US Army Corps of Engineers®

PUBLIC NOTICE

APPLICATION FOR A PERMIT, NOTICE OF AVAILABILITY FOR A DRAFT EIS/EIR AND A PUBLIC HEARING

LOS ANGELES DISTRICT June 29, 2007

PUBLIC MEETING

The U.S. Army Corps of Engineers (USACE or Corps) Los Angeles District and the Los Angeles Harbor Department (LAHD or Port) will jointly conduct a public meeting for the proposed Port of Los Angeles the Berths 136-147 [TraPac] Container Terminal Project Draft EIS/EIR on **July 31, 2007 at 6:00 p.m.**, to receive public comment and assess public concerns regarding the Draft EIS/EIR (Corps File Number 2003-01142-SDM). Participation in the public meeting by federal, state, and local agencies and other interested organizations and persons is encouraged. This meeting is to be conducted in English and Spanish. Members of the public who wish to communicate and listen entirely in Spanish are encouraged to attend this meeting. The meeting will be held at:

Bannings Landing Community Center
100 E. Water Street
Wilmington CA 90744

Please see the attached map for the location of public meeting. This meeting is intended to provide the Corps and the Port with information on public feedback to the project and potential environmental impacts.

During the public meeting, anyone wishing to make a statement will be allocated a certain amount of time to provide information on the proposed project. The amount of time each person is allowed will be directly dependent on the number of people who sign up to speak at the public hearing. We would like to encourage interest groups to designate an official spokesperson to present the group's views. We plan to allocate a larger amount of time to official representatives of such groups. **Groups wishing to designate an official representative must notify the Corps in writing prior to, but not later than, July 24, 2007. The determination of this extended speaking time will be based on the number of responses received by the Corps. This rule will be strictly enforced at the discretion of the Corps' hearing officer.**

Written comments to the Corps and Port will be received until **August 20, 2007. Written comments should be sent to the addresses below**:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: Dr. Spencer D. MacNeil
P.O. Box 532711
Los Angeles, CA 90053-2325

and

Los Angeles Harbor Department
c/o Dr. Ralph G. Appy
425 S. Palos Verdes Street
San Pedro, CA 90731

Parties interested in being added to the Corps' electronic mail notification list for the Port of Los Angeles can register at: **www.spl.usace.army.mil/regulatory/register.html.** This list will be used in the future to notify the public about scheduled hearings and availability of future public notices.

Contacts:
U.S. Army Corps of Engineers Project Manager – Dr. Spencer D. MacNeil - (805) 585-2152
Port of Los Angeles Contact - Dr. Ralph G. Appy - (310) 732-3497

NOTICE OF AVAILABILITY/NOTICE OF COMPLETION

Federal Action:

Interested parties are hereby notified that a preliminary application has been received for a Department of the Army permit for the activity described herein. The Corps is considering an application submitted by the Port for a permit, in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the River and Harbor Act (RHA), to conduct dredge-and-fill activities and to upgrade and construct wharves. In addition, the Port is considering transporting and discharging at ocean disposal sites excess clean material generated by the project, which would require authorization pursuant to Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA).

The primary federal action is the proposed issuance of permits authorizing work and structures in navigable waters of the United States (U.S.), and the discharge of dredged and fill in waters of the U.S. and related direct impacts to the aquatic environment, as well as potential indirect and cumulative impacts on the human environment. For the Corps, approval of a permit under Section 404 of the CWA and Section 10 of the RHA, and potentially Section 103 of the MPRSA, for activities associated with the proposed Project or Project alternative is an action that might result in significant effects on the environment. This EIS/EIR would be used by the Corps as part of their permit approval process. The Corps and the Port independently determined under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively, that there are potential significant environmental impacts associated with the proposed action, and an Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) are required.

The Corps may ultimately make a determination to permit or deny the above project, or permit modified versions of the above project. The Corps has prepared and published a Notice of Availability (NOA) for the proposed project in the *Federal Register*.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the

National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination: A determination has been made that an EIS is required for the proposed work in waters of the United States. The Draft EIS/EIR for the proposed Berths 136-147 [TraPac] Container Terminal Project is being circulated for public comment on **June 29, 2007**, and comments on the above document will be accepted until **August 20, 2007**.

Water Quality: The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management: The applicant has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. The District Engineer hereby requests the California Coastal Commission's concurrence or nonconcurrence that proposed project is consistent with the Coastal Commission-approved Port Master Plan.

Cultural Resources: The latest version of the National Register of Historic Places has been consulted and this site is not listed. Furthermore, the Draft EIS/EIR for the Berths 136-147 [TraPac] Container Terminal Project did not identify any cultural or historic resources that would be affected by the proposed project. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. The District Engineer hereby notifies the State Historic Preservation Officer of our no effect determination for the project.

Endangered Species: The California least tern (*Sterna antillarum browni*) and the California brown pelican (*Pelecanus occidentalis californicus*) are known to forage in the vicinity of the proposed project. During the proposed construction activities, the above species may be affected by increased noise and activity associated with the proposed project in the western portion of the Port of Los Angeles. Based on detailed biological information in the Draft EIS/EIR for the Berths 136-147 [TraPac] Container Terminal Project, preliminary determinations indicate that the proposed activity would not adversely affect federally listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time. With this public notice, the Corps hereby requests the Service's concurrence that the proposed project would not adversely affect the above endangered species.

Essential Fish Habitat: In accordance with the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act, an assessment of Essential Fish Habitat (EFH) will be prepared. The proposed Project would be located within an area designated as EFH for two Fishery Management Plans (FMP): Coastal Pelagics Plan; and Pacific Coast Groundfish Management Plan. One of the five species in the Coastal Pelagics FMP, northern anchovy, is well represented in the proposed Project area, with both adults and larvae present. Pacific sardine is also present. Both species support a commercial bait fishery in the Outer Harbor of the Port. Adult jack mackerels are common and likely prey upon northern anchovy in the West Basin. Adult Pacific mackerel are uncommon in the West Basin with only one

collected in a year's sampling. None of the seven Pacific Groundfish FMP species found in the Inner Harbor is common, and only one, English sole, has been reported in recent surveys of the West Basin.

This notice initiates EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and management Act. The proposed activities would permanently and temporarily impact areas designated as EFH through dredging, wharf retrofits and new construction, other fills, and potential disposal actions at LA-2 or LA-3 or other approved sites within the harbor should they become available. While many of the impacts would be short-term, the proposed Project would permanently fill open water in the Northwest Slip (approximately 10 acres). The POLA has developed, and continues to develop as needed, mitigation projects to provide mitigation credits for impacts of development in Los Angeles Harbor to marine biological resources, in coordination with National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and Game through agreed-upon mitigation policies (USACE and LAHD 1992). For this project, the POLA proposes to fully mitigate marine habitat loss by using equivalent credits available through the Bolsa Chica Mitigation Agreement/Bank or the Outer Harbor Mitigation Bank. Overall, the proposed activity may adversely affect but would not have a substantial adverse impact on EFH or federally managed fisheries in California waters. The Corps will consult with the National Marine Fisheries Service during the EIS/EIR process to come to a final determination relative to project impacts and the need for mitigation measures.

State Action:

LAHD is proposing terminal improvements at Berths 136-147. The primary purpose of this Draft EIS/EIR is to identify the significant environmental effects of the proposed Project so that the decision makers can consider them as part of the proposed Project approval process. Also, LAHD would use this EIS/EIR to support permit applications and other actions required to implement the selected Berths 136-147 improvement project or alternative.

Pursuant to the California Environmental Quality Act (CEQA), the Port will serve as Lead Agency for the preparation of an EIR for its consideration of development approvals within its jurisdiction. The Port prepared a Notice of Completion, in accordance with current City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act (CEQA) of the 1970, (Article I); the State CEQA Guideline, (Title 14, California Code of Regulations); and the California Public Resources Code, (Section 21000, et seq.).

Interested parties are invited to provide their views on the Draft EIS/EIR.
Public comments should be submitted by August 20, 2007.

SUPPLEMENTARY INFORMATION:

Purpose and Need:

NEPA and CEQA respectively require the preparation of an EIS and EIR for actions that could significantly affect the environment. Actions subject to NEPA and CEQA requirements include projects sponsored by a governmental agency and the approval of projects over which the governmental agency has discretionary authority.

The purpose of the Draft EIS/EIR is to identify the significant impacts of the proposed Project and the Project alternatives, to inform decision makers and the public of reasonable alternatives to the proposed Project (that would avoid or minimize significant impacts or enhance the quality of the human environment), and to indicate the manner in which significant effects can be avoided or mitigated. USACE will serve as the federal Lead Agency in accordance with NEPA, and the Port of Los Angeles (Port) will serve as the state Lead Agency under CEQA.

Project Description:

Project Location: The Project area is located in the Port of Los Angeles, approximately 32 kilometers (km) (20 miles) south of downtown Los Angeles and immediately south of the Wilmington Community (Figure 1). The Berths 136-147 [TraPac] Container Terminal is located in the north and eastern portions of the West Basin of the Port, in the Wilmington and San Pedro Districts (Figure 2). The terminal is roughly bordered by Harry Bridges Boulevard on the north; by Slip 1, Neptune Avenue, Water Street, and Fries Avenue on the east; by the Turning Basin to the south, and by Berths 118-131 to the west.

Project Elements: The proposed Project is to expand and modernize the container terminal at Berths 136-147, upgrade existing wharf facilities, and install a landscaped buffer between the terminal and the community. The proposed Project includes a 30-year lease and would involve two phases of construction (Phase I: 2008-2015, Phase II: 2015-2025) Most of the proposed improvements would occur on 176 acres currently used as a container terminal operated by TraPac, but the proposed Project includes adding a total of 67 acres to the new terminal, 57 in Phase I and 10 in Phase II. The 57 acres added in Phase I is largely existing industrial zoned land within the proposed Project area. The 10 acres added in Phase II is currently open water.

In 2003, the existing terminal handled 891,976 20-foot equivalent units (TEUs) of containerized cargo, and had 246 vessel calls. At full operation, expected to occur by 2025, the proposed terminal would handle approximately 2.4 million TEUs per year, which would be approximately 700,000 more than the terminal would be able to handle if no improvements were made. To accommodate the maximum annual throughput of 2,389,000 Million TEUs (in 2025), the terminal would receive 334 annual ship calls. In addition, a total of 5,152 daily truck trips and up to 1,434 annual round trip rail movements would be required. Major elements of the proposed Project are shown in Figure 2 and include the following:

- Expanding, redeveloping, and constructing container terminal facilities and a new on-dock rail facility;
- Constructing 500 space parking lot for union workers;
- Wharf work including: dredging 295,000 cubic yards (cy), renovating 2,900 feet of existing wharf, and constructing 705 feet of new wharf;
- Installing five new gantry cranes to replace six existing gantry cranes;
- Relocating the existing PHL Pier A switcher yard to Rear Berth 200;
- In Phase II, filling the 10-acre Northwest Slip, constructing backlands facilities on the fill, and constructing a new 400-foot wharf along the edge of the fill; and,
- Widening Harry Bridges Boulevard and constructing a new 30-acre landscaped buffer area between "C" Street and Harry Bridges Boulevard.

Wharf work: Approximately 265,000 cubic yards (cy) of sediments would be dredged to support construction of the wharves at Berths 145-147 and to deepen the waters adjacent to Berths 144-147 to match the planned -53 foot channel depth. An additional 30,000 cy of sediments would be dredged for the wharf seismic retrofit improvements. A portion of the material is unsuitable for unconfined ocean disposal and thus would be placed in an approved confined disposal site(s) (CDF) at either the Port of Los Angeles or the Port of Long Beach, or at an appropriate upland site, such as the Anchorage Road Disposal Site or a site in the Port of Long Beach. Clean material would be considered for disposal at the Pier 400 submerged disposal site or at an EPA-approved ocean disposal site (LA-2 or LA-3).

On-dock Rail Facility: The terminal currently does not have an on-dock rail facility. The proposed Project includes constructing a new on-dock rail yard located where the Pacific Harbor Line's (PHL) Pier A rail yard is presently located. The rail yard would require approximately 10 acres of land and would consist of a container staging area and six working tracks totaling approximately 16,200 feet. The rail yard would connect via lead tracks to the Alameda Corridor. The PHL Pier A rail yard would be relocated to a 70-acre area northeast of the existing terminal, between the Consolidated Slip and Alameda Street, which is currently being used as a rail transfer facility.

Harry Bridges Blvd and the Harry Bridges Buffer Area: As part of this Project, Harry Bridges Boulevard would be widened from its current width of 50 feet to 84 feet between Figueroa Street and Alameda Street, and a 30-acre buffer area would be constructed between Harry Bridges Boulevard and "C" Street, from Figueroa Street to Lagoon Avenue, on vacant, Port-owned property.

The details of each component of the proposed Project are presented in the Draft EIS/EIR.

Alternatives:

NEPA (40 *Code of Federal Regulations* [CFR] 1502.14[a]) and CEQA Guidelines Section 15126.6, respectively, require that an EIS and an EIR describe a range of reasonable alternatives to the project, or to the location of the project that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any significant environmental impacts while substantially attaining the basic objectives of the project. The EIS/EIR should compare merits of the alternatives and determine an environmentally superior alternative

Eighteen alternatives (including the proposed Project) were considered during preparation of this Draft EIS/EIR, which included alternative terminal configurations and alternative terminal locations, as follows:

1. No Project Alternative
2. Reduced Project: Project without the 10-acre fill
3. Reduced Wharf
4. Omni Cargo Terminal
5. Landside Terminal Improvements
6. Use of other ports outside Southern California
7. Expansion of terminals within Southern California but outside the Los Angeles Harbor District
8. Lightering
9. Off-site backland alternatives
10. Development of new landfills and terminals outside the Berths 136-147 Terminal area and the adjoining the West Basin area
11. Shallower dredge depth

12. Alternative shipping use of the terminal
13. Other sites within the Los Angeles Harbor District
14. Non-shipping use of the terminal
15. Harry Bridges Boulevard relocated to provide additional container storage area
16. Development and operation of a smaller terminal
17. Alternative designs for the Harry Bridges Buffer Area.

Of the alternatives considered, twelve (numbers 6-17) were considered but eliminated from further consideration and five (numbers 1-5) are carried forward and evaluated in the draft EIS/EIR. Figure 3 summarizes the five alternatives carried forward in this document.

Availability of the Draft EIS/EIR

The Draft EIS/EIR for the proposed Project is being distributed directly to agencies, organizations, and interested groups and persons for comment during the 45-day formal review period in accordance with Section 15087 of the State CEQA Guidelines and 40 CFR Section 1506.10 of the CEQ NEPA Regulations. Five additional days are being added to the 45-day public review period to accommodate the July 4th Holiday. During the public review period, which begins on June 29, 2007 and ends on August 20, 2007, the Draft EIS/EIR is available for general public review at the following locations:

Port of Los Angeles
Environmental Management Division
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Public Library
Central Branch
630 West 5th Street
Los Angeles, CA 90071

Los Angeles Public Library
San Pedro Branch
921 South Gaffey Street
San Pedro, CA 90731

Los Angeles Public Library
Wilmington Branch
1300 North Avalon Boulevard
Wilmington, CA 90744

In addition to printed copies of the Draft EIS/EIR, members of the public can request a compact disc (CD) that contains the EIS/EIR. The Draft EIS/EIR is also available on the Port of Los Angeles website at www.portoflosangeles.org. The executive summary has been translated into Spanish and is available to the public on the Port of Los Angeles website as well. To request either a CD-ROM or a Spanish translation of the executive summary, please call the Environmental Management Division at (310) 732-3675.

Figure 1: Project Vicinity

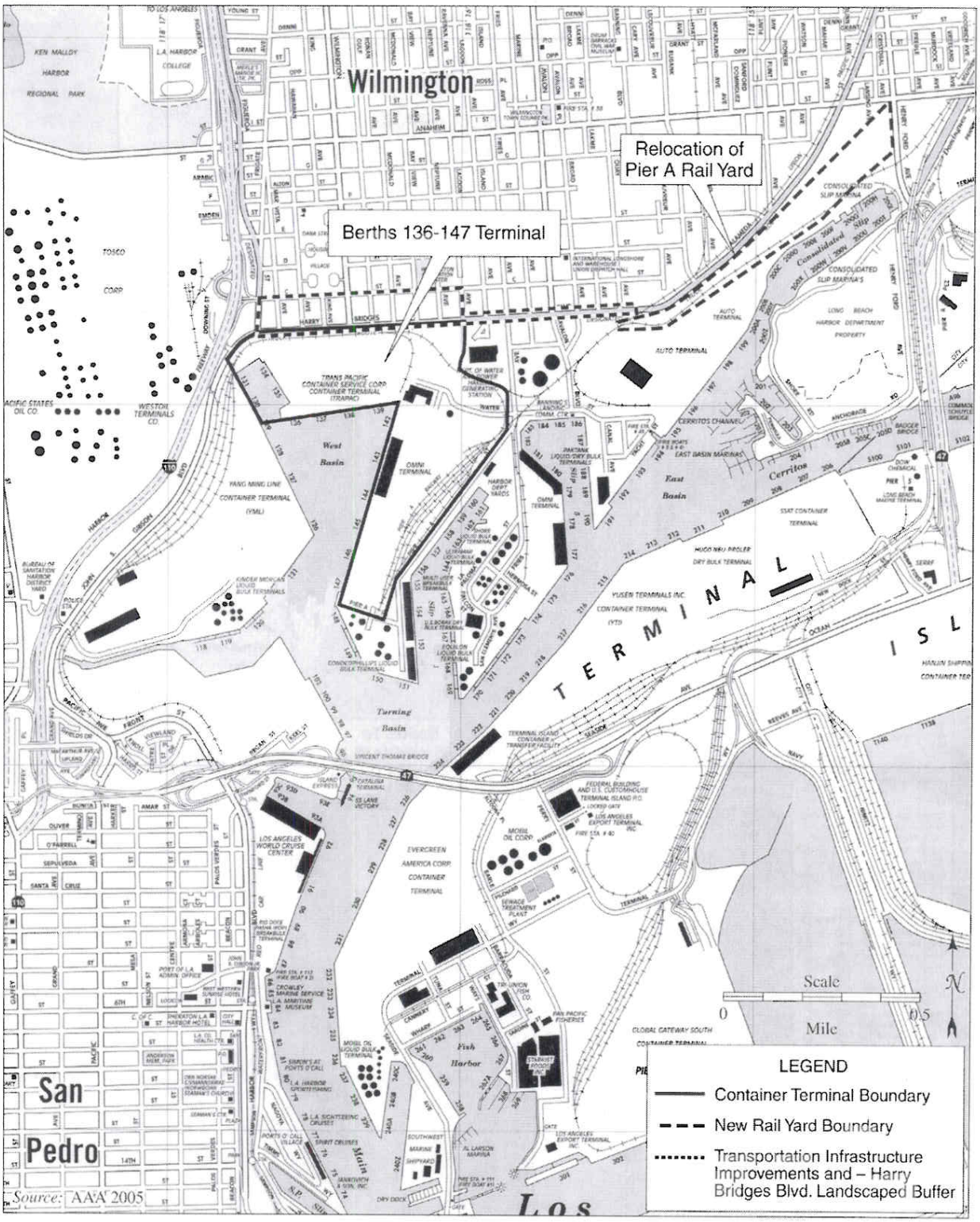


Figure 2: TraPac Terminal

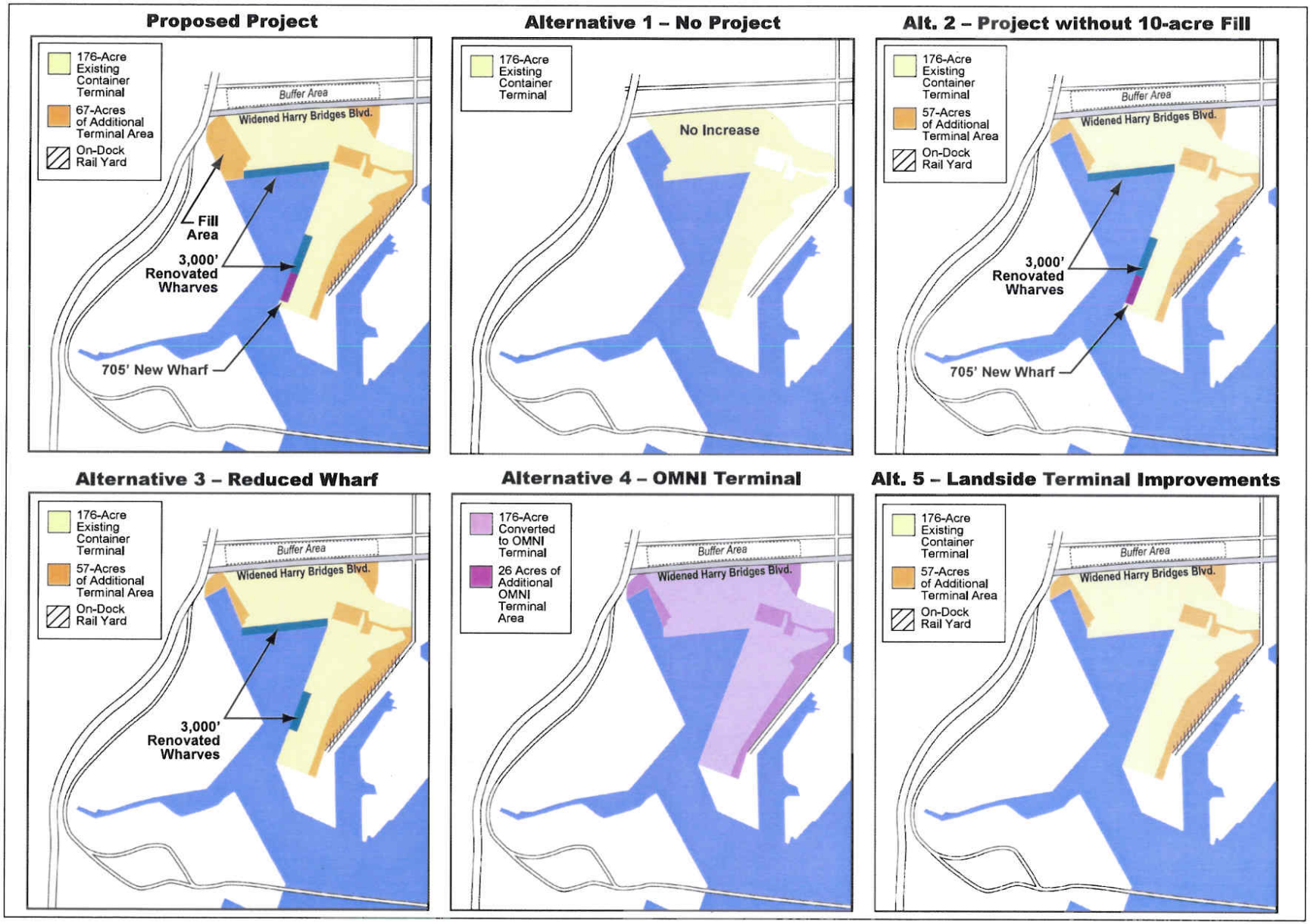
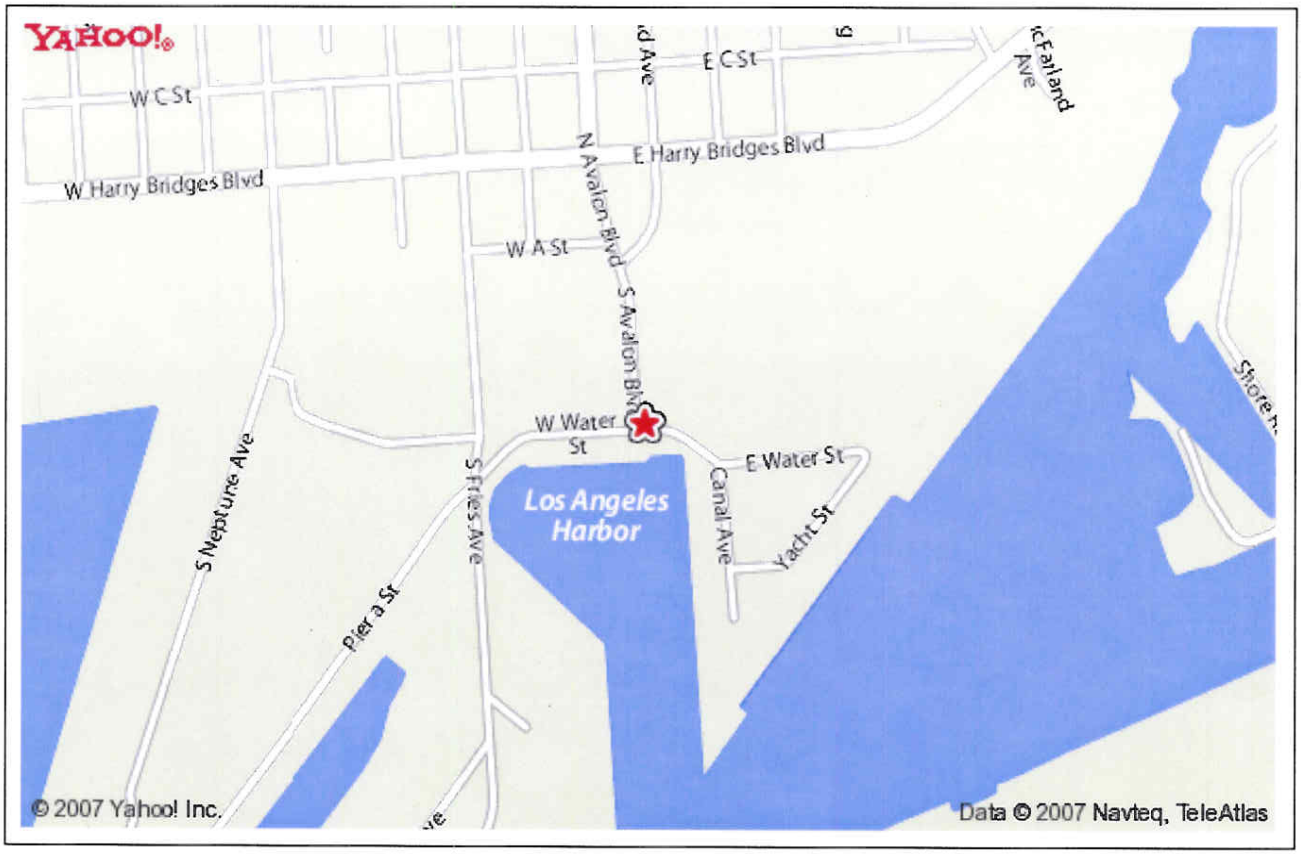


Figure 3: Container Terminal Changes Under the Proposed Project and Alternatives

DIRECTIONS TO BANNINGS LANDING COMMUNITY CENTER

BANNINGS LANDING
100 E. Water Street
Wilmington, CA 90734