

SFERCA – Safe Fuel and Energy Resources California

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SACRAMENTO, CA 95814-4721
TEL: (916) 444-8201
FAX: (916) 444-8209

October 9, 2020

Via Email and U.S. Mail

Matthew Arms
Director of Environmental Planning
Port of Long Beach
415 W. Ocean Blvd
Long Beach, CA 90802
Email: ceqa@polb.com

Jennifer Blanchard
Environmental Specialist Associate
Port of Long Beach
415 W. Ocean Blvd
Long Beach, CA 90802
Email: Jennifer.blanchard@polb.com

Via Email Only

Leah Douglas, EA Board of Directors
Email: leah.douglas@polb.com

Re: Request for Mailed Notice of CEQA Actions and Public Hearings for the World Oil Tank Installation Project (SCH2020100119)

Dear Mr. Arms, Ms. Blanchard, and Ms. Douglas:

We are writing on behalf of **Safe Fuel and Energy Resources California ("SAFER CA")** to request mailed notice of the availability of any environmental review document, prepared pursuant to the California Environmental Quality Act, related to the World Oil Tank Installation Project, SCH 2020100119 ("Project"), proposed by Ribost Terminal LLC dba World Oil Terminals ("Applicant").

We also request mailed notice of any and all hearings and/or actions related to the Project. These requests are made pursuant to Public Resources Code Sections 21092.2, 21080.4, 21083.9, 21092, 21108 and 21152 and Government Code Section 65092, which require local agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

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October 8, 2020

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Please send the above requested items by email and U.S. Mail to our South San Francisco Office as follows:

U.S. Mail

Paul Encinas
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email

pencinas@adamsbroadwell.com

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cont.

Please call me at (650) 589-1660 if you have any questions. Thank you for your assistance with this matter.

Sincerely,



Paul Encinas
Legal Assistant

PAE:pae

4943-005ae

ADAMS BROADWELL JOSEPH & CARDOZO

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October 9, 2020

Via Email and U.S. Mail

Matthew Arms
Director of Environmental Planning
Port of Long Beach
415 W. Ocean Blvd
Long Beach, CA 90802
Email: cega@polb.com

Jennifer Blanchard
Environmental Specialist Associate
Port of Long Beach
415 W. Ocean Blvd
Long Beach, CA 90802
Email: Jennifer.blanchard@polb.com

**Re: Request for Immediate Access to Public Records – World Oil
Tank Installation Project (SCH2020100119)**

Dear Mr. Arms and Ms. Blanchard:

We are writing on behalf of **Safe Fuel and Energy Resources California** (“**SAFER California**”) to request **immediate access** to all public records related to the World Oil Tank Installation Project, SCH 2020100119 (“Project”), proposed by Ribost Terminal LLC dba World Oil Terminals (“Applicant”). This request includes, but is not limited to, any and all materials, correspondence, resolutions, memos, notes, analysis, electronic mail messages, files, maps, charts, and/or any other documents related to the Project.

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The Applicant proposes to construct the World Oil Tank Installation Project, which would include the construction and operation of two new 25,000-barrel petroleum storage tanks within the existing World Oil Terminal, privately-owned by Ribost Terminal LLC, located at the Port of Long Beach, 1405 Pier C Street, Berth C73, Long Beach, CA 90813.

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This request is made pursuant to the California Public Records Act. (Government Code §§ 6250, et seq.) This request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(h) provides that any statutory right to information shall be broadly construed to

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provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

SFERCA-4
cont.

We request *immediate access* to review the above documents pursuant to section 6253(a) of the Public Records Act, which requires public records to be “open to inspection at all times during the office hours of the state or local agency” and provides that “every person has a right to inspect any public record.”¹ Therefore, the 10-day response period applicable to a “request for a copy of records” under Section 6253(c) does not apply to this request.

We request access to the above documents, including any electronic documents, in their original form, as maintained by the Port of Long Beach (“Port”).² Pursuant to Government Code Section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into sections of 10 MB or less), please email them to me as attachments. We request that the Port provide records in a readily-accessible electronic format such as .pdf. “Readily-accessible” means text-searchable and OCR-formatted. Additionally, please provide the records either in (1) load-ready format with a CSV file index or excel spreadsheet, or if that is not possible; (2) in .pdf format, without any “profiles” or “embedded files.” Profiles and embedded files within files are not readily-accessible. Please do not provide the records in a single, or “hatched,” .pdf file.

If the Port is unable to provide access to the records in electronic format, we will pay for any direct costs of duplication associated with filling this request up to \$200. However, please contact me with a cost estimate before copying/scanning the materials.

My contact information is:

U.S. Mail

Paul Encinas
Adams Broadwell Josepb & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

¹ Gov. Code § 6253, subd. (a).

² Gov. Code § 6253.9, subd. (a)(1); see *Sierra Club v. Super. Ct.* (2013) 57 Cal.4th 157, 161 (holding that electronic database files are subject to disclosure); *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 309–311 (electronic correspondence is part of CEQA administrative record).

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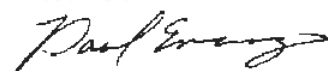
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Page 3

Email

pencinas@adamsbroadwell.com

Please email me or call me at (650) 589-1660 if you have any questions.
Thank you for your assistance with this matter.

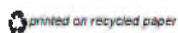
Sincerely,



Paul Encinas
Legal Assistant

PAE:pae

4469-003pae



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Email: cega@polb.com

Jennifer Blanchard
Environmental Specialist Associate
Port of Long Beach
415 W. Ocean Blvd
Long Beach, CA 90802
Email: Jennifer.blanchard@polh.com

Re: Requests for Immediate Access to Documents Referenced in the Initial Study/Negative Declaration – World Oil Tank Installation Project (SCH2020100119)

Dear Mr. Arms and Ms. Blanchard:

We are writing on behalf of **Safe Fuel and Energy Resources California ("SAFER CA")** to request *immediate access* to any and all documents referenced, relied upon, and incorporated by reference in the Initial Study/Draft Negative Declaration Report ("IS/ND") for the World Oil Tank Installation Project, SCH 2020100119 ("Project"), proposed by Ribost Terminal LLC dba World Oil Terminals ("Applicant"). This request also includes, but is not limited to, any and all materials, correspondence, resolutions, memos, notes, analysis, electronic mail messages, files, maps, charts, and/or any other documents related to the Project. This request excludes the IS/ND itself, which we have already obtained.

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Our request for all documents referenced, relied upon, and incorporated by reference in the IS/ND is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced in an environmental review document be made available to the public for the entire comment period.¹

¹ See Pub. Resources Code, § 21092, subd. (b)(1) ("all documents referenced in the . . . negative declaration" must be "available for review"); 14 Cal. Code Reg. § 15072, subd. (g)(4) ("documents incorporated by reference in the proposed negative declaration" must be "available for review").

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This request is also made pursuant to the California Public Records Act,² and pursuant to Article I, section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(b) provides that any statutory right to information shall be broadly construed to provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

SFERCA-5
cont.

We request *immediate access* to review the above records pursuant to section 6253(a) of the Public Records Act, which requires public records to be “open to inspection at all times during the office hours of the state or local agency” and provides that “every person has a right to inspect any public record.”³ Therefore, the ten-day response period applicable to a “request for a copy of records” under Section 6253(c) does not apply to this request. We request access to the documents in the existing form maintained by the Port of Long Beach (“Port”).⁴ The Port is therefore directed not to take any action to reorganize or modify the requested documents.

Pursuant to Government Code Section 6253.9, if the requested records are in electronic format, please send them using a file transfer project such as Dropbox. If the records are 10 MB or less (or can be easily broken into sections of 10 MB or less), please email them to me at pencinas@adamsbroadwell.com as attachments. If any of the requested items are available on the Internet, we request that the Port direct us to the appropriate electronic link(s) for accessing the documents.

My contact information is:

U.S. Mail

Paul Encinas
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

² Government Code §§ 6250, et seq.

³ Gov. Code § 6253(a).

⁴ Gov. Code § 6253.9(a)(1); see *Sierra Club v. Super. Ct.* (2013) 57 Cal. 4th 157, 161 (holding that electronic database files are subject to disclosure); *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 309–311 (electronic correspondence is part of CEQA administrative record).

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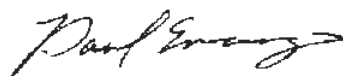
Page 2

Email

pencinas@adamsbroadwell.com

I will be calling you to arrange for duplication/transmission of the responsive records. If you have any questions, please email me or call our South San Francisco office at (650) 589-1660. Thank you for your assistance with this matter.

Sincerely,



Paul Encinas
Legal Assistant

PAE;pae

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