

**US Army Corps  
of Engineers®**



# **PUBLIC NOTICE**

## **APPLICATION FOR A CORPS PERMIT, NOTICE OF INTENT FOR A DRAFT EIS/EIR, AND A SCOPING MEETING**

*LOS ANGELES DISTRICT*

December 22, 2006

### **SCOPING 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 scoping meeting for the proposed Port of Los Angeles San Pedro Waterfront Project Draft Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) on **January 23, 2007 from 6:00 - 8:30 p.m.**, to receive public comment and assess public concerns regarding the Draft EIS/EIR (Corps File Number 2005-01271-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:

**Crowne Plaza Hotel  
601 South Palos Verdes Street  
San Pedro, CA 90731**

Please see the attached map for the location of the public meeting. This meeting is intended to provide the Corps and the Port with information and public feedback on 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 or the Port in writing prior to, but no later than, January 17, 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 **February 28, 2007**. **Written comments should be sent to the address below:**

U.S. Army Corps of Engineers, Los Angeles District, Regulatory Branch  
and the Los Angeles Harbor Department  
c/o Dr. Spencer D. MacNeil and Dr. Ralph G. Appy  
ATTN: Corps File Number 2005-01271-SDM  
P.O. Box 532711  
Los Angeles, California 90053-2325

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](http://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.

**Agency Contacts:**

**Corps Project Manager** – Spencer MacNeil - (805) 585-2149, [spencer.d.macneil@usace.army.mil](mailto:spencer.d.macneil@usace.army.mil)

**Port Project Manager** – Jan Green Rebstock - (310) 732-3949, [jgreenrebstock@portla.org](mailto:jgreenrebstock@portla.org)

## **NOTICE OF INTENT AND SCOPING MEETING**

### **Federal Action:**

Interested parties are hereby notified that an 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 Rivers and Harbors Act (RHA), to construct various waterfront modifications within and along federal waters (see attached figures). In addition, the Port is considering transporting and discharging excess clean material generated by the project at ocean disposal sites, 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 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, Section 10 of the RHA, and/or Section 103 of the MPRSA for activities associated with the proposed project or project alternatives 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 EIS and 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 Intent (NOI) 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 which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which 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. A scoping meeting will be conducted for the proposed project on **January 23, 2007**, and comments on the subject document will be accepted until **February 28, 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 several listed resources are located within the proposed project's area of potential effect (APE). These include the U.S.S. Lane Victory, Ralph J. Scott historic fireboat, and Municipal Warehouse No. 1. The proposed project includes the relocation of the U.S.S. Lane Victory from its current location to the proposed North Harbor, construction of a museum for the preservation of the Ralph J. Scott historic fireboat near the proposed Downtown Harbor water cut, and a potential relocation of the Red Car Museum and maintenance facility into Warehouse No. 1. While no changes are proposed for the National Register-listed San Pedro Municipal Ferry Building/LA Maritime Museum, potential changes to the berths near this resource would occur. No effects are anticipated on other National Register-listed properties in the vicinity of the area. To the extent required by law, the Corps will consult with the State

Office of Historic Preservation in accordance with Section 106 of the National Historic Preservation Act during the preparation of the EIS/EIR.

**Endangered Species:** The California least tern (*Sterna antillarum browni*) and the California brown pelican (*Pelecanus occidentalis californicus*) are known to occur in the general vicinity of the proposed project. However, the proposed water cuts and other activities in waters of the United States are not located in close proximity to any known foraging areas for the above species. Based on this information, the preliminary determination is that the proposed activity is not likely to adversely affect any 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; however, the Corps will complete informal consultation with the U.S. Fish and Wildlife Service to ensure they concur with the above determination and that the proposed permit action would be in full compliance with the Endangered Species Act.

**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: Coastal Pelagics Plan; and Pacific Coast Groundfish Management Plan.

This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed activities would temporarily impact areas designated as EFH due to periodic, short-term dredging, and structural construction/repair/ modification, as well as potential disposal actions at LA-2 or LA3 or approved in-harbor disposal sites should they become available. Most project impacts would be short-lived and would not substantially impact existing biotic resources. While the proposed project includes the construction of over-water structures, the project would result in a net increase of approximately 5 acres of open water habitat within the project area by creating three new harbors and uncovering water areas occupied by docks and other structures. 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 preparation of the EIS/EIR to come to a final determination relative to project impacts and the need for mitigation measures.

**State Action:** LAHD is proposing various modifications to the existing waterfront along the west side of the Port's Main Channel from Vincent Thomas Bridge to Berths 49-50. The primary purpose of the 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 the EIS/EIR to support permit applications and other actions required to implement the selected waterfront modification project or alternative.

Pursuant to 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 has prepared a Notice of Preparation, 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 proposed Draft EIS/EIR.

**Public comments should be submitted by February 28, 2007.**

**SUPPLEMENTARY INFORMATION:**

**Background Information:**

The Corps and the Port are preparing this Draft EIS/EIR to identify and evaluate the potential environmental impacts associated with implementation of the San Pedro Waterfront Project proposed for the west side of the Port’s Main Channel from Vincent Thomas Bridge to Berths 49-50 at the eastern edge of the San Pedro community. As proposed, the project would implement various modifications to the existing shoreline over an approximately 5-year period, including approximately 9.21 acres of water cutouts (for the creation of North Harbor, Downtown Harbor, and 7<sup>th</sup> Street Harbor) to provide for a variety of water-front uses, including berthing for visiting tall ships, leisure craft, tugboats, and other recreational, commercial, and port-related uses, without impeding the public’s right to free navigation; and utilize and increase the value of existing deep water in the Outer Harbor and Main Channel to accommodate existing and projected growth in the cruise ship industry (see attached figures).

Specifically, as detailed in Table 1, the proposed action includes approximately 463,000 square feet (sf) and 808,000 cubic yards (cy) of excavation and dredging (of which approximately 401,000 sf and 605,000 cy of new water area and volume would be added below the mean high tide line), with approximately 70,000 sf of rock slope protection. The project would also involve installation of 618 new piles and 910 linear feet of sheet pile bulkheads, and construction of approximately 211,000 square feet of new wharf structures, decks, piers, and floating docks. Additionally, the project would remove or demolish approximately 990 linear feet of existing retention dikes (or bulkheads) and approximately 96,800 square feet (2.22 acres) of wharf structures, decks, piers, and docks. In total, the proposed action would create or uncover approximately 497,800 sf (11.43 acres) of open water, and cover approximately 281,000 sf (6.45 acres) of existing water, for a net increase of approximately 216,800 sf (4.98 acres) of open water area within Los Angeles Harbor.

Due to the creation of the new harbors, the project is anticipated to create a total of approximately 808,000 cubic yards of dredge material. Disposal of clean dredge material is planned for LA-2 or LA-3 offshore disposal, with upland disposal of contaminated sediments. As noted above, ocean disposal would also require authorization pursuant to Section 103 of the MPRSA. Should other approved in-harbor disposal sites become available, they will also be considered.

**Table 1. Project Elements Within or Adjacent to Waters of the United States**

Project Elements	Quantity Of Dredge/ New or Covered Open Water Area
<b><i>Catalina Terminal – Berth 95</i></b>	
Installation of piles and construction of new floating docks	30 piles, 8,000 sf
Total Water Area Covered	8,000 sf (0.18 ac)
<b><i>North Harbor</i></b>	
Excavation And Dredging ( <i>new marine area created below +4.8ft MLLW</i> )	340,000 sf; 500,000 cy * (7.80 ac)
Removal of Existing Wharf Structure	56,000 sf
Installation of Perimeter Sheet Pile Bulkheads Within U.S. Waters	220 lf
Installation of Piles And Construction of Perimeter Wharves/Promenade And Pier Structure	170 Piles; 33,000 sf
Installation of Rock Slope Protection	45,000 sf
Removal of Retention Dike (or Bulkhead) To Be Breached	700 lf
Total New Water Area Created	396,000 sf (9.09 ac)
Total Water Area Covered (Riprap, Docks, Etc.)	78,000 sf (1.79 ac)
Net New Water Area Created	318,000 sf (7.30 ac)
<b><i>Downtown Harbor</i></b>	

Project Elements	Quantity Of Dredge/ New or Covered Open Water Area
Excavation and Dredging ( <i>new marine area created below +4.8ft MLLW</i> )	47,000 sf; 83,000 cy ** (1.08 ac)
Removal of Portion of Existing B.86 Wharf	1,100 sf
Removal of Existing Docks	4,500 sf
Installation of Perimeter Sheet Pile Bulkheads Within U.S. Waters	310 lf
Installation of Piles And Construction of New Floating Docks	35 Piles; 13,000 sf
Installation of Rock Slope Protection	17,000 sf
Total New Water Area Created	52,600 sf (1.21 ac)
Total Water Area Covered (Rip-Rap, Docks, Etc.)	30,000 sf (0.69 ac)
Net New Water Area Created	22,600 sf (0.52 ac)
<b><i>7th Street Harbor</i></b>	
Excavation and Dredging ( <i>new marine area created below +4.8ft MLLW</i> )	14,000 sf; 22,000 cy *** (.33 ac)
Removal of Existing Docks	2,200 sf
Installation of Perimeter Sheet Pile Bulkheads Within U.S. Waters	230 lf
Installation of Piles And Construction of New Floating Docks	26 Piles; 8,000 sf
Installation of Rock Slope Protection	8,000 sf
Removal of Retention Dike (or Bulkhead) To Be Breached	140 lf
Total New Water Area Created	16,200 sf (0.37 ac)
Total Water Area Covered (Rip-Rap, Docks, Etc.)	16,000 sf (0.37 ac)
Net New Water Area Created	200 sf (0.01 ac)
<b><i>7th Street Pier</i></b>	
Removal of existing marina slips and floating dock	4,000 sf
Installation of piles and new pier structure	15 piles; 6,000 sf
Total New Water Area Created	4,000 sf (0.09 ac)
Total Water Area Covered (Rip-Rap, Docks, Etc.)	6,000 sf (0.14 ac)
Net Water Area Covered	2,000 sf (0.05 ac)
<b><i>Ports O' Call Promenade</i></b>	
Removal Of Existing Docks	29,000 sf
Installation Of Piles And Construction Of New Wharf / Promenade	60 Piles; 50,000 sf
Removal of Wood Bulkhead at Berth 78.	150 lf
Installation of Piles and Construction of New Deck at Berth 78	32 piles; 9,000 sf
Installation of Sheet Pile Bulkhead at Berth 78	150 lf
Total New Water Area Created	29,000 sf (0.67 ac)
Total Water Area Covered (Rip-Rap, Docks, Etc.)	59,000 sf (1.35 ac)
Net Water Area Covered	30,000 sf (0.69 ac)
<b><i>Cruise Ship Facility - Berth 45-47</i></b>	
New Mooring And Breasting Dolphins And Catwalk At Berth 45-47	30 Piles; 3,000 sf
Total Water Area Covered	3,000 sf (0.07 ac)
<b><i>Cruise Ship Facility - Berth 49/50</i></b>	
Installation of a new wharf extension and mooring dolphin	220 Piles; 81,000 sf
Total Water Area Covered	81,000 sf (1.86 ac)
<b>Total New Water Area Created by Water Cuts</b>	<b>401,000 sf (9.21 ac)</b>
<b>Total Water Area Uncovered by Removal of Structures</b>	<b>96,800 sf (2.22 ac)</b>
<b>Total New Water Area Created or Uncovered</b>	<b>497,800 sf (11.43 ac)</b>
<b>Total Water Area Covered</b>	<b>281,000 sf (6.45 ac)</b>
<b>Total Net Open Water Area Added to Harbor</b>	<b>216,800 sf (4.98 ac)</b>

\* The quantities listed are for the area and volume below +4.8 feet MLLW. The total volume dredged at North Harbor (for the purposes of potential Section 103 permitting) is 680,000 cy over a footprint of 8.70 acres.

\*\* The quantities listed are for the area and volume below +4.8 feet MLLW. The total volume dredged at Downtown Harbor (for the purposes of potential Section 103 permitting) is 102,000 cy over a footprint of 1.56 acres.

\*\*\* The quantities listed are for the area and volume below +4.8 feet MLLW. The total volume dredged at 7th Street Harbor (for the purposes of potential Section 103 permitting) is 26,000 cy over a footprint of 0.36 acres.

Additional information on the various project elements can be found at [www.sanpedrowaterfront.com](http://www.sanpedrowaterfront.com) or [www.portoflosangeles.org/environment\\_pn.htm](http://www.portoflosangeles.org/environment_pn.htm), or by contacting the Port directly.

### **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 will serve as the state Lead Agency under CEQA.

With the proposed project, the Port intends to increase public access to the waterfront, allow additional visitor-serving commercial development in the Port, respond to increased demand in the cruise industry, and enhance transportation within and around the Port.

In addition to NEPA review, the Corps evaluates proposals for their compliance with the Section 404(b)(1) Guidelines (40 CFR 230). This analysis requires identifying the basic purpose and the overall purpose of the proposed project, which are important for establishing a reasonable range of alternatives to evaluate. The basic purpose of the proposed project is to improve navigation and recreation. The overall purpose of the project is to:

- Implement modifications to the existing San Pedro Waterfront along the west side of the Port's Main Channel, including increasing the open water area approximately 5 net acres, to provide a variety of water-front uses, including berthing for visiting tall ships and other vessels, additional marinas for pleasure craft, tugboats, and other recreational, commercial, and port-related uses, without impeding the public's right to free navigation; and
- Utilize and increase the value of deep water in the Outer Harbor and Main Channel to accommodate existing and projected growth in the cruise ship industry.

### **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.

Several alternatives are being considered for the proposed action. The Draft EIS/EIR will include a coequal analysis of the project alternatives considered. Alternatives being considered for the proposed project include an alternative development scenario, which includes one proposed cruise ship berth in the Outer Harbor (versus two berths under the proposed project), modifications to parking areas and

transportation corridors, and optional locations for the Red Car Museum and maintenance facility; a No Project/No Action Alternative that would not implement any of the project elements; and a No Federal Action Baseline Alternative that would involve building the project without the water cuts and construction of the Outer Harbor Cruise Terminal and any associated disposal or reuse of excavated/dredged material in waters of the U.S., which would require Corps permits. The latter alternative represents the Corps' environmental baseline. These alternatives will be further formulated and developed during the scoping process. Additional alternatives that may be developed during scoping will also be considered in the Draft EIS/EIR.

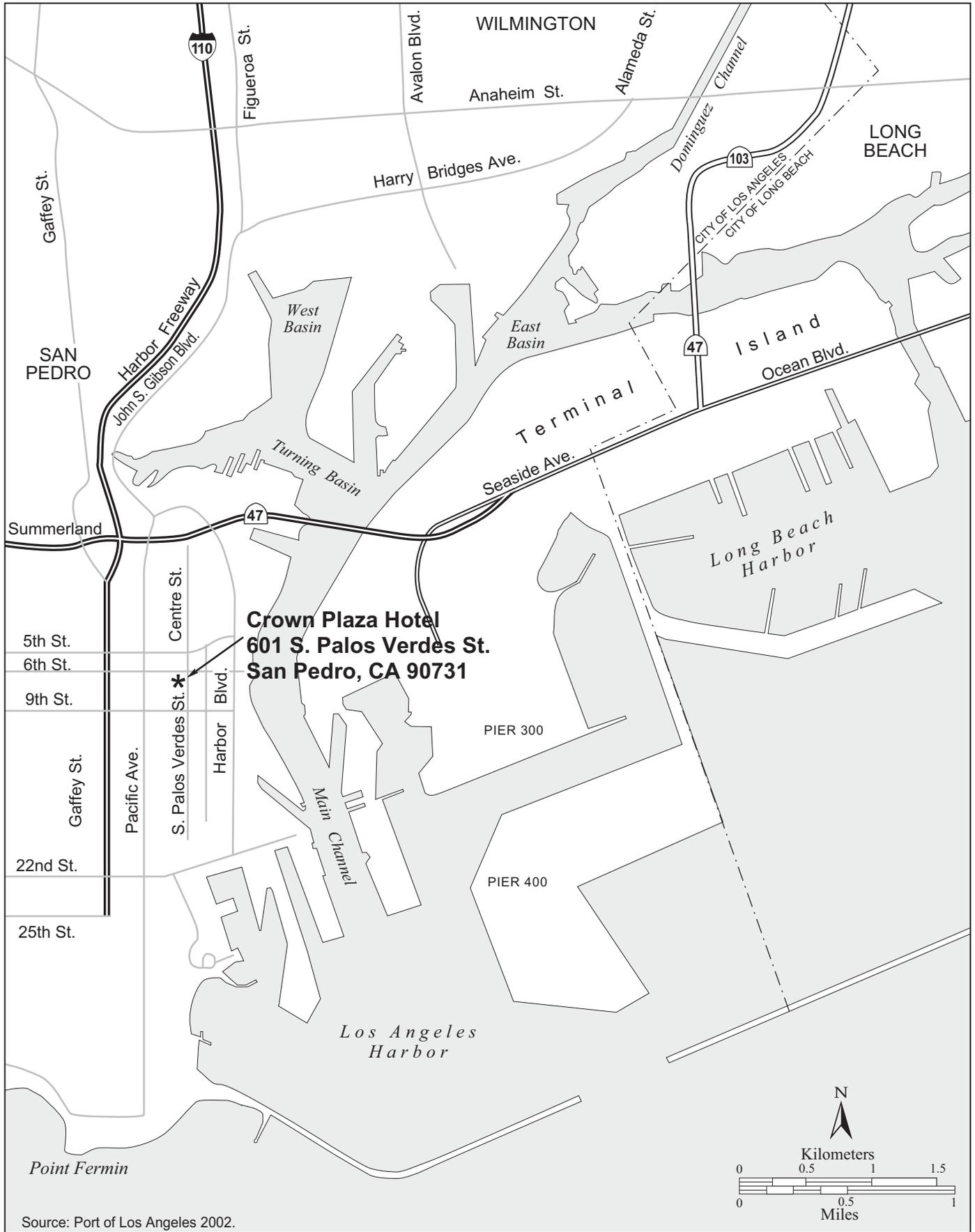
### **Scoping Process:**

An NOI for the original project design was published in the Federal Register on August 8, 2005. The project has been substantially revised since that time. A public scoping meeting will be held to receive public comment and assess public concerns regarding the appropriate scope and preparation of the Draft EIS/EIR for the revised project design. Participation in the January 23, 2006 public meeting by federal, state, and local agencies and other interested organizations and persons is encouraged.

The Corps of Engineers will also be consulting with the U.S. Fish and Wildlife Service under the Endangered Species Act and Fish and Wildlife Coordination Act, and with the National Marine Fisheries Service under the Magnuson-Stevens Fishery Conservation and Management Act. Additionally, the EIS/EIR will assess the consistency of the proposed Action with the Coastal Zone Management Act and potential water quality impacts pursuant to Section 401 of the Clean Water Act. Written comments for the scope of the Draft EIR/EIS will be received until February 28, 2007. A public meeting will be held following the publication and circulation of the Draft EIS/EIR, which is expected in late Fall 2007.

For additional information please call Spencer D. MacNeil of my staff at (805) 585-2149. This public notice is issued by the Chief, Regulatory Branch.

Please notify the project manager at least 15 days prior to the scoping meeting date if you have any special communication needs.



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Source: Port of Los Angeles 2002.

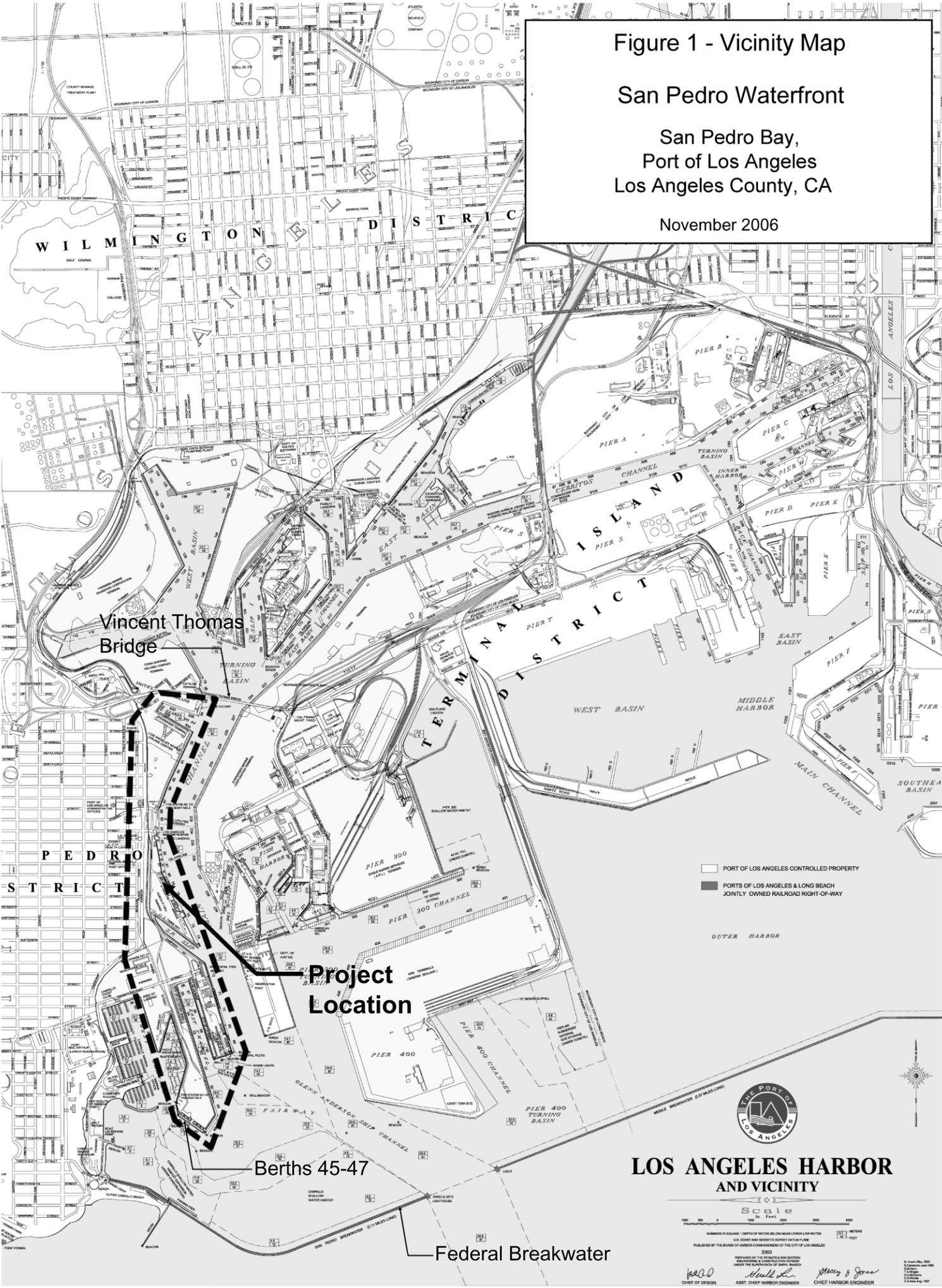
**Figure 1**  
**Scoping Meeting Location**

# Figure 1 - Vicinity Map

## San Pedro Waterfront

San Pedro Bay,  
Port of Los Angeles  
Los Angeles County, CA

November 2006



Vincent Thomas Bridge

Project Location

Berths 45-47

Federal Breakwater

- PORT OF LOS ANGELES CONTROLLED PROPERTY
- PORTS OF LOS ANGELES & LONG BEACH JOINTLY OWNED RAILROAD RIGHT-OF-WAY



### LOS ANGELES HARBOR AND VICINITY

Scale

100 200 300 400 METERS  
100 200 300 400 FEET

NUMBERS IN SQUARES - DEPTH OF WATER BELOW MEAN LOWER LOW WATER  
U.S. COAST AND GEODETIC SURVEY DATUM 1983  
PUBLISHED BY THE BOARD OF HARBOUR COMMISSIONERS OF THE CITY OF LOS ANGELES

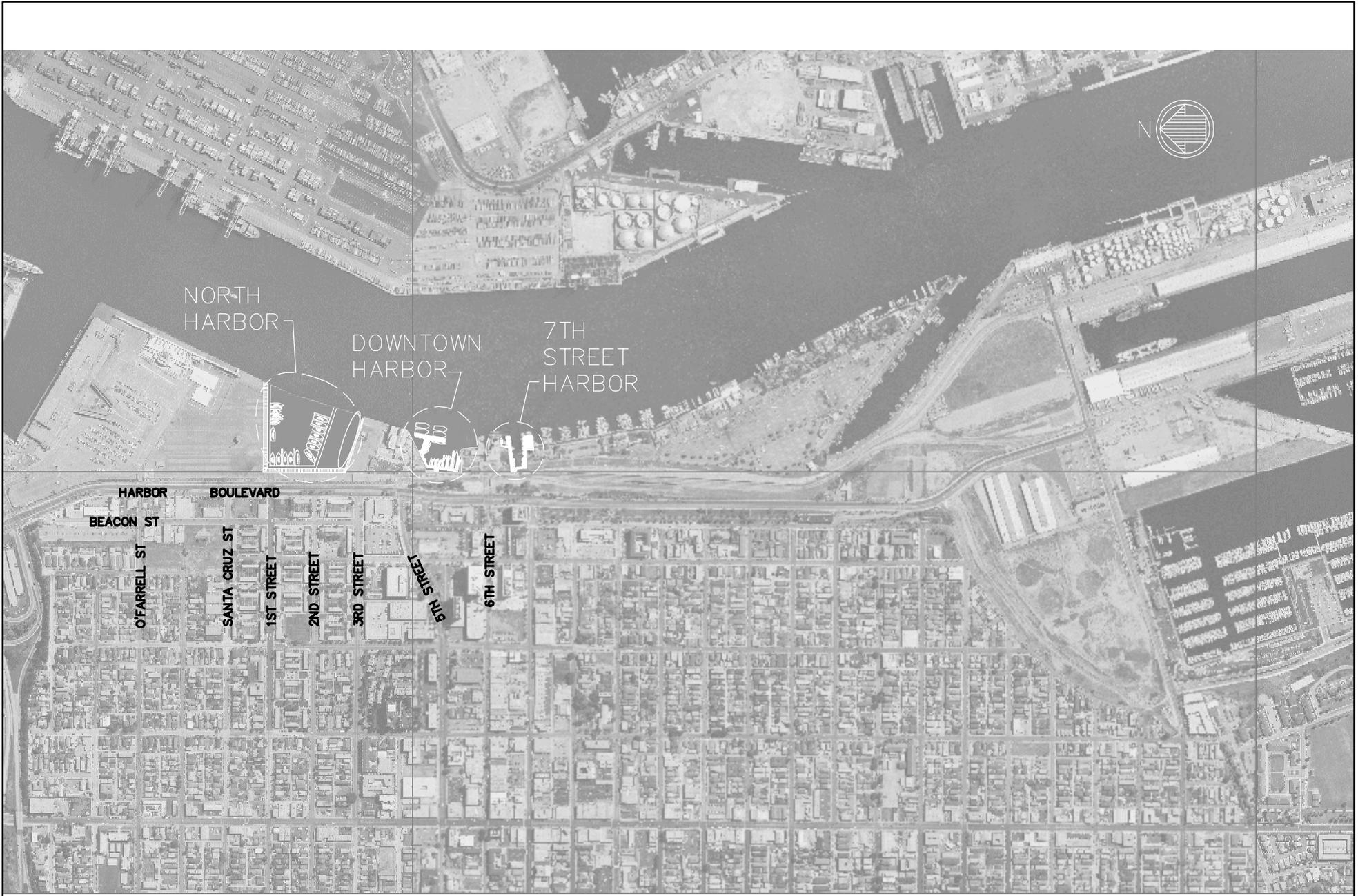
2003

PREPARED BY THE TERMINAL & BERTH SECTION  
ENGINEERING & CONSTRUCTION DIVISION  
UNDER THE SUPERVISION OF JAMES BARNETT

3/20/06  
KALD Chief of Design  
HULL Chief Harbor Engineer  
MAY & JONES Chief Harbor Engineer



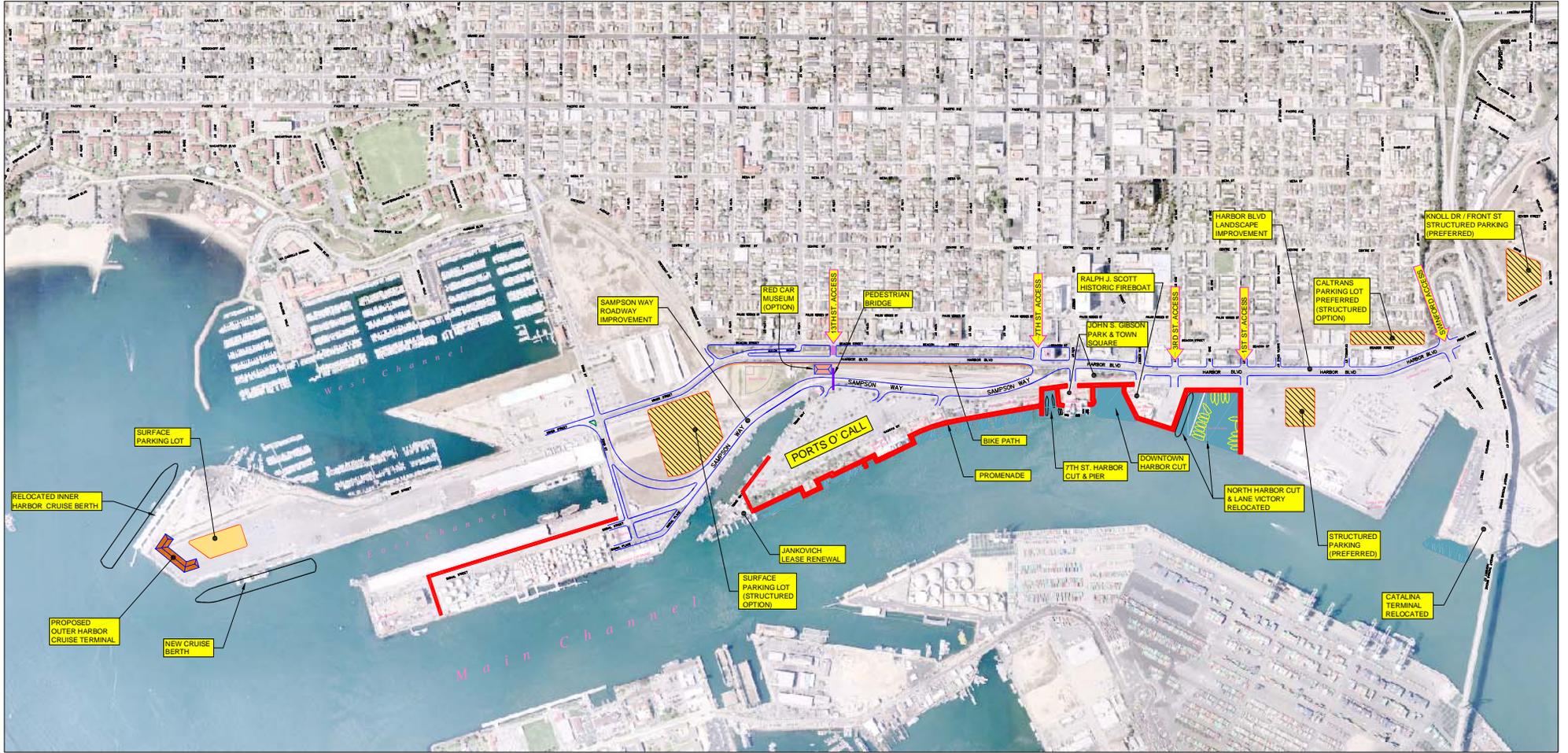
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PORT OF LOS ANGELES  
 ENGINEERING DIVISION P.O. BOX 151 SAN PEDRO, CALIF.

SAN PEDRO WATERFRONT  
 WATER CUT LOCATIONS  
 AERIAL VIEW - NO SCALE

12/06  
 FIG.  
 2



PROMENADE / PEDESTRIAN PATHWAYS

