

Review of DEIR for Honda Port of Entry

Air Pollution

Table 2-1.

Impact 4-1 states: “The proposed project would be inconsistent with Richmond General Plan policies requiring compliance with adopted air quality standards and protection of the public from the adverse health effects of air pollution, “and that there are no feasible mitigations.”

Further analysis is found on page 4-5:

4.4 IMPACTS AND MITIGATION MEASURES

Impact 4-1

The proposed project would be inconsistent with *Richmond General Plan* policies requiring compliance with adopted air quality standards and protection of the public from the adverse health effects of air pollution. (SU)

Land Use Element Policy LU-O.5 calls for the City to use established standards to limit industrial activities which may be objectionable due to odors, noise, fumes or other emissions. The Open Space and Conservation Element of the General Plan promulgates Goal OSC-P, which calls for the preservation of air quality so that air pollution levels do not threaten public health and safety, and Policy OSC-P.1, which states “(O)nly approve projects that will comply with applicable regulations and will not exceed air quality standards.” As discussed in detail in Chapter 6, Air Quality, the air emissions from project operations would exceed the Bay Area Air Quality Management District’s (BAAQMD) significance thresholds for nitrogen oxides. Although mitigation has been identified to reduce the impact on regional air quality, implementation of mitigation would not be sufficient to reduce the project’s air emissions to within the BAAQMD thresholds. The impact has therefore been identified as significant and unavoidable. Because the project would exceed applicable air quality standards and could therefore potentially threaten public health and safety, the project would be inconsistent with Goal OSC-P and Policies OSC-P.1 and LU-O.5. Because no feasible mitigation has been identified to render the project in compliance with the BAAQMD’s standard for nitrogen oxides, this conflict with these policies would also be a *significant and unavoidable impact*.

Mitigation Measure 4-1

None feasible.

On page 6-6 is found a description of Nitrous Oxides:

Nitrogen Oxides

When combustion temperatures are extremely high, as in aircraft and truck and automobile engines, atmospheric nitrogen combines with oxygen to form various oxides of nitrogen. Nitric oxide (NO) and nitrogen dioxide (NO₂) are the most significant air pollutants generally referred to as NO_x. Nitric oxide is a colorless and odorless gas that is relatively harmless to humans, quickly converts to NO₂ and can be measured. Nitrogen dioxide has been found to be a lung irritant capable of producing pulmonary edema. Inhaling NO₂ can lead to respiratory illnesses such as bronchitis and pneumonia.

Page 6-20 through 6-24 proceeds to explain why this impact cannot be mitigated and defers any mitigation to a future plan with uncertain results:

OPERATIONAL IMPACTS

Impact 6-2

Operation of the proposed project would generate emissions of criteria pollutants from the auto carrier marine vessels, tugs, rail activities, auto carrier trucks, and employee vehicles. The impacts of carbon monoxide, volatile organic compounds, and particulate matter (PM10 and PM2.5) would be less than significant. However, the impact from emissions of nitrogen oxides would be significant and unavoidable. (SU)

As shown in Tables 6-3 and 6-4, the proposed project operations would generate emissions of CO, VOC, NO_x, PM10, and PM2.5 due to operation of marine vessels (auto carriers and tugs), rail activities, and motor vehicles. Appendix D provides additional information regarding the air emission calculations, assumptions, and methodologies. Table 6-3 and 6-4 present the daily and annual emissions for the existing Glovis operations and the proposed Honda operations.

Of the proposed project's total daily NO_x emissions, rail operations would generate 2 percent, auto carrier marine vessels would generate 88 percent, tugs would generate 2 percent, auto carrier trucks would generate 8 percent, and employee vehicles would generate less than 1 percent. Of the proposed project's total annual NO_x emissions, 5 percent would come from rail operations, 65 percent would come from auto carrier marine vessels, 3 percent would come from tugs, 25 percent would come from auto carrier trucks, and 1 percent would come from employee vehicles.

Within the auto carrier marine vessels, the main engine emits 85 percent, the auxiliary engine emits 15 percent, and the auxiliary boiler emits less than 1 percent of the auto carrier marine vessel NO_x emissions, respectively.

The total proposed project emissions reflect improvements in air quality as a result of elimination of the existing auto shuttling on Canal Boulevard and shipment of vehicles from San Diego in auto carrier trucks, as well as the use of a very-low-emission NREC Genset Switcher locomotive that will use ultra-low sulfur fuel in the engines. Nevertheless, the daily and annual NO_x emissions would exceed the significance thresholds, and would therefore be a *significant, adverse impact*.

Mitigation Measure 6-2

The Port of Richmond, shall develop a Clean Air Action Plan (Plan) that targets all emissions, focusing primarily on reducing NO_x and TACs (especially diesel particulate matter). The Plan shall implement measures largely through the CEQA/NEPA process, tariffs, and new leases. One goal of the plan shall be to stay consistent with California Airdiesel particulate emissions, thereby having a primary benefit of improving local and regional health. The Plan shall contain provisions for implementing the following measures (but not limited to just these measures), as feasible, for the Honda Port of Entry project.

- **Cleaner Ship Fuels.** Provide reduced dockage fees for ship operators that use cleaner fuels and cleaner ship engines.
- **Cleaner Engine Technologies.** Instead of meeting the cold ironing shore power requirements, ship owners may elect to reduce their fleet emissions at a terminal by 50 percent by 2014 using engine optimization (e.g., Miller Cycle Value timing), engine process modifications (e.g., addition of water, urea, or ammonia to the combustion process), and/or after-treatment processes (e.g., Selective Catalytic Reduction system).

***Idling Restrictions.** Impose mandatory idling restrictions for tugboats and trucks at the PPMT.*

• ***Cleaner Auto Carrier Trucks.** Develop a program to encourage cleaner trucks at the PPMT. A schedule shall be developed to achieve 2007 emission standards for the auto carrier trucks ahead of regulations.*

• ***Grant Funding.** Actively pursue State, Bay Area, and grant funds (i.e., the Carl Moyer Fund, Transportation Fund for Clean Air, etc.) for improved trucks and retrofits such as the diesel particulate filters.*

• ***General Mitigation Measure.** For any of the above emission reduction measures, if a CARB-certified technology becomes available and is shown to be as good as or better in terms of emissions performance than the existing measure, the technology could be used to replace the existing emission reduction measure pending approval by the Port.*

• ***Periodic Review of New Technology and Regulations.** The Port shall require the tenant to review, in terms of feasibility, any Port-identified or other new emissions-reduction technology, and report to the Port. Such technology feasibility reviews shall take place at the time of the Port's consideration of any lease amendment or facility modification. If the technology is determined by the Port to be feasible in terms of cost, technical and operational feasibility, the tenant shall work with the Port to implement such technology.*

• ***Cold Ironing.** Similar to proposed CARB regulations for container ships, by 2014 no less than 50 percent of the project's auto carrier ships shall limit the use of auxiliary diesel engines to less than 5 hours per visit. Power can be provided either by grid-based shore power (essentially connecting to the PG&E grid) or by ultra-clean distributed generation (proof of concept tests at the Port of Oakland have shown the ability of mobile liquefied natural gas generators to fully power ocean-going vessels while docked at berth or under "hotelling").*

Implementation of measures in the proposed Port of Richmond Clean Air Plan could be quite effective in reducing NOx and also diesel particulate matter (PM) related to the project. **However, because the daily levels of NOx from the project would be more than ten times the BAAQMD daily NOx emission threshold, it would require NOx reductions of more than 90 percent of the ship and truck emissions.** Even the most aggressive implementation of the Port of Richmond Clean Air Plan and anticipated stricter regulations from the CARB would not achieve this level of NOx reduction in the foreseeable future. Therefore, NOx emissions from the project would remain a *significant, unavoidable impact.*

There are available and feasible measures that can reduce Nitrous Oxide emissions to a less than significant level. The resistance appears to be the complexity and cost, not the impossibility. This is a flaw in the DEIR that must be corrected.

Greenhouse Gases

The DEIR states that the annual project greenhouse gas emissions would be approximately 10,405 metric tons/year of CO₂E (page 6-26), but, like the original Chevron Energy and Hydrogen renewal project EIR, it concludes that since no actual regulations have been adopted, no mitigations are required (pages 6-11 through 6-13) and 6-19.

The DEIR failed to acknowledge the Technical Advisory CEQA AND CLIMATE CHANGE: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review, which includes the following:

III. RECOMMENDED APPROACH

Each public agency that is a lead agency for complying with CEQA needs to develop its own approach to performing a climate change analysis for projects that generate GHG emissions. A consistent approach should be applied for the analysis of all such projects, and the analysis must be based on best available information. For these projects, compliance with CEQA entails three basic steps: identify and quantify the GHG emissions; assess the significance of the impact on climate change; and if the impact is found to be significant, identify alternatives and/or mitigation measures that will reduce the impact below significance. Lead agencies should determine whether greenhouse gases may be generated by a proposed project, and if so, quantify or estimate the GHG emissions by type and source. Second, the lead agency must assess whether those emissions are individually or cumulatively significant. When assessing whether a project's effects on climate change are "cumulatively considerable" even though its GHG contribution may be individually limited, the lead agency must consider the impact of the project when viewed in connection with the effects of past, current, and probable future projects. Finally, if the lead agency determines that the GHG emissions from the project as proposed are potentially significant, it must investigate and implement ways to avoid, reduce, or otherwise mitigate the impacts of those emissions. Although the scientific knowledge and understanding of how best to perform this analysis is rudimentary and still evolving, many useful resources are available (see Attachment 1). Until such time as further state guidance is available on thresholds of significance, public agencies should consider the following general factors when analyzing whether a proposed project has the potential to cause a significant climate change impact on the environment.

Identify GHG Emissions

- Lead agencies should make a good-faith effort, based on available information, to calculate, model, or estimate the amount of CO₂ and other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage and construction activities.
- Technical resources, including a variety of modeling tools, are available to assist public agencies to quantify GHG emissions. OPR recognizes that more sophisticated emissions models for particular types of projects are continually being developed and that the state-of-the-art quantification Governor's Office of Planning and Research

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models are rapidly changing. OPR will periodically update the examples of modeling tools identified in Attachment 2.

- There is no standard format for including the analysis in a CEQA document. A GHG/climate change analysis can be included in one or more of the typical sections of an EIR (e.g., air quality, transportation, energy) or may be provided in a separate section on cumulative impacts or climate change.

Determine Significance

- When assessing a project's GHG emissions, lead agencies must describe the existing environmental conditions or setting, without the project, which normally constitutes the baseline physical conditions for determining whether a project's impacts are significant.
- As with any environmental impact, lead agencies must determine what constitutes a significant impact. In the absence of regulatory standards for

GHG emissions or other scientific data to clearly define what constitutes a “significant impact”, individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice.

- The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project’s direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence. Documentation of available information and analysis should be provided for any project that may significantly contribute new GHG emissions, either individually or cumulatively, directly or indirectly (e.g., transportation impacts).
- Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project.

Mitigate Impacts

- Mitigation measures will vary with the type of project being contemplated, but may include alternative project designs or locations that conserve energy and water, measures that reduce vehicle miles traveled

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(VMT) by fossil-fueled vehicles, measures that contribute to established regional or programmatic mitigation strategies, and measures that sequester carbon to offset the emissions from the project.

- The lead agency must impose all mitigation measures that are necessary to reduce GHG emissions to a less than significant level. CEQA does not require mitigation measures that are infeasible for specific legal, economic, technological, or other reasons. A lead agency is not responsible for wholly eliminating all GHG emissions from a project; the CEQA standard is to mitigate to a level that is “less than significant”.
- If there are not sufficient mitigation measures that the lead agency determines are feasible to achieve the less than significant level, the lead agency should adopt those measures that are feasible, and adopt a Statement of Overriding Considerations that explains why further mitigation is not feasible. A Statement of Overriding Considerations must be prepared when the lead agency has determined to approve a project for which certain impacts are unavoidable. These statements should explain the reasons why the impacts cannot be adequately mitigated in sufficient detail, and must be based on specific facts, so as not to be conclusory.
- Agencies are encouraged to develop standard GHG emission reduction or mitigation measures that can be applied on a project-by-project basis. Attachment 3 contains a preliminary menu of measures that lead agencies may wish to consider. This list is by no means exhaustive or prescriptive. Lead agencies are encouraged to develop their own measures and/or propose project alternatives to reduce GHG emissions, either at a programmatic level or on a case-by-case review.
- In some cases GHG emission reduction measures will not be feasible or may not be effective at a project level. Rather, it may be more appropriate and more effective to develop and adopt program-level plans, policies and

measures that will result in a reduction of GHG emissions on a regional level.

Examples of measures that could be taken at PPMT or elsewhere in the City of Richmond include the following taken from (1) *Climate Change Draft Scoping Plan, a Framework for change*, prepared by the California Air Resources Board for the State of California, June 2008 Discussion Draft, Pursuant to AB 32, the California Global Warming Solutions Act of 2006 and *Technical Advisory, CEQA AND CLIMATE CHANGE: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review*, Office of Planning and Research, 1400 Tenth Street, Sacramento, CA 95814, PO Box 3044, Sacramento, CA 95812, www.opr.ca.gov).

- Green Ports – Ship Electrification at Ports December 2007 - Adopted
- Reduction of High GWP Gases in Consumer Products, expected adoption June 2008
- SmartWay – Heavy-Duty Vehicle GHG Emission Reduction (Aerodynamic, Efficiency), expected adoption October 2008
- Low Carbon Fuel Standard expected adoption December 2008
- Reduction of Perfluorocarbons from Semiconductor Manufacturing, expected adoption December 2008
- Improved Landfill Gas Capture, expected adoption January 2009
- Reduction of HFC-134a from Do-It-Yourself Motor Vehicle, Servicing, expected adoption January 2009
- SF6 Reductions from the Non-Electric Sector, expected adoption January 2009
- Tire Inflation Program, expected adoption March 2009
- Energy Efficiency, Maximize energy efficiency building and appliance standards, and pursue additional efficiency efforts.
- Sustainable Forests
- Water, Continue efficiency programs and use cleaner energy sources to move water.
- Vehicle Efficiency Measures, Implement light-duty vehicle efficiency measures.
- Goods Movement, Implement adopted regulations for port drayage trucks and the use of shore power for ships at berth. Improve efficiency in goods movement operations.
- Million Solar Roofs Program, Install 3,000 MW of solar-electric capacity under California's existing solar programs.
- Local Government Actions and Regional Targets, Encourage local governments to set quantifiable emission reduction targets for their jurisdictions; recommend regional greenhouse gas emission reduction targets.
- Recycling and Waste, Increase waste diversion, composting, and commercial recycling, and move toward zero-waste.
- Energy Efficiency and Co-Benefits Audits for Large Industrial Sources, Require assessment of large industrial sources to determine whether individual sources within a facility can cost-effectively reduce GHG emissions and provide other pollution reduction co-benefits.
- LAND USE AND TRANSPORTATION
 1. Implement land use strategies to encourage jobs/housing proximity, promote transit-oriented development, and encourage high density development along transit corridors. Encourage compact, mixed-use projects, forming urban villages designed to maximize affordable housing and encourage walking, bicycling and the use of public transit systems.
 2. Encourage infill, redevelopment, and higher density development, whether in incorporated or unincorporated settings
 3. Encourage new developments to integrate housing, civic and retail amenities (jobs, schools, parks, shopping opportunities) to help reduce VMT resulting from discretionary automobile trips.
 4. Apply advanced technology systems and management strategies to improve operational efficiency of transportation systems and movement of people, goods and services.

5. Incorporate features into project design that would accommodate the supply of frequent, reliable and convenient public transit.
 6. Implement street improvements that are designed to relieve pressure on a region's most congested roadways and intersections.
 7. Limit idling time for commercial vehicles, including delivery and construction vehicles.
- **URBAN FORESTRY**
 1. Plant trees and vegetation near structures to shade buildings and reduce energy requirements for heating/cooling.
 2. Preserve or replace onsite trees (that are removed due to development) as a means of providing carbon storage.
 - **GREEN BUILDINGS**
 1. Encourage public and private construction of LEED (Leadership in energy and Environmental Design) certified (or equivalent) buildings.
 - **ENERGY CONSERVATION POLICIES AND ACTIONS**
 1. Recognize and promote energy saving measures beyond Title 24 requirements for residential and commercial projects
 2. Where feasible, include in new buildings facilities to support the use of low/zero carbon fueled vehicles, such as the charging of electric vehicles from green electricity sources.
 3. Educate the public, schools, other jurisdictions, professional associations, business and industry about reducing GHG emissions.
 4. Replace traffic lights, street lights, and other electrical uses to energy efficient bulbs and appliances.
 5. Purchase Energy Star equipment and appliances for public agency use. Incorporate on-site renewable energy production, including installation of photovoltaic cells or other solar options.
 6. Execute an Energy Savings Performance Contract with a private entity to retrofit public buildings. This type of contract allows the private entity to fund all energy improvements in exchange for a share of the energy savings over a period of time.
 7. Design, build, and operate schools that meet the Collaborative for High Performance Schools (CHPS) best practices.
 8. Retrofit municipal water and wastewater systems with energy efficient motors, pumps and other equipment, and recover wastewater treatment methane for energy production.
 9. Convert landfill gas into energy sources for use in fueling vehicles, operating equipment, and heating buildings.
 10. Purchase government vehicles and buses that use alternatives fuels or technology, such as electric hybrids, biodiesel, and ethanol. Where feasible, require fleet vehicles to be low emission vehicles. Promote the use of these vehicles in the general community.
 11. Offer government incentives to private businesses for developing buildings with energy and water efficient features and recycled materials. The incentives can include expedited plan checks and reduced permit fees.
 12. Offer rebates and low-interest loans to residents that make energy-saving improvements on their homes.
 13. Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.
 - **PROGRAMS TO REDUCE VEHICLE MILES TRAVELED**
 1. Offer government employees financial incentives to carpool, use public transportation, or use other modes of travel for daily commutes.
 2. Encourage large businesses to develop commute trip reduction plans that encourage employees who commute alone to consider alternative transportation modes.
 3. Develop shuttle systems around business district parking garages to reduce congestion and create shorter commutes.
 4. Create an online ridesharing program that matches potential carpoolers immediately through email.
 5. Develop a Safe Routes to School program that allows and promotes bicycling and walking to school.
 - **PROGRAMS TO REDUCE SOLID WASTE**

1. Create incentives to increase recycling and reduce generation of solid waste by residential users.
2. Implement a Construction and Demolition Waste Recycling Ordinance to reduce the solid waste created by new development.
3. Add residential/commercial food waste collection to existing greenwaste collection programs.

The DEIR erred in not requiring mitigation measures to at least reduce the increase in greenhouse gases to zero.

Noise

The DEIR failed to acknowledge the noise emanating from trains carrying cars rolling through Point Richmond residential neighborhoods during the hours from midnight to 6:00 AM, which include wheels screeching on tight radius tracks, train cars banging against one another during stops and starts, bells at the crossing guards, engine noise and horn tooting when trains are stopping and starting. Grade crossings south of the existing Canal Boulevard crossing are not in a quiet zone and will require full horn warnings as required by the FRA. This is anew noise source not evaluated in the DEIR.

The DEIR is flawed by not recognizing these noise sources and proposing mitigations, including Quiet Zones at all private grade crossings east of Canal Boulevard.

Grade Crossing Blockages

The DEIR totally dismissed a huge existing problem involving grade crossing blockages at Garrard Boulevard, Cutting Boulevard and Canal Boulevard by stating, based on three days in February 2008, and ignoring increases resulting from the project, stating: "...very little traffic occurs during the peak commute periods" (pages 5-18 through 5-21). Even the information on Table 5-5 indicates violation of CPUC General Order 135 four times in three days. (California Public Utility Commission (PUC) General Order 135 limits blockages of grade crossings to not more than 10 minutes only when trains are **stopped** or **engaged in switching operations**. See <http://www.cpuc.ca.gov/PUBLISHED/Graphics/592.PDF>).

There were no analyses of grade crossing blockages at Garrard Boulevard and Cutting Boulevard.

The DEIR is flawed by not including a detailed analysis of grade crossing blockages at Garrard Boulevard, Cutting Boulevard and Canal Boulevard, predicting the increases resulting from the proposed project and requiring mitigation measures.

Lighting

The DEIR dismisses glare from 100-foot high masts by concluding "The City of Richmond does not have an establishes threshold for light trespass (13-25), while acknowledging (13-28):

15.04.840.040 Lighting and Glare Standards. *All lighting, reflective surfaces or any other sources of illumination shall be utilized in a manner which produces no glare on public streets or on any other parcel. Lights shall be shielded at lot lines so as not to be directly visible from an adjoining residential district.*

All proposed and existing lights are full-cutoff type, which utilize hoods and refractors to limit direct exposure to the lighting source. While some public areas, such as Seaclyff Park, may incur some residual glare from the cutoff fixtures, it is not disabling or significantly discomforting. This is a preexisting condition and would not be increased significantly by the proposed project. Potential glare impacts of the project are addressed in Section 13.4, Impacts and Mitigation Measures.

The fact is that the existing 100-foot masts were constructed as violations to **15.04.840.040 Lighting and Glare Standards** and were never subjected to CEQA review. The DEIR is flawed in not considering lower lighting standards designed to shield the light source from other proximate properties.

Cultural Resources

In the list of historic structures, the DEIR failed to include the Forge Shop, the Whirley Crane, the Red Oak Victory and the five basins (9-6), all of which are either on the National Register of Historic Places and/or part of the Rosie the Riveter WWII Home Front National Historical Park. The DEIR mentioned City Council Resolution 100-07 but failed to mention the following pertinent public policies:

1. Resolution (203-97) in the Richmond City Council authorizing and funding consulting services that resulted in successfully nominating the Richmond Shipyards to the National Register of Historic Places and the list of California Registered Historic Landmarks.
2. Resolution 129-99 by the Richmond City Council expressing support for the proposed Rosie the Riveter WW II Home Front National Historical Park and committing the City of Richmond and the National Park Service to a partnership.
3. Resolution 46a-00, which stated "The City Council of the City of Richmond directs as public policy that future development and uses of Shipyard 3 are planned and implemented in such a way so as to be compatible with the continued preservation of intact historic resources and with public access to such resources.
4. Resolution 27-01, which authorized submission of a grant application prepared by TRAC, the Trails for Richmond Action Committee, "to plan Bay Trail access into ... National Historical Park sites designated in Shipyard III."
5. Resolution 25-02, February 5, 2002, authorizing filing an application with the State Office of Historic Preservation to become a Certified Local Government.
6. Resolution 80-04 authorizing the City of Richmond to provide a location for the permanent installation of Whirley Crane #2 at Point Potrero Marine Terminal and to take possession of the crane for use as an interpretive Exhibit in the Rosie the Riveter World War II Home Front National Historical Park.
7. Resolution 15-05, which adopts the trail alignment and accepts the schematic design of the December 2004 "Shipyard No. 3 Bay Trail Access Feasibility & Planning Study, Phase II Schematic Design, Rosie the Riveter World War II Home Front National Historic Park, " authorizes submission of a Bay Trail grant application to the Association of Bay Area Governments to prepare a construction design and bid package to implement the Phase II Schematic Design, if this grant is awarded, authorizes its acceptance and appoints and authorizes the Executive Director of the Port of Richmond as Project Manager to execute the Grant Agreement in the name of

the City, to encumber and obtain funds for the San Francisco Bay Trail Regional Development Program on behalf of the City and conduct all negotiations, execute and submit all documents including, but not limited to reimbursement requests, budgets, and work plans, which may be necessary for the administration of the grant project; and authorizes the Executive Director of the Port of Richmond to work with the National Park Service and TRAC to extend the trail to the eastern side of the graving basins as consistent with port operations.

8. Resolution 96-05 authorizing the city manager to accept donation of Whirley Crane #2 upon its delivery to the southeast corner of the easternmost dry dock of Point Potrero Marine Terminal for use as an interpretive Exhibit in the Rosie the Riveter World War II Home Front National Historical Park.
9. Resolution 91-06 authorizing application as a Preserve America Community, a designation later conferred by The White House on November 3, 2006.
10. Consent Calendar, April 4, 2006, approved a request to consent to the submittal of a "Save America's Treasures" grant application by Rosie the Riveter Trust that would help fund the partial restoration of the Rigger Loft Building, which is one of the surviving original buildings of Shipyard 3.

The DEIR failed to include a discussion of:

OSC-E.3 Support formulation of a plan **for interpretive facilities** on specific sites. Sites near local and regional recreation areas should be preferred. Sites should be included in parks, trails, and other facilities whenever possible

The DEIR included a discussion of reasons related to federal regulations and national security that precluded access under certain conditions, but the specific regulations were not quoted or cited.

Although the proposed project would accommodate and facilitate construction of a planned segment of the San Francisco Bay Trail, which would provide public access to the Bay shoreline adjacent to the PPMT, the Port of Richmond is legally precluded from providing a binding guarantee of permanent access. As a secured international port facility, the PPMT is governed by rules and regulations of the U.S. Coast Guard, U.S. Customs, and Department of Homeland Security. The regulations set by these agencies require the Port to maintain flexibility in the alignment of roads and trails in case new security measures require their re-alignment. For this reason, the Port of Richmond is legally precluded from guaranteeing permanent access by dedicating an easement, granting fee title, or other binding mechanism. Therefore, although the planned Bay Trail segment would provide public shoreline access and would be consistent with other provisions of the *Richmond Coastline Plan*, as well as numerous other planning documents calling for public shoreline access, it would still conflict with Public Access Policy 1. However, the adopted language of Policy 1 reads "Require that all new major waterfront developments provide a *reasonable degree* of free permanently guaranteed access to the shoreline . . ." [emphasis added]. Implementation of Mitigation Measure 4-2 would satisfy this criterion for shoreline access guaranteed to a reasonable degree. This would therefore be a *significant impact* but would be mitigated to a *less-than-significant* level through implementation of the following mitigation measure: (4-58)

While the proposed site plan provides for continued public access to the historic resources of the Rosie the Riveter/World War II Home Front National Historical Park, as previously noted in the discussion of Impact 4-2 (Chapter 4, Land Use and Planning), permanent access cannot be guaranteed in perpetuity due to federal restrictions. (9-21)

The FEIR should include specific citations and quotes from documents, including:

- Rules and regulations of the U.S. Coast Guard, U.S. Customs, and Department of Homeland Security that “require the Port to maintain flexibility in the alignment of roads and trails in case new security measures require their re-alignment” or legally precludes the Port “from guaranteeing permanent access by dedicating an easement, granting fee title, or other binding mechanism.”
- “...permanent access cannot be guaranteed in perpetuity due to federal restrictions.”

The DEIR is flawed by not recognizing all of the historic resources and by not showing how public access will be provided to the First Aid Station.