroad, and as
16 previously mentioned, this agreement with Environ
17 includes the subcontractors previously working on the
18 project with AQMD. We're also recommending that the
19 Board make the following finding that this activity is
20 administrative and will not result in the direct or
21 indirect physical changes to the environment and, as
22 such, is not a project as defined by CEQA Guidelines
23 Section 15378.

24 CHAIRMAN SRAMEK: Thank you, Mr. Thiessen.
25 Actually I have an issue I want to bring up with you on

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1 this specific contract. As we know, Environ is doing
2 the other EIR, the SCIG, and I want to make sure that
3 this is a separate project. I want to make sure -- is
4 there a way to make sure this is a separate -- it comes
5 out -- it's a different project? I don't want them
6 looking alike; I don't want them, you know, whatever. I
7 want them starting over and together. I want to make
8 sure they're two separate projects, and I had that
9 confidence with AQMD, that there would be two separate
10 EIRs and two separate projects.

11 MR. THIESSEN: Yes, I think Mr. Cameron touched
12 on this. Perhaps he can elaborate. The Environ, as
13 proposed, would be a consultant to the JPA staff, and as
14 such, the JPA staff would ensure that the document
15 preparation and all the subsequent activity would be
16 separate from that other project, the SCIG project.
17 Perhaps Rick or Chris Cannon . . .

18 MR. CAMERON: Would you like me to . . .

19 CHAIRMAN SRAMEK: Yes.

20 MR. CAMERON: I think there are two parts to
21 that -- two answers to that question. First is you are
22 correct. There are two separate environmental documents
23 with two individual projects. Yes, and it is our
24 responsibility to ensure that that happens. Various
25 numbers with the projects with different analysis. With

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1 that said, one of the reasons there are some joint
2 analysis, cumulative analysis, and so it's -- there will
3 be some -- some looking at what this project is doing in
4 terms of that analysis and how we incorporate that into
5 cumulative analysis that we agreed upon for this
6 document. So it's not a straight -- we can't just build
7 a fire wall and say yes. That's not true for any of our
8 port projects since we have to look at some of the
9 cumulative and look at all the other projects around it.

10 So yes, at staff level we will ensure that the
11 adequacy of the document is done appropriately at the
12 CEQA agency, and -- but there is going to be some data
13 usage from the SCIG project included in this analysis
14 for this project.

15 CHAIRMAN SRAMEK: Now, I understand the joint
16 analysis in the two and everything, but I just want to
17 make sure that -- I won't call it a fire wall -- but
18 make sure that there are two separate documents because
19 I think each project really needs to make sure it is
20 kept separate and has its own merits -- stands on its
21 own merits.

22 MR. CANNON: May I just add the personal
23 experience of having gone through the SCIG project and
24 also obviously working on this one, there is a major
25 difference between what happens in this project and what

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1 happens in the SCIG project. And it comes down to two
 2 words -- Long Beach. The Port of Long Beach is with the
 3 gentleman to my right here -- has never been shy, and if
 4 he wants something, then he makes it clear. And you see
 5 there are just two of us here, so there is no majority
 6 rule or anything. We have to come to an agreement as to
 7 what is in the document. So policy issues, technical
 8 issues are resolved together.

9 Of course, there is going to be some overlap
 10 and some consistency because they are similar facilities
 11 in a similar area. But there are differences, and the
 12 differences are important. And the differences are
 13 discussed by the two ports, and decisions are made by
 14 the two ports. And there's no way that that will
 15 change. There's no way that Long Beach would let that
 16 happen, and to be very honest with you, we wouldn't have
 17 it any other way ourselves.

18 CHAIRMAN SRAMEK: Thank you. And I see Rick is
 19 not smiling. Thank you.

20 MR. CAMERON: I'm shaking my head, yeah.

21 MS. MISCIKOWSKI: Mr. Chair, I have one
 22 question. Just the AQMD -- I appreciate the
 23 relationship to either the fire item, particularly the
 24 understanding of Environ's involvement in the process
 25 today had already been a presence and now is continuing

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1 in terms of continuing the role of assembly and having
 2 to put this all together. I think I also heard an
 3 indication that Environ will now be essentially
 4 responsible for the oversight along with the staff of
 5 all the subcontractors who have been working either with
 6 Environ or directly for AQMD who will be carried on or
 7 in and under this new contract.

8 And I looked at this contract and couldn't find
 9 a list of subcontractors. So could I request that again
 10 a memo be sent to us and put on -- I don't know, on a
 11 Web site, or is it connected to either port? Perhaps it
 12 should be so that the public can get access to that same
 13 information and now to include who the subcontractors
 14 are who will be continuing any work that they have
 15 already provided today, the work that they have done as
 16 it is assembled, and really the details and the assembly
 17 of it. I would like to see that.

18 MR. CANNON: Will do.

19 MR. THIESSEN: And Madam Vice Chair, in Exhibit
 20 B of your agreement of the attachment, there are
 21 schedules of fees from the various subcontractors which
 22 identify these terms of work which are carried over from
 23 AQMD to yourself. It's not a specific list of
 24 subcontractors, but you can get these names off the
 25 page. But we can provide that separately.

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1 MS. KNATZ: Can I clarify something that Board
 2 Member Miscikowski said because it came up at a previous
 3 meeting, the ability to download the actual documents
 4 for people which happens for our own respective Board
 5 meeting. But that came up at a previous meeting of this
 6 Board. Does the public have the ability to download the
 7 actual items before the meeting?

8 UNIDENTIFIED SPEAKER: No.

9 MR. THIESSEN: Actually they're on the Web
 10 site. You have to click on the item. It may not be as
 11 easy or apparent for every person who goes on there, but
 12 you can go to the Web site and --

13 MS. KNATZ: You see the agenda, you can click
 14 on the item, bring them up, and then download them.

15 MR. THIESSEN: Yes, and you can print those
 16 out.

17 MS. KNATZ: Right. Print them. Yeah. Okay.

18 MR. THIESSEN: Yeah. It won't be on the
 19 agenda. You have to click on each of the individual
 20 items.

21 MS. KNATZ: Right. Exactly.

22 MR. THIESSEN: Okay. In the future we will
 23 have an easier link to bring up all the attachments.

24 MS. HRICKO: Exactly. Some of us are checking
 25 it. If you could tell us where to go, we can see.

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1 MS. KNATZ: Yeah, okay. We need to make it
 2 clear. That came up at a previous meeting, I think.

3 MS. HRICKO: It's not in the document library,
 4 and it's not in the meeting because if you go to the
 5 meeting, you get the agenda, and it's not in the
 6 document library. So I'm not sure where it would be to
 7 download.

8 UNIDENTIFIED SPEAKER: It's under events.

9 CHAIRMAN SRAMEK: Okay. If we could in the
 10 future just make sure it's much clearer where it is.

11 MR. THIESSEN: We'll have an easier way or big
 12 bold heading that says click here for all . . .

13 (Simultaneous talking.)

14 CHAIRMAN SRAMEK: I know -- I know for both
 15 ports, you just go to environment, find the document,
 16 and pull it up.

17 MS. HRICKO: Michelle is going to find the
 18 agenda, and she's going to click on that.

19 MR. THIESSEN: We have staff here from JPA, and
 20 perhaps someone or one of the staff members could --
 21 Ryan, could you describe where it is?

22 MS. HRICKO: Carl's tablet -- we'll look until
 23 we find it; I'll do that. So it's where?

24 MS. KNATZ: Probably it should be under . . .

25 MS. MISCIKOWSKI: They're in your meetings, not

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1 in the pamphlets.

2 CHAIRMAN SRAMEK: Okay. I've got another

3 question is -- we're talking about this thing maybe

4 being 90 percent done already. Do we have an idea of

5 the schedule?

6 MR. CAMERON: Yeah, we'll make that a part of

7 the status on item number ten.

8 CHAIRMAN SRAMEK: Okay. Fine.

9 MR. CAMERON: I can give you kind of a little

10 better summary.

11 CHAIRMAN SRAMEK: Okay. Thanks.

12 MR. THIESSEN: Mr. Chairman, before you vote on

13 this, two comments. First, we have a couple of speakers

14 who requested to speak on item number seven, and then

15 also legal counsel has notified me there's a problem

16 with the signature block on the last page -- it should

17 say Environ Corporation. We have another vendor's name

18 on it. Now, we will fix that, assuming the Board

19 approves this item. On page number 2 we've identified

20 the wrong vendor.

21 CHAIRMAN SRAMEK: Yeah, we've got the wrong

22 name. That will be corrected. That will be part of our

23 motion that that will be corrected.

24 Okay. So first of all, before we have the

25 speakers, can I have a motion so we can go further with

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1 this?

2 MR. STEINKE: Motion to approve.

3 MS. MISCIKOWSKI: Second.

4 CHAIRMAN SRAMEK: Okay. Motion and second and

5 with the correction. Okay.

6 Can we go to the speakers, please?

7 MR. THIESSEN: The first speaker is Joan

8 Greenwood.

9 MS. GREENWOOD: Good evening. My name is Joan

10 Greenwood. I'm a resident of the Wrigley District of

11 Long Beach, and I've been following the issues related

12 to air quality in our area for well over ten years.

13 I mainly wanted to speak tonight because I want

14 to share the concerns about having the same firm looking

15 at both the SCIG and the ICTF rail yard project. And my

16 concern is that I'm looking at the SCIG EIR now, and I

17 find it somewhat lacking in good, substantive,

18 scientific peer review in checking for technical and

19 making sure that statements are properly referenced and

20 the credentials of the people who prepare the reports

21 are clearly stated because there are serious flaws in

22 the SCIG EIR, and I realize there's an administrative

23 function here in the project management function that we

24 are talking to.

25 But I'm mainly concerned about the technical

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1 content, and I think this is an opportune time to open

2 this up and let some other companies come in and have a

3 chance to really go in and review this work, get it

4 written up, and again make sure the scientific peer

5 review is fundamental to the methodology that has been

6 developed for EIRs over the past decade. And I find

7 that it is being taken over more and more by attorneys

8 and environmental planners. I'm finding that the

9 science is coming up way short. And I would hate to see

10 this one come up short on the science especially as it

11 relates to ultra fine particles. And that's my main

12 concern -- and the baseline.

13 So I think we should look very seriously at

14 whether or not -- because there is an opportunity at

15 this point to bring in some expert peer reviewers with

16 appropriate credentials from boards of certification for

17 the professionals such as the American Board of

18 Toxicologists and especially be looking at this work, so

19 I would -- as I say, I am very concerned because I think

20 there's a little too much inbreeding in the EIR process

21 compared to when we look at the regulatory process for

22 hazardous materials. Thank you.

23 CHAIRMAN SRAMEK: Okay. Thank you.

24 Who's next?

25 MR. THIESSEN: John Cross followed by

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1 Andrea Hricko.

2 MR. CROSS: John Cross again. What

3 Ms. Greenwood said, that's basically what I was going to

4 say. This Board has a unique opportunity. Environ can

5 approve them. It approves the employing of this

6 project. They did the EIR, and they have been working

7 on the EIR for the port for a while. You've got a

8 unique opportunity right now. There's plenty of

9 reputable companies out there that you can call them

10 instead of bringing somebody that's on board already.

11 So okay, you hired this company, you give them all the

12 information, and then they come back with the

13 information for our staff. You don't have to use the

14 company that's been on the payroll for a while. Bring

15 in some outsiders with independent view.

16 It's a great opportunity for this Board to step

17 forward and say, hey, let's do something different.

18 Let's don't follow the same old routine, routine,

19 routine, routine. Let's do something a little bit

20 different. Bring in an outsider. Give them all the

21 information. Say, okay, come back with something for

22 the staff. Don't use somebody that's already on your

23 payroll. Bring in an outside group to do it. It's a

24 unique opportunity.

25 What I would ask this Board to do is lay this

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1 over and tell staff find outside companies to do it and
2 then bring all the information back to us again. Lay it
3 over. Thank you.
4 CHAIRMAN SRAMEK: Okay. Thank you, Mr. Cross.
5 Next, Andrea.
6 MR. THIESSEN: Following Andrea Hricko would be
7 Angelo Logan that had asked to speak on item seven also.
8 MS. HRICKO: Thank you for this opportunity to
9 speak. My name is Andrea Hricko, and I am a professor
10 of preventive medicine at Keck School of Medicine at USC
11 where I also direct the community outreach and
12 engagement program for the Southern California
13 Environmental Health Sciences Center.
14 I've been reviewing the -- I'm not going to try
15 to review the records in the SCIG because it has
16 something to do with Environ, but I've been reviewing
17 the SCIG EIR and the health risk assessment that were
18 conducted by Environ International, and I find many,
19 many, many flaws with the document.
20 So from my perspective, I think it would be
21 good to have a fresh pair of eyes looking at this
22 project, and it is extremely important to choose a
23 consultant that can accurately look at what some of the
24 health effects are going to be. By putting these two
25 projects together will have immense health effects in

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1 the area, and Environ has concluded for the SCIG that
2 it's going to be better than it ever has been in the
3 past. So I find, you know, just tremendous flaws of a
4 lot of the assumptions that are made with the way the
5 transmodal is analyzed, with the lack of knowledge about
6 transmodal, and then everything in that document. So it
7 makes me very concerned that -- and now the sister
8 project will also be conducted by -- potentially be
9 conducted by the same firm.
10 So -- and I'm certainly not a contracting
11 expert in any way. That's not my background. My
12 background is in public health. But I don't understand,
13 despite what Mr. Cameron said about how Lisa went on
14 maternity leave, and so Environ stepped in to fill her
15 role with the JPA and the document from Doug Thiessen --
16 is that the gentleman's name, the executive director of
17 the JPA? He says that the ICTF JPA has entered into a
18 one-year \$150,000 contract with Environ, and that what
19 you are doing tonight is doing the first amendment to
20 that contract, that the previous contract was for
21 services for the EIR, and this one is for them to finish
22 the EIR.
23 Did any of you ever vote to hire Environ to
24 work for the JPA? That's what's really unclear to me in
25 what he said. It sounds like Environ was hired by the

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1 Port of L.A. to assist in Lisa Oschner's maternity
2 leave. Then somehow they've gotten a contract that now
3 is with the JPA, but it doesn't seem like the JPA voted
4 on it because they don't seem know a lot about Environ,
5 and all of a sudden we're in a situation where Environ
6 is about to get a million and a half dollars or whatever
7 for doing the UP ICTF EIR.
8 So I don't understand that process, and I don't
9 understand what your role is -- was in voting for that
10 and approving that contract? But I am really curious.
11 And from my perspective, I think it would be
12 really important to have a fresh pair of eyes look at
13 this project because there are so many flaws in the
14 other Draft EIR that comes up. Thank you.
15 CHAIRMAN SRAMEK: Thank you.
16 Tom, do you want to answer that because that is
17 the question that is raised, and it says right on here
18 that it has already basically been entered into. And I
19 think that's what we're here to approve -- whether we
20 enter into it or not. Isn't that correct?
21 MR. RUSSELL: Yes, you are, members, but you
22 recall that two meetings ago you approved a resolution
23 that delegated to the executive director of the JPA the
24 authority to make contracts up to \$150,000 and one year
25 in length, and this is consistent with what is done in

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1 the Port of Los Angeles, and I believe approximately
2 what is done in the Port of Long Beach, and it is done
3 in order to allow the entity to do business in between
4 Board meetings. This Board only meets once a year and
5 sometimes not even that frequently because there's a lot
6 in that to get together. But in order to have the JPA
7 continue with its business, there has to be some
8 delegation to the executive director. That was the
9 basis on which this particular contract was made with
10 Environ in the gap, and what's being requested of you
11 now is to increase that beyond the authority of the
12 executive director at this time.
13 CHAIRMAN SRAMEK: Okay. Thank you.
14 The other thing -- oh, well, let's get to the
15 next speaker.
16 MR. THIESSEN: Angelo Logan. And then that's
17 the last person who signed up to speak on item number
18 seven.
19 MR. LOGAN: Thank you. Angelo Logan, East Yard
20 Communities for Environmental Justice. Just to
21 reiterate my comments earlier, I think that the Board
22 should really reconsider bringing on Environ because of
23 the community concerns related to Environ. I think that
24 in terms of the process, it should be a little bit more
25 open. I don't know if a part would be more adequate,

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1 but I do believe that for the public -- the public to
 2 participate in a more meaningful way, you should really
 3 step back and look at your options. I agree with some
 4 of the previous comments that having a different
 5 consultant working on this project will help to balance
 6 and look at the contract between Environ's work and a
 7 different contractor.

8 Also I want to say one suggestion in terms
 9 of -- although I wasn't able to navigate the Web site,
 10 it might be a good idea to have that agenda packet here
 11 for the public for those folks that don't have access to
 12 the Internet. There is no agenda packet here.

13 So again, I think you should be reconsidering
 14 Environ, opening it up to include more of what they
 15 would be doing within their expanded contract -- will
 16 they be doing the HRA? If so, you know, looking at some
 17 of their previous work related to HRAs and having more
 18 public involvement in that decision-making process.
 19 Thank you.

20 CHAIRMAN SRAMEK: Thank you. I'd like you --
 21 Mr. Cameron, I was going to ask you to respond to that
 22 because I think there are -- you know, this is JPA joint
 23 project here, and I would really like to make sure of
 24 what we do for whoever we end up with contracting this,
 25 is what do we do for peer reviews for HRA, everything in

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1 there for community input. Are we going to open it up
 2 more for the community, make sure, you know, it is a
 3 transparent process of what's going on?

4 MR. CAMERON: I wish I knew how to respond to
 5 this question. I think the simplest way to respond is
 6 to some of the comments and the question you have,
 7 Mr. Chair, is that reminding the Board, reminding the
 8 audience that Environ will be taking the project
 9 management role and will be putting together the pieces.
 10 They will not be conducting the technical analysis. The
 11 Exhibit D are the subconsultants that were formerly
 12 subconsultants of AQMD when they were the prime putting
 13 the environmental document together, and they are
 14 different from the other project. I don't want to get
 15 into that -- the adequacy, you know, their
 16 professionalism, technical expertise, and things of that
 17 nature, so I want to make that point clear.

18 A good 90 percent of the technical analysis
 19 that AQMD has overseen under those subconsultants and
 20 now that currently will be with Environ will be the same
 21 ones and we will carry through the analysis at that
 22 time. I think they are technically sound, and there are
 23 different team members from what was done with the SCIG
 24 project. So I'll leave it at that.

25 In terms of the peer review, it's a great

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1 comment. I know that in the Port of Long Beach, we just
 2 reinstated a peer review in which we have experts
 3 outside of the consulting firms and the subconsultants
 4 preparing technical analysis to do a peer review. I
 5 think it is an excellent point and is something that
 6 Mr. Cannon and I were just discussing, and that is
 7 something that we can do and ensure that there is a peer
 8 review.

9 In terms of opening it up to the public, that
 10 is exactly what would happen in terms of the process
 11 that CEQA allows for: The public review of the draft
 12 environmental document on this proposed project. That's
 13 when the public and all stakeholders will have the
 14 opportunity to go page by page and scrutinize, ask
 15 questions, provide comments on the adequacy of the
 16 analysis that we completed.

17 CHAIRMAN SRAMEK: Okay.

18 MR. CANNON: May I just add Environ will not do
 19 the HRA or the air quality analysis.

20 CHAIRMAN SRAMEK: No. I think, just from my
 21 opinion, is that this technical works, at least 90
 22 percent done, so there is going to be very little
 23 additional or any changes related to the technical
 24 content is what it sounds like. And you can confirm
 25 that. That is what it sounds like to me. So basically

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1 there is going to be the administrative process of
 2 basically putting it all together, and a few more
 3 technical details that will be subcontractors -- whoever
 4 is working on those needed details. So they're just
 5 going to be the integrator, basically, for putting it
 6 all together.

7 MR. CAMERON: That's correct. They are about
 8 90 percent completed with their technical studies in the
 9 modeling and comprehensive analysis that AQMD and
 10 subconsultants are working on to date with JPA staff.
 11 We're about 50 or 60 percent done with the admin Draft
 12 EIR. So that is really what we would be working with
 13 Environ on. Environ is taking day to day and putting
 14 everything together into a comprehensive administrative
 15 Draft EIR that we then would go through our own internal
 16 QA/QC, including a peer review of the technical
 17 documents. So yes, that's basically what we would like
 18 to move forward. That's the item before the Board
 19 today.

20 CHAIRMAN SRAMEK: Okay. Thank you.

21 MR. STEINKE: Okay. One question for Rick, and
 22 that would be just to be clear that AQMD staff or their
 23 designee oversaw the subcontractors' technical work,
 24 reviewed that, and that is something that has been done
 25 in and reviewed by AQMD with -- based on their oversight

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1 or work, their designee oversight.
 2 MR. CAMERON: I think that is a good point that
 3 certain technical studies and certain analysis was
 4 completed. There was some of the analysis that, you
 5 know, the 10 percent or 15 percent, that is still needed
 6 to be completed as well as kind of fleshed out and
 7 cleaned up. In all fairness to AQMD staff, I wouldn't
 8 say that they have seen everything or have blessed
 9 everything, but they have overseen a majority of the
 10 completed work that will be moved forward to the
 11 completion of the administrative task.
 12 MR. STEINKE: So this might lighten the concern
 13 of some of the people in the audience that spoke. It
 14 won't be a technical work product by Environ. It will
 15 be a technical work product by subconsultants who worked
 16 under the direction of AQMD.
 17 MR. CAMERON: I would say it's a technical work
 18 product by the CEQA lead agency which is the ICTF JPA,
 19 yeah.
 20 MS. MISCIKOWSKI: There was mention of and
 21 comments by staff that the peer review issue is a good
 22 idea. And I guess, my question is to both of the staff
 23 and/or our attorney, how can we either amend or ask for
 24 that the peer review be included? Now, obviously,
 25 Environ didn't do that because the peer review is

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1 mentioning somebody else, and there is somebody else
 2 other than the technical subconsultants who have already
 3 been doing the work, and whether or not that leads to
 4 another contract authorization. Or could we give
 5 direction to staff or take the respective director under
 6 the authority of his \$150,000 that he has to authorize a
 7 contract for that work? Could we -- is it appropriate
 8 to ask for it at this time and consider approval of
 9 Environ's amendment to the contract that's presented to
 10 us, to augment that and request that to act on and bring
 11 forward, whether we get an approval or not, this process
 12 by which this would be a peer review conducted by our
 13 staff of the Environ and subconsultant work is another
 14 level of review before the Draft EIR is put out?
 15 MR. RUSSELL: It is certainly within the
 16 authority of the Board to direct the executive director
 17 to take an action such as that to use his authority
 18 which was previously given him in conjunction with the
 19 current instructions to go out and contract with an
 20 entity to do a peer review. We don't have that contract
 21 on the agenda at this time. Of course, you can act to
 22 actually create that contract right now. You can couple
 23 your approval of this if you decide to do that with a
 24 direction to the executive director.
 25 MS. MISCIKOWSKI: Yes.

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1 MR. THIESSEN: Madam Vice Chair, there is an
 2 approval on the previous agenda item number three, for
 3 the fiscal year 2011-2012 budget that did include
 4 contingency for this sort of thing, as legal counsel has
 5 described. We have to keep that dollar amount under the
 6 executive director's authority, but if it is at the
 7 direction of the Board, we can certainly undertake a
 8 peer review within that preapproved dollar amount.
 9 MS. MISCIKOWSKI: Well, if I could -- if it's
 10 appropriate, I would appreciate staff's assistance.
 11 Well, I think we already have a motion and a second for
 12 the approval of the Environ extension contract before
 13 us. If I could add as an addition to that, that we
 14 would ask to direct the staff, the executive director,
 15 to take advantage within the budgeted amount and his
 16 legal authority discretion to bring a contract -- not to
 17 bring but to execute a contract with consultation staff
 18 with an entity or a group of subconsultant entities to
 19 conduct a peer review when it's appropriate for the
 20 document in the document preparation. If I could add
 21 that as an amendment to the motion.
 22 CHAIRMAN SRAMEK: Okay.
 23 MS. KNATZ: Yeah, I just had a question just to
 24 clarify a lot of what we're saying about the technical
 25 studies are 90 percent done, and the administrative

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1 draft is 50 percent done. The technical studies are the
 2 background modeling. There has not been a determination
 3 of significance, right? That's the work that needs to
 4 be done, the other 50 percent of the EIR. So that's a
 5 critical part of the work; it's more than just pulling
 6 things together -- that determination of significance.
 7 MR. CANNON: I think that's a great point,
 8 Commissioner. It's a great point because when Rick
 9 said, you know, 90 percent done, this is the last -- the
 10 last 10 percent, as you all know, is the hardest
 11 logging. It's -- it's the last 10 percent really is --
 12 it's the significance determination. It's the
 13 mitigation measures to try and work through and decide
 14 which ones are the right ones. You've already got a bit
 15 of mitigation measures that we think apply, but it's
 16 that last stuff. It's the hardest part really to get
 17 this stuff done. And so yes, that's exactly right.
 18 MS. KNATZ: And that's the part we have to be
 19 very involved in. I don't mean that, but staff . . .
 20 MR. CANNON: Staff has really got to direct
 21 that. We can't. Consultants can only sort of hand that
 22 to us, and then we've got to make decisions jointly, you
 23 know, the JPA, Rick and I, and the rest of staff, about
 24 what's what. And this, Mr. Sramek, is your point, how
 25 we make a document different. There's where the

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1 documents are different is those final decisions about
 2 what's significant, what's not, how it should be dealt
 3 with, how it shouldn't be dealt with, what measures are
 4 to be incorporated as mitigations as conditions as these
 5 measures of whatever it is as we the staff decide to do.
 6 MR. STEINKE: And that decision is further
 7 verified and strengthened by outside peer review
 8 pursuant to Commissioner Miscikowski.
 9 MR. CANNON: Yeah, exactly.
 10 MR. RUSSELL: Ultimately, bear in mind, of
 11 course, it is your decision as the Board. The ultimate
 12 CEQA document that you will be asked to certify at some
 13 point by staff -- hopefully, that's going to be your
 14 independent decision whether you decide it's in
 15 compliance with CEQA and what mitigation is required and
 16 so forth. Those kinds of things are your decision for a
 17 future date. It's not the consultant's decision. The
 18 law requires that the document reflect your independent
 19 decision making your independent judgment and not that
 20 of the consultant.
 21 CHAIRMAN SRAMEK: Okay. Thank you.
 22 Okay. We have a motion that was amended to add
 23 the peer review.
 24 MS. KNATZ: I second it.
 25 CHAIRMAN SRAMEK: And I think it was seconded.

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1 You already did that. Okay. We have a motion and
 2 second. All in favor of the motion, say aye.
 3 BOARD MEMBERS: Aye (Knatz, Miscikowski,
 4 Sramek, Steinke).
 5 CHAIRMAN SRAMEK: Okay. The motion passes
 6 unanimously. Thank you. Thanks, Doug.
 7 Okay. Number eight.
 8 MR. THIESSEN: Mr. Chair, item number eight is
 9 similar to item number seven. It is an amendment to an
 10 existing contract for the vendor for the EIR
 11 preparation. And this is with the Sohagi Law Group.
 12 The proposed amendment would continue assistance for
 13 outside legal counsel in preparation of the
 14 environmental document in compliance with the California
 15 Environmental Quality Act or CEQA and the Clean Air Act
 16 and other environmental issues associated with
 17 preparation of the ICTF Modernization Project.
 18 The agreement provides for legal review of all
 19 environmental documents and liaison between the proposed
 20 or recently approved contract with Environ in
 21 preparation of the draft environmental document and the
 22 final document. Similar to the previous item, the JPA
 23 entered into a one-year \$150,000 contract with Sohagi
 24 Law Group for legal support services. The proposed
 25 amendment would continue these services for the

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1 remaining preparation of the environmental document
 2 review process.
 3 The recommendation is to extend the contract
 4 three years and increase the amount from \$150,000 to
 5 \$315,000. Again, these costs are reimbursable by the
 6 project applicant, Union Pacific Railroad. We're also
 7 recommending the Board make a finding that this activity
 8 is administrative and will not result in direct or
 9 indirect physical changes to the environment and, as
 10 such, is not a project as defined by the CEQA Guidelines
 11 Section 15378.
 12 CHAIRMAN SRAMEK: Okay. Thank you. Board
 13 members, questions, comments?
 14 MS. MISCIKOWSKI: Okay. Just again, I think I
 15 heard, was Sohagi previously under contract with the
 16 JPA? Was Sohagi previously under contract with AQMD,
 17 and I mean, is this another one of the continuation, and
 18 it not, are they -- did they have a work continuation,
 19 or are they newly involved with this? And, uh, if
 20 someone could just go into a little bit more of the
 21 scope of what they are doing? For instance or in some
 22 instances, a law firm, particularly a law firm that has
 23 environmental expertise, can act, if not as a peer group
 24 because they're not technical, they certainly understand
 25 CEQA and the low level, how high the bar is set, and

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1 what kind of a document could be presented for adequacy
 2 and certification has to me. Is this newly being
 3 brought into the question here? What discipline is it?
 4 MR. THIESSEN: A couple items. The Sohagi Law
 5 firm has been involved in the preparation or review of
 6 the preparation of the environmental document working
 7 directly for the Joint Powers Authority. They were not
 8 contracting with the AQMD. This agreement would become
 9 necessary because of the length of time in the
 10 preparation of the environmental document. So we're
 11 recommending that we continue the services of Sohagi.
 12 They provided, I believe, excellent legal assistance.
 13 I'd defer to legal counsel to elaborate on that.
 14 MR. RUSSELL: The Port of Los Angeles and the
 15 Joint Powers Authority have been working with the Sohagi
 16 firm for a number of years. We find them highly
 17 qualified specialists in environmental and CEQA law.
 18 Margaret Sohagi is known throughout the state for her
 19 skills in this area, and in fact, she has been selected
 20 to train CEQA judges in the State of California in the
 21 law, so we find she is very capable and conservative and
 22 reliable.
 23 MS. CROSE: And if I could also clarify, there
 24 was a three-year agreement that just expired in
 25 September. So it was September 2008 through September

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1 2011. That expired; hence the one-year agreement was
 2 entered into in September because this Board wasn't
 3 going to meet until November.
 4 MS. MISCIKOWSKI: Thank you for that
 5 clarification.
 6 CHAIRMAN SRAMEK: Thank you.
 7 MR. THIESSEN: Thank you, Ms. Crose, from the
 8 JPA assistant city attorney. I think I butchered that.
 9 CHAIRMAN SRAMEK: Okay. I think I asked for
 10 comments.
 11 So could we have a motion?
 12 MS. MISCIKOWSKI: So move.
 13 MS. KNATZ: Second.
 14 CHAIRMAN SRAMEK: I have a motion and second.
 15 All in favor of the motion, say aye.
 16 BOARD MEMBERS: Aye (Knatz, Miscikowski,
 17 Sramek, Steinke).
 18 Motion passes unanimously. Thank you.
 19 Okay. Item number nine.
 20 MR. THIESSEN: Thank you, Mr. Chair. This is
 21 the last item that requires a board vote. Following
 22 item nine is item number ten which is public comment on
 23 any of the nonagenda items.
 24 Item number nine is similar to items eight and
 25 seven. It is a recommendation to amend a contract for

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1 assistance on the preparation of the environmental
 2 document. E2 ManageTech has been providing project
 3 management services in support activities for the JPA
 4 over the last three years. Their agreement is in the
 5 amount of \$471,605. It did conclude September 3rd, 2011.
 6 Because we did not have a joint JPA meeting, we are
 7 requesting at this time that the JPA Board approve the
 8 amendment to this contract retroactive to September 3rd
 9 and to allow continuation of their services for the
 10 period of three additional years, making this a six-year
 11 agreement. We are not requesting additional funds.
 12 There is a little bit more than a hundred thousand
 13 dollars remaining in this contract that's unspent that
 14 would be utilized. We are, however, requesting that
 15 their schedule of fees be adjusted, given that this
 16 agreement would potentially be extended up to six years.
 17 Again, no additional funds are being recommended at this
 18 time, and these costs are reimbursable by Union Pacific.
 19 We're also recommending the Board make the
 20 following finding that this activity is administrative
 21 and will not result in direct or indirect physical
 22 changes to the environment and, as such, is not a
 23 project as defined by CEQA Guidelines Section 15378.
 24 CHAIRMAN SRAMEK: Thank you, Mr. Thiessen.
 25 Any questions?

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1 MS. KNATZ: I was just going to ask how their
 2 project management services differ from the project
 3 management services that are going to be provided by
 4 Environ.
 5 MR. THIESSEN: It's a real good question. And
 6 I would say that E2 ManageTech is doing everything that
 7 is not kind of involving compiling the environmental
 8 document: All the activities here tonight, for example,
 9 preparing the room, all the JPA coordination, preparing
 10 Board packets. Their services are not as robust as some
 11 of the other vendors such as Sohagi or Environ or AQMD,
 12 but they perform support staff to the JPA. It's not
 13 necessarily environmental EIR preparation itself but
 14 support services.
 15 MS. MISCIKOWSKI: Are they responsible for the
 16 Web site and the information? Okay. Let's make that
 17 point that the clarity or adequacy of material that is
 18 assembled and put on the Web site for the public
 19 information, and access was of concern as expressed
 20 tonight, and also the point that was made earlier about
 21 having a complete set of documents available at the
 22 meeting for those who don't have Web access also impacts
 23 a couple of them. So if we can make note of that to the
 24 E2 ManageTech entity, that particularly if we get more
 25 documents and more intensity of concerns out there, that

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1 this is going to have to be stepped up. See if we can
 2 get staff oversight of this project management team and
 3 make those points known.
 4 MR. THIESSEN: Point very well taken. We'll
 5 make sure this vendor handles all those requests.
 6 CHAIRMAN SRAMEK: That is an excellent point, I
 7 think. They'll be managing when the Draft EIR comes
 8 out, the distribution of it, whether it's on the Web
 9 site, or whether it's on CDs -- will they, or how is it
 10 handled?
 11 MR. THIESSEN: Right. They will work closely
 12 with JPA staff and for those sorts of things like
 13 posting items to the Web site, public meetings that we
 14 will have. For example, when the draft is released, we
 15 will have similar meetings such as this. However, the
 16 JPA staff along with the subconsultants will actually be
 17 preparing the environmental document such as Environ
 18 would do, I would say, the majority of the work. E2
 19 ManageTech will provide support services as described.
 20 MR. CAMERON: It's administrative project
 21 management, since the JPA does not have staff, and we,
 22 or joint staff as I call myself, are working on, you
 23 know, my primary duties having to plan that -- filling
 24 the role really helps us out in terms of administrative
 25 project management is concerned.

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1 CHAIRMAN SRAMEK: Thank you. Could I have a
2 motion?

3 MS. KNATZ: I'll move.

4 MR. STEINKE: I'll second it.

5 CHAIRMAN SRAMEK: Anybody in the audience wish
6 to comment on this? No comments.

7 All in favor of the motion, say aye.

8 BOARD MEMBERS: Aye (Knatz, Miscikowski,
9 Sramek, Steinke).

10 CHAIRMAN SRAMEK: Motion passes unanimously.
11 Okay.

12 Mr. Steinke.

13 MR. STEINKE: Mr. Chairman, I'm sorry to
14 interrupt you. I am going to have to leave. We weren't
15 sure that Commissioner Miscikowski was going to be here,
16 and obviously, we are glad that she is. At one point
17 during the course of the day, I represented a quorum,
18 and I am going to have to leave now.

19 What I did want to do, though, is to introduce
20 my successor. This will be my last ICTF meeting. And
21 Chris Lytle, the new executive director -- and if Chris
22 would just stand up, and we recognize and welcome him.
23 I thought it was important for Chris to be at this
24 meeting, knowing that he will, hopefully, be sitting in
25 this chair for future ICTF meetings. The Board of

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1 Harbor Commissioners at the Port of Long Beach will take
2 up his appointment to this board at its next board
3 meeting.

4 So I wanted to tell you that I have to go, but
5 I wanted to be here for the vote, and I will continue to
6 watch this with great interest over the next months and
7 years as the ICTF continues to operate. So I look
8 forward to watching the progress of this Board and the
9 project.

10 CHAIRMAN SRAMEK: Thank you, Mr. Steinke.
11 Thanks for everything you've done over, what, how many
12 years did you say?

13 MR. STEINKE: At least 14.

14 CHAIRMAN SRAMEK: Fourteen years.
15 (Mr. Steinke exited the proceedings.)

16 Okay. Item number ten.

17 MR. THIESSEN: Just to follow up on the
18 previous item, Mr. Chair, it is the custom of the ICTF
19 JPA to have the standing executive directors from both
20 ports and a harbor commissioner from both ports on the
21 JPA Board. Mr. Lytle, who is our incoming executive
22 director as of January 1st, has said he will be here in
23 the audience to hear any comments that speakers may have
24 on item number ten, which is the last item on the
25 agenda. And just to clarify what Mr. Steinke said on

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1 the Board agenda for December 5th, which is our next
2 Long Beach Board of Harbor Commissioners, there is a
3 staff recommendation to the Harbor Commission to appoint
4 Mr. Lytle as the replacement for Mr. Steinke on the JPA
5 Board.

6 CHAIRMAN SRAMEK: Thank you, Mr. Thiessen.
7 I've just been telling Mr. Lytle that this is going to
8 be a hot seat starting next year. Welcome.

9 Okay. Item number ten.

10 MR. THIESSEN: Item number ten is a report on
11 the preparation of the EIR by the JPA staff. There is
12 no action requested by the board. There is no vote on
13 an item for voting sake. But we've heard some of the
14 discussion already. Mr. Cannon and Mr. Cameron are here
15 to discuss the preparation of the EIR and the status of
16 it.

17 We also have a couple speakers who have spoken
18 previously: Mr. James Johnson, Long Beach City Council
19 member, is here; and Andrea Hricko, who has noted that
20 she would like to speak to item ten. If there are
21 other people in the audience, I would ask you to fill
22 out a speaker card on item number ten and give it to the
23 staff in the back and bring it forward. We'll announce
24 their names.

25 Also as I had mentioned previously, the Port of

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1 Los Angeles has publicly released an EIR for another
2 proposed rail project by the Burlington Northern Santa
3 Fe called the Southern California International Gateway
4 or SCIG project. The SCIG project is not within the
5 purview of the ICTF Joint Powers Authority, and
6 therefore, public comments about the SCIG project should
7 not be made here tonight. Any comments on the SCIG EIR
8 that are made here will not be reviewed by the Port of
9 Los Angeles as the lead agency or recorded as public
10 comment on the official EIR comment docket. Please see
11 the Port of Los Angeles Web site at
12 www.portoflosangeles.org for information on how to
13 provide public comment on the SCIG EIR directly to the
14 Port of L.A. I had mentioned this previously, but we
15 may have had a few folks who have come in this room
16 late, so I wanted to repeat that.

17 And so with that, I would turn this over to
18 Mr. Cameron.

19 MR. CAMERON: I will try to be short and sweet
20 on this. I think we actually covered it.

21 CHAIRMAN SRAMEK: What are you asking for?

22 MR. RUSSELL: I see that you're ready to
23 publicly release it.

24 CHAIRMAN SRAMEK: No, why don't we do a status.

25 MR. RUSSELL: Okay.

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1 MR. CAMERON: I think through items number six
 2 through nine I think we covered a lot of the status and
 3 where we are today and a little bit of a changeover.
 4 One of the things I would like to echo is, Mr. Cameron
 5 -- no, Mr. Cannon, not Cameron -- comments on this, and
 6 Susan Nakamura and AQMD -- we worked -- they worked on
 7 this for almost three years, two and a half to three
 8 years, and I participated in many meetings with Susan
 9 and her staff and others at AQMD. I think there's been
 10 a lot of lessons learned, a lot of learning on both
 11 sides. I personally have learned a better understanding
 12 on their point of view on some things. And hopefully,
 13 we can carry that through as we move forward in drafting
 14 this environmental document for public review.
 15 So thank you, Susan; thank you, AQMD. I am
 16 sure they are not going to go away. They're going to
 17 take their additional role, and they will be a part of
 18 the process. We did formally have a transition so we
 19 can keep this project moving forward. We did that
 20 effectively November 15th, and AQMD was very helpful in
 21 that transition. They continue to do so. We do have
 22 Environ working now with the subconsultants, and now we
 23 have created a good transition. We've had a couple
 24 transition meetings.
 25 Things that are remaining for us to move

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1 forward in terms of technical -- I talked about 90
 2 percent -- I counted those as general numbers throwing
 3 out there off the top of my head. For technical
 4 analysis, we need to finalize air quality and health
 5 risk assessment as well as the noise. There was some
 6 final data needs that we had, and many discussions we
 7 had about the data and how to use them in the modeling
 8 and in the analysis.
 9 The next review to complete the combined
 10 cumulative analysis which will have the combined SCIG
 11 analysis with the ICTF for both projects, and the
 12 alternatives as well as the JPA section of the document
 13 as well which all rely upon the technical studies which
 14 need to be completed.
 15 As of right now, we're working on the schedule
 16 this week to get to an end point of the final draft
 17 environmental document for public review. We're hoping
 18 to get that wrapped up and going through our own JPA
 19 review, and in addition to now doing a peer review.
 20 Hopefully, we're targeting late February. It is in that
 21 time frame. It's a hard goal, something that myself and
 22 Chris have committed to, and so we've got things all set
 23 up. I will conclude the status of where we are. I
 24 think we've talked all evening about a lot of additions
 25 and changes, and I would just open up for questions,

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1 either the Board or public comment.
 2 Did you want to add anything, Chris?
 3 MR. CANNON: No, well said. Everything was
 4 well said.
 5 CHAIRMAN SRAMEK: Okay. And I don't know how
 6 many people are going to speak on this, but we may have
 7 some questions -- and I appreciate the openness -- any
 8 questions that come up during the public comment. So
 9 what I'd like to do is, first of all, invite
 10 Councilman James Johnson.
 11 MR. JOHNSON: Thank you, Chair Sramek. I
 12 appreciate this opportunity to come back and speak
 13 again.
 14 You know, I have talked to the bigger picture
 15 issue of, you know, what this JPA is here to do, and
 16 we're looking at the project. Now I'm going to tell you
 17 where I think the community wants to go. I think where
 18 we want to go is to a place where we can grow the port,
 19 bring the benefits, the jobs, the revenues, everything
 20 we know we need, without coming to the direct detriment
 21 of our neighborhood. For so long the community has seen
 22 an exit between port growth and the erosion of their
 23 quality of life, particularly in West Long Beach and
 24 surrounding communities. There is a way to change that,
 25 I think, a paradigm change, to allow the growth and all

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1 those benefits to come -- the regional benefits without
 2 the detriment of the local community. That way is zero
 3 emissions in goods movement. I believe there must be an
 4 analysis of zero emissions and that option in the EIR.
 5 There has been some discussion of the Keston
 6 study which we're all familiar. Let me just refresh our
 7 memory on what that study concluded. The study
 8 concluded that zero emissions is technically feasible,
 9 but not economically feasible with the assumptions that
 10 were made at the time. What are those assumptions?
 11 There are two primary assumptions. One is there would
 12 be no subsidy of container goods movement, and two,
 13 there would be not be regulations requiring people to
 14 use it. That would compete directly with dirty diesel.
 15 I agree with that Keston study.
 16 Without subsidies or regulations, we will never
 17 see zero emissions goods movement. Clearly, that's the
 18 wrong question. The question needs to be, what package
 19 of subsidies and regulations do we need to get it to
 20 zero emissions? You know, I believe that zero emissions
 21 will only come when public policy makers demand it. By
 22 zero emissions I mean any conveyance system, whether
 23 it's trucks or otherwise, that does not fit the
 24 community.
 25 There's a number of technologies; I'm not

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1 specifying any technology. Simply any technology where
 2 we can move the goods without polluting neighborhoods.
 3 Only when public policy makers demand zero emissions and
 4 put together an enforceable commitment to get there will
 5 the market respond. The market will not invest in the
 6 technology. The market will not bring down the cost of
 7 making this happen until they can see there is business
 8 to be made doing this. At the core I believe this is a
 9 public policy issue.

10 Is zero emissions goods movement important or
 11 not? That's for the JPA to decide. So I would like to
 12 ask the JPA members to talk about this EIR, and staff
 13 brought up a good point. Ultimately you direct the JPA.
 14 You direct the EIR preparation, not just the acceptance,
 15 I believe, of the ultimate JPA but, I believe, the
 16 responsibility to direct staff in what direction you'd
 17 like them to go.

18 So what I would like to see is direction from
 19 the JPA Board members to staff saying this JPA, the
 20 Ports of Long Beach and Los Angeles together, are
 21 looking for a zero emissions goods movement option in
 22 the EIR. You know, you control the EIR. We are looking
 23 at the three of you. I believe we can get there. We
 24 can get to that end result so that we can grow the port,
 25 grow the economy, have those benefits without all the

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1 air quality impacts, and the construction received over
 2 the decade. So please give good administration. I
 3 appreciate your support.

4 CHAIRMAN SRAMEK: Thank you very much.
 5 MR. THIESSEN: The next speaker is
 6 Andrea Hricko. And that is our last speaker on item
 7 number 10.

8 MS. HRICKO: Thank you. Again, I'm
 9 Andrea Hricko from USC. My last name is spelled
 10 H-r-i-c-k-o for the court reporter.

11 I'd like to tell you a little chronology of
 12 some things that have happened with Union Pacific. In
 13 2006 Union Pacific went to the New Mexico legislature
 14 and said we want to build a rail yard using intermodal
 15 facility in Santa Teresa, New Mexico. And we need a
 16 full diesel fuel tax exemption, and we need land, and we
 17 want to move forward with this. And fast-forward to
 18 2011, they have demographics, they have gotten land from
 19 the Bureau of Land Management in the federal government,
 20 like, donated to them or given to them and all these
 21 hoops have been passed, and now the state broke ground
 22 on a rail yard in 2011. However, it doesn't appear that
 23 they ever told the JPA back in 2006 and 2007 that they
 24 had plans to build that rail yard. Nor in 2009 when the
 25 NOP was released, and we had hearings on it.

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1 What's important about it is that I have been
 2 following the press about that rail yard in Santa Fe --
 3 no, I'm sorry, Santa Teresa, New Mexico. It clearly is
 4 an alternative that has to be considered in the EIR for
 5 this project. The NOP stated that the EIR is going to
 6 include an evaluation of a range of alternatives
 7 including alternative locations, on-dock rail and inland
 8 port facility. So just to let you know, the press in
 9 Santa Teresa, which is next door to El Paso, calls this
 10 a port in the desert. And what UP says about it is that
 11 this railroad intends to use the new facility as a
 12 virtual extension of the Long Beach port facility --
 13 sorry about that, L.A. -- of its Long Beach port
 14 facility with ocean freighters being unloaded in bulk
 15 onto trains bound for Santa Teresa from Long Beach.
 16 Members of the UP spokesperson in Santa Teresa saying,
 17 we imagine, while, of course, this is what she said, UP
 18 currently is moving 40 trains a day on the Sunset
 19 Corridor with a goal of 70 to 90 trains a day. The
 20 cargoes from Southern California will be broken down in
 21 Santa Teresa for shipment to diverse destinations around
 22 the country. The objective is to try to reduce the
 23 bottleneck and congestion at the Southern California
 24 port, said Soley Richman (phonetic), UP spokesperson.
 25 That facility is currently planning to handle

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1 250,000 containers a year, but it's going to sit on
 2 2,200 acres of open land. And so what they are
 3 suggesting is clearly with her statements that we would
 4 have on-dock rail -- they're expecting on-dock rail at
 5 the Ports of L.A. and Long Beach, trains that are not
 6 assembled by destination with the cargo containers
 7 assembled, but to load the trains at the Ports of L.A.
 8 and Long Beach, send the trains up the Alameda Corridor.
 9 It's about 4 or 500 miles to Santa Teresa. The trains
 10 go to Santa Teresa, where they are unloaded as we've
 11 spoken about dozens of times at these JPA and various
 12 port meetings, Peter Greenwald, I remember very
 13 specifically, calling for this, I believe, at a JPA
 14 meeting. And so once the containers from here get to
 15 Santa Teresa, they are divided up into their different
 16 destinations, and that location is a prime spot because
 17 they currently use El Paso to send these trains to
 18 Chicago and to east of Houston and to the East Coast.

19 So I urge the JPA to demand that the EIR look
 20 at this as an alternative, and I would actually
 21 encourage the JPA members to go to Santa Teresa,
 22 New Mexico, with the emphasis to evaluate this project
 23 because I think it means that we do not need to expand
 24 the ICTF in a neighborhood, lower income, minority
 25 neighborhood that's already really being severely

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1 impacted by diesel exhaust. I'm happy to submit all the
 2 documents to the JPA, assuming that the contractors
 3 hired to get them to all the Board members and maybe
 4 even put them online. So I think it really is, if Union
 5 Pacific themselves is saying this is a way to reduce the
 6 bottleneck and congestion in L.A. and get the containers
 7 to the rest of the country, I think we need to be paying
 8 attention to it very seriously. Thank you.

9 CHAIRMAN SRAMEK: Thank you.

10 Mr. Cannon.

11 MR. CANNON: I'd like to just remind you, if I
 12 may, I think it works now. Please don't forget to
 13 resubmit those comments and thoughts and technical work
 14 when the document is released during the actual comment
 15 period.

16 MS. HRICKO: I want this to be -- I don't want
 17 to wait for the comment period, Chris. I want this to
 18 be something that is on the books right now, on the
 19 record, to be considered in the document, so that it's
 20 part of the document when that document EIR is released.

21 MR. CANNON: That's fine. All right. I just
 22 wanted to make sure of what we're working with.

23 MS. HRICKO: I would much rather not be
 24 complaining later that it wasn't evaluated. What I'm
 25 asking for is something that really sounds like a great

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1 promise. UP says it can work, and I think it should be
 2 evaluated before the EIR comes out -- as part of the
 3 Draft EIR. I'm a little surprised that Union Pacific
 4 has been working on this since 2006 and has not bothered
 5 to present this to the JPA as an alternative.

6 MS. MISCIKOWSKI: If I can just make a comment
 7 that if the speaker would just put to forward this to
 8 the JPA Board, and I think the important thing is to get
 9 it to staff to relate to over there who are going to
 10 oversee Environ and all the consultants, and they can
 11 include this in the last 10 percent of the work not to
 12 put it all together, but not in the analysis, but I
 13 would assume the alternative section would be one of the
 14 more critical or the last elements, so giving them that
 15 now would be for their consideration, I think.

16 MS. HRICKO: Well, you might consider that -- I
 17 don't know what you would call it here, a resolution or
 18 an order or something where you direct staff to evaluate
 19 this. That might be one thing that you could do because
 20 I think it's really important that this -- this
 21 opportunity be evaluated in the Draft EIR. And I would
 22 hate to have it slip away as an opportunity that's not
 23 evaluated. So I hope there might be direction to staff
 24 on that. Thank you.

25 MS. MISCIKOWSKI: Well, I don't think we have

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1 any action -- is the city attorney -- on this?

2 MR. RUSSELL: Yes, there is. This is simply a
 3 staff report. We don't have any action item agendized
 4 for the Board to take any action with regard to the EIR.
 5 And I think it may be premature to have them weigh in.
 6 It is a staff level function right now to prepare a
 7 draft, and then they'll have the opportunity and you'll
 8 have your opportunity to submit your comments. In fact,
 9 what's going to come out eventually would be just a
 10 Draft EIR. That's why it's called a draft. That's why
 11 we have a public review process. That's why it's not
 12 final when it comes out.

13 MS. HRICKO: I understand what a Draft EIR is.
 14 I am asking that there be some direction to staff to
 15 look at this alternative.

16 MR. RUSSELL: We will examine everything, but
 17 you have to understand the process, I think.

18 MS. HRICKO: I really understand. I understand
 19 what I know today to direct staff to include whatever
 20 alternatives, that is their function, but I want them to
 21 have this information that you have because they have to
 22 do their work in the next year. Thank you.

23 CHAIRMAN SRAMEK: And we'll have it today.

24 MR. THIESSEN: Mr. Chair, we did receive one
 25 additional request to speak, Joan Greenwood, on item

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1 number 10.

2 MS. GREENWOOD: Good evening once again. I
 3 wanted to comment a little bit about the process of an
 4 EIR. The EIR process for a project as it is set up is
 5 really made to occur over a one-year period. And one of
 6 the difficulties that I've had with both of these
 7 projects, as well as the LNG project, is that with the
 8 permission of the applicant, you drag them over year
 9 after year.

10 And like Andrea, I find I come to meetings; I
 11 make comments, bring information to the attention of
 12 staff and the JPA. I remember doing so about ultrafines
 13 in 2009 and actually gave a scientific paper, but what
 14 happens is that we then get into this EIR process. I am
 15 sorry the EIR process represents a minimum standard, and
 16 then to say that comments about it when we extend the
 17 process, this isn't an official EIR comment period and
 18 say, therefore, these comments aren't part of the
 19 record, I believe that if the public communicates it to
 20 you as the Board, you as the Board have the option of
 21 giving staff direction so that we don't get to the point
 22 we're at the Draft EIR.

23 Now, I have been dropped from the e-mail
 24 distribution list. I don't know why, and if Patrick
 25 Kennedy hadn't told me about the meeting tonight, I

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1 wouldn't have known it. I didn't have a chance to look
2 at the materials ahead of time. So it does happen. And
3 I don't know how we get dropped off of it, and I
4 certainly didn't lose my interest, but when I asked
5 that, well, there's not much happening, nothing much
6 happening, and all of a sudden I find there's a meeting.
7 So these things happen.

8 I think when you say to the public that, gosh,
9 it should come up, what the comment period is -- you've
10 got some other functions; your employer has sent you out
11 of town or whatever -- but now the burden is for you to
12 communicate through this formal process and not as we're
13 going along, especially for these EIRs that drag out
14 forever. Quite truthfully, I find it hard to believe
15 that this one has taken this amount of time. It's not
16 really that difficult. HRA, the technical portions of
17 it, so what we are seeing is from the time you put out
18 your notice of preparation until we get to the point of
19 the Draft EIR, a lot has changed, and then to come back
20 and say we're putting the burden on other people to
21 bring us up to speed, but we're not going to consider
22 anything along the line.

23 So I think that, again, anything that is said
24 at any meetings which is JPA-related to this particular
25 project should have some input to the Board, and the

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1 Board should be allowed to make that input. Because
2 again, as we said, the important thing is the
3 significance, the threshold of significance, and the
4 alternatives, and the mitigation. I think you do have
5 the right to make that input because this is not
6 necessarily something that can only come under the
7 minimum standards set by the EIR process. Thank you.

8 CHAIRMAN SRAMEK: Thank you, Joan.

9 First of all, before we -- I've got some
10 comments here on this issue. Is there anybody who
11 wishes to speak right now? Just want to double-check.
12 Okay. Thank you.

13 What I want to find out is when will we have
14 another meeting of the JPA because I would like to have
15 one. I know we have busy schedules, but I'd like to
16 have one fairly soon. We're going to talk about peer
17 review. And I -- personally I would like, you know, we
18 can't direct you to give us an answer; and I sure don't
19 want to put directives in the EIR. We don't have any
20 actionable thing that we're working on right now. But I
21 would like to just hear some comments on what
22 Councilman Johnson spoke about and what Ms. Hricko spoke
23 about. I'd like to hear some comments on that come back
24 to us in our next meeting.

25 MR. THIESSEN: Mr. Chairman, we have not

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1 scheduled a JPA meeting for next year. It would be my
2 recommendation we would do that in the spring sometime,
3 consistent with the release of the Draft EIR, assuming
4 we can meet that schedule. That would certainly be our
5 target. I'll defer to the experts on some of these
6 actions of Ms. Greenwood and . . .

7 CHAIRMAN SRAMEK: I don't need an answer on
8 that right now. I don't think -- I think they need to
9 take a look at it and think about it, and, you know,
10 there's nothing actionable right now.

11 MR. CANNON: I can say we heard you, and we
12 appreciate your comments. And we're not going to take
13 them lightly, so thank you for coming today, and we're
14 going to do our best to produce a good document and to
15 address the issues that you have raised. I can tell
16 you, they've already been raised, but you have
17 reenforced them.

18 MS. MISCIKOWSKI: Could I add to your request,
19 whether or not we have a meeting in the spring sooner
20 than our normal cycle, but in the interim particularly I
21 asked the staff to set forth -- I think I heard you say
22 that you were looking to look to do a supplemental
23 clause in this contract to the JPA to set a very, if not
24 a hard schedule, at least a schedule or forecast. What
25 I would like to see in addition to that possible

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1 schedule the draft, also put the staff, and send to us,
2 and/or put on our Web site what other things did you
3 consider with the schedule and possible release of the
4 draft, what and how and how many and where would some
5 public meetings occur for public comments to be made and
6 taken, what kind of schedule, what kind of comment
7 period, all of that which I assume is going to be part
8 of the discussion decision -- not -- recommendation and
9 consideration by staff assuming that's, you know, 30 to
10 60 days.

11 And if you then have a recommendation if you
12 circulate that to JPA members as well as to the public
13 so that everyone has a knowledge base of what they're
14 looking at and then when you see that as our staff
15 contacts us and a reason for the JPA meeting either in
16 the interim or around that or delay that and let us know
17 better of the reason for the JPA meeting -- once I see
18 that forecast schedule.

19 CHAIRMAN SRAMEK: Thank you so much.

20 MR. THIESSEN: Thank you for saying that. We
21 can certainly put that together.

22 CHAIRMAN SRAMEK: Okay. Any further comments
23 by board members? I want to really thank everybody for
24 coming here. You know, we're trying to get this
25 information out, let people know where we're going, and

1 we will definitely make sure the Web site has all the
2 information that we can get on there to make sure you
3 get on the Web, get the information, you can see where
4 we are, see what the schedule is we're trying to work
5 through, and we'll stay on top of it.

6 So end of the line, thank everybody for coming,
7 and we are adjourned.

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