



PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

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**APPLICATION TO RE-ISSUE PERMIT
Berths 226-236 [Everport] Container Terminal Improvements Project**

Public Notice/Application No.: SPL-2013-00756-TS

Project: Berths 226-236 [Everport] Container Terminal Improvement Project

Comment Period: March 8 through March 23, 2021

Project Manager: Theresa Stevens; (805) 585-2146; theresa.stevens@usace.army.mil

Applicant

David M. Walsh, P.E., Chief Harbor Engineer
Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, California 90731

Contact

Brian Correa
Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, California 90731

Location

The project is located in Los Angeles Harbor, Port of Los Angeles in the city and county of Los Angeles, CA (approximate lat: 33.7430, long: -118.2736).

Activity

The applicant proposes to complete project elements in navigable waters of the U.S. that were not completed under the previous Department of the Army permit; the previous permit expired on February 14, 2021. Activities to be completed under a reissued permit include: approximately 30,400 cubic yards (cy) of dredging with disposal at LA-2, installation of structural wharf improvements along Berths 226-232, installation of approximately 65 linear feet of sheetpile to complete wharf stabilization, installation of five new cranes and raising of five existing cranes and installation of two alternative maritime power units on the wharf to allow electrification of ships at berth (see attached drawings). For more information see Additional Project Information section below.

Submittal of Public Comments

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 103 of the Marine Protection, Research and Sanctuaries Act and Section 10 of the Rivers and Harbors Act.

During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to: theresa.stevens@usace.army.mil. Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Theresa Stevens directly at (805) 585-2146.

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

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 Part 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 need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A joint federal/state Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was prepared prior to issuance of the previous DA permit. A Record of Decision (ROD) for the EIS was finalized on January 4, 2018. A preliminary determination has been made a subsequent EIS is not required for the remaining work or structures.

Water Quality- The applicant obtained water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board for the previous DA permit (R4-2018-0067). Section 401 requires any applicant for a DA permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- The project is located in an area for which the California Coastal Commission has approved a Harbor Master Plan. The Board of Harbor Commissioners issued a Coastal Development Permit for the previous DA permit (CDP No. 18-01, June 5, 2018) pursuant to authority provided by to them under the State Coastal Zone Management Program (i.e., the California Coastal Act) and the Harbor Master Plan. At that time, the Corps determined the project was consistent with the Coastal Zone Management Act (CZMA). Similarly, the Corps has determined the remaining work and structures to be constructed in navigable waters of the U.S. are consistent with the State's Coastal Zone Management Program. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence with the Corps determination.

Essential Fish Habitat- The Corps consulted with the National Marine Fisheries Service (NMFS) during the previous permit evaluation and obtained concurrence from NMFS that the project would not adversely affect or have a substantial adverse impact on EFH or federally managed fisheries in California waters (NMFS letter dated May 31, 2017). The Corps' final determination relative to remaining project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS. If the Corps does not receive written comments (e-mail preferred) within the 15-day notification period, the Corps will assume concurrence by NMFS that no mitigation measures are necessary.

Cultural Resources- The Corps completed consultation with the SHPO and obtained concurrence that the DA permit would have no effect on historic properties in the area of potential effect (APE) (SHPO letter dated July 13, 2016). This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources in the APE.

Endangered Species- The Corps consulted with the U.S. Fish and Wildlife Service on potential impacts to the California least tern (CLT) and received concurrence from the FWS that the project may affect but would not likely adversely affect California least terns (FWS letter dated June 5, 2017).

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required- The applicant proposes to complete project elements in navigable waters of the U.S. that were not completed under the previous Department of the Army permit. Activities to be completed under a reissued permit include:

- approximately 30,400 cubic yards (cy) of dredging with disposal at LA-2,
- installation of approximately 65 linear feet of sheetpile to complete wharf stabilization,
- installation of structural wharf improvements,
- installation of five new cranes and raising of five existing cranes, and
- installation of two alternative maritime power units on the wharf to allow electrification of ships at berth.

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. No discharges that would require authorization under section 404 of the Clean Water Act are proposed; however for the purpose of disclosure the overall purpose for the proposed project is container terminal upgrades to facilitate maritime goods movement.

Additional Project Information

Baseline information- The project would resume construction activities in navigable waters that were previously authorized by the Corps. The previous DA permit expired on February 14, 2021. Work completed to date includes: approximately 7,600 cy of dredging with disposal at LA-2, installation of approximately 1,518 linear feet of sheet piles to stabilize the wharf, installation of three alternative maritime power units and various backland improvements located outside the jurisdiction of the Corps.

Proposed Mitigation- The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the Corps regulations. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: Navigable waters cannot be avoided during dredging or pile driving.

Minimization: The construction area would be limited to the dredge footprint at an existing container terminal and the surface of the wharf where AMP units and cranes would be installed/raised.

Compensation: No compensatory mitigation has been proposed. The previous permit did not require compensatory mitigation because no loss of navigable waters was proposed.

Proposed Special Conditions

The previous permit and its special conditions are attached for reference. The proposed action would be similarly conditioned, although some conditions will be updated to reflect changes in regulations since the permit was issued.

For additional information please call Theresa Stevens of my staff at (805) 585-2146 or via e-mail at theresa.stevens@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



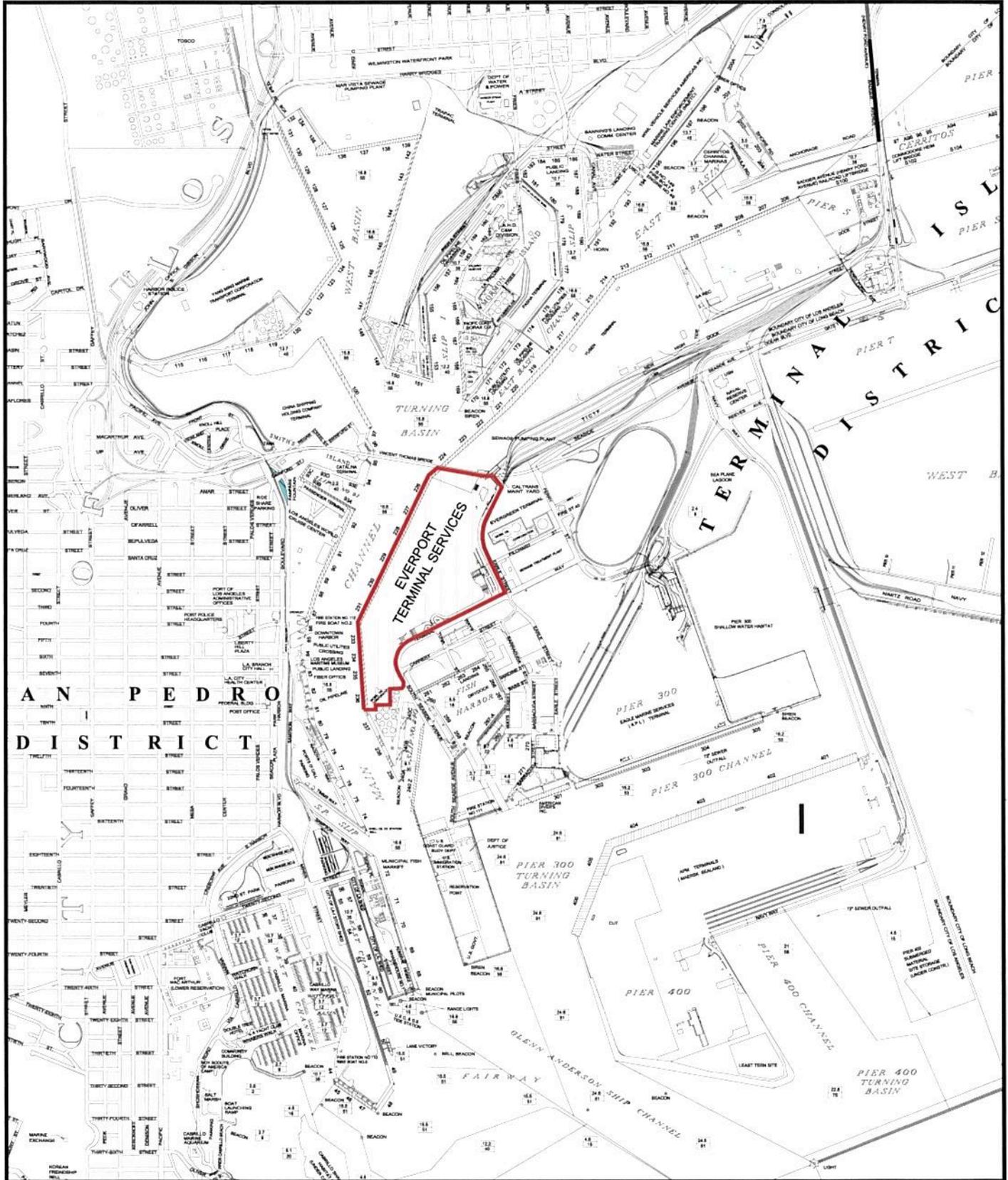
Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

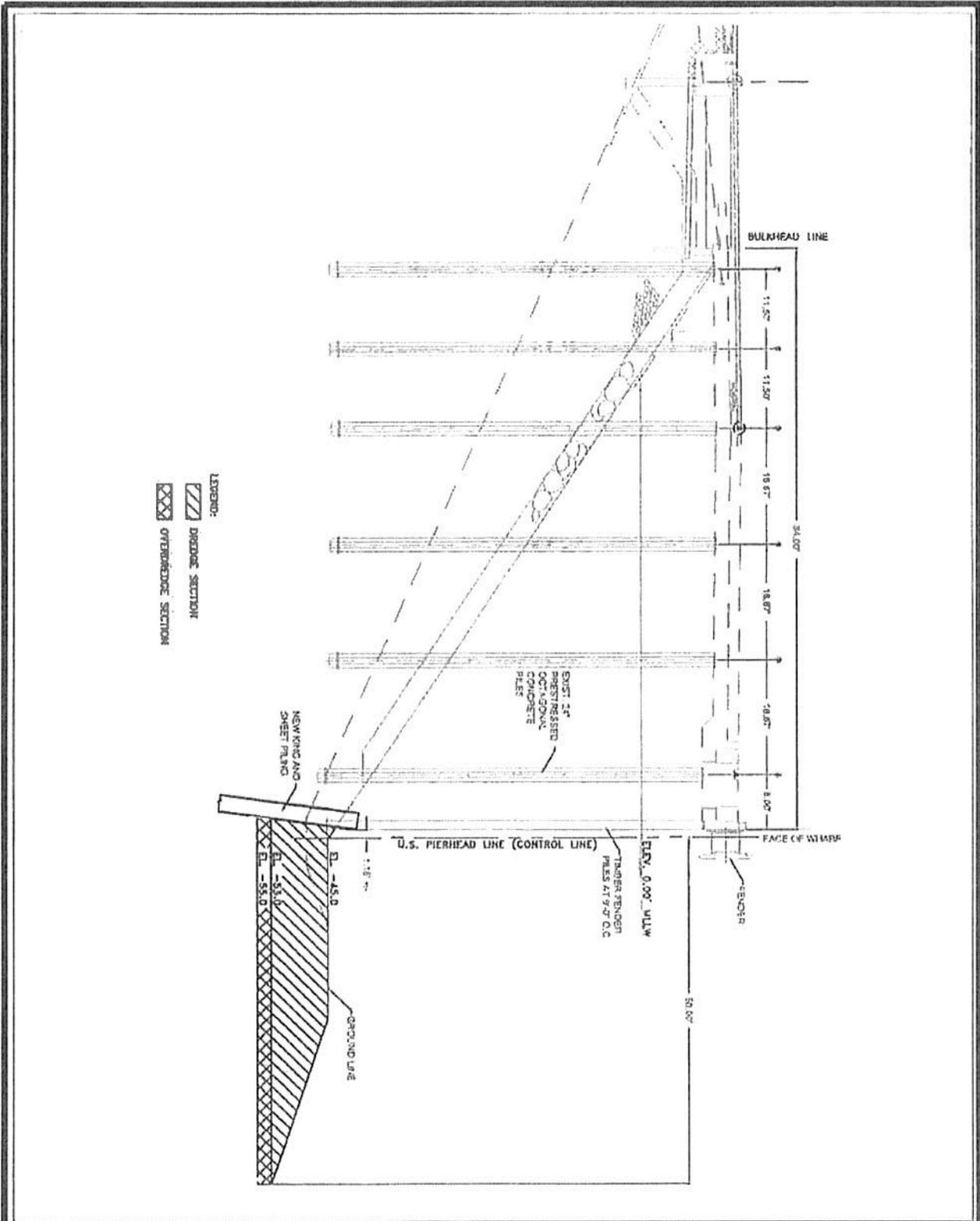
**DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
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LOS ANGELES HARBOR AND VICINITY



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SCALE 1" = 20'	CHIEF OF DESIGN <i>Stewart L. Frutkin</i>
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CHECKED BY H. CISNEROS	<i>[Signature]</i>
DESIGNED BY B. CORREA	<i>[Signature]</i>
ENR/ARCH	<i>[Signature]</i>
	CHIEF HARBOR ENGINEER DATE 11.22.13

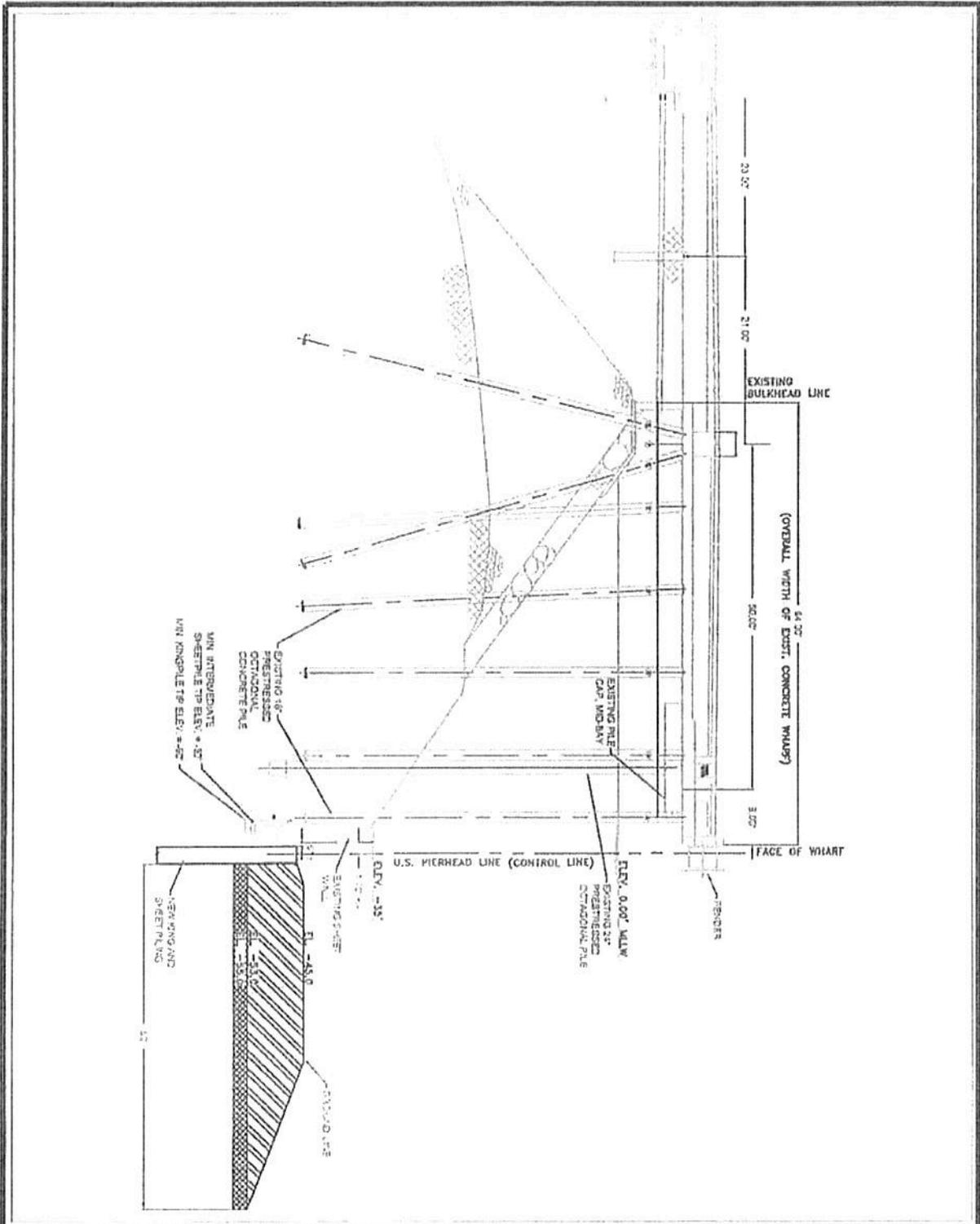
BERTHS 226-236 TERMINAL IMPROVEMENTS

BERTHS 226-229 TYPICAL SECTION

LA THE PORT OF LOS ANGELES
 ENGINEERING DIVISION
 434 S. PALMS YARDS STREET SAN PEDRO CA 90731-5308

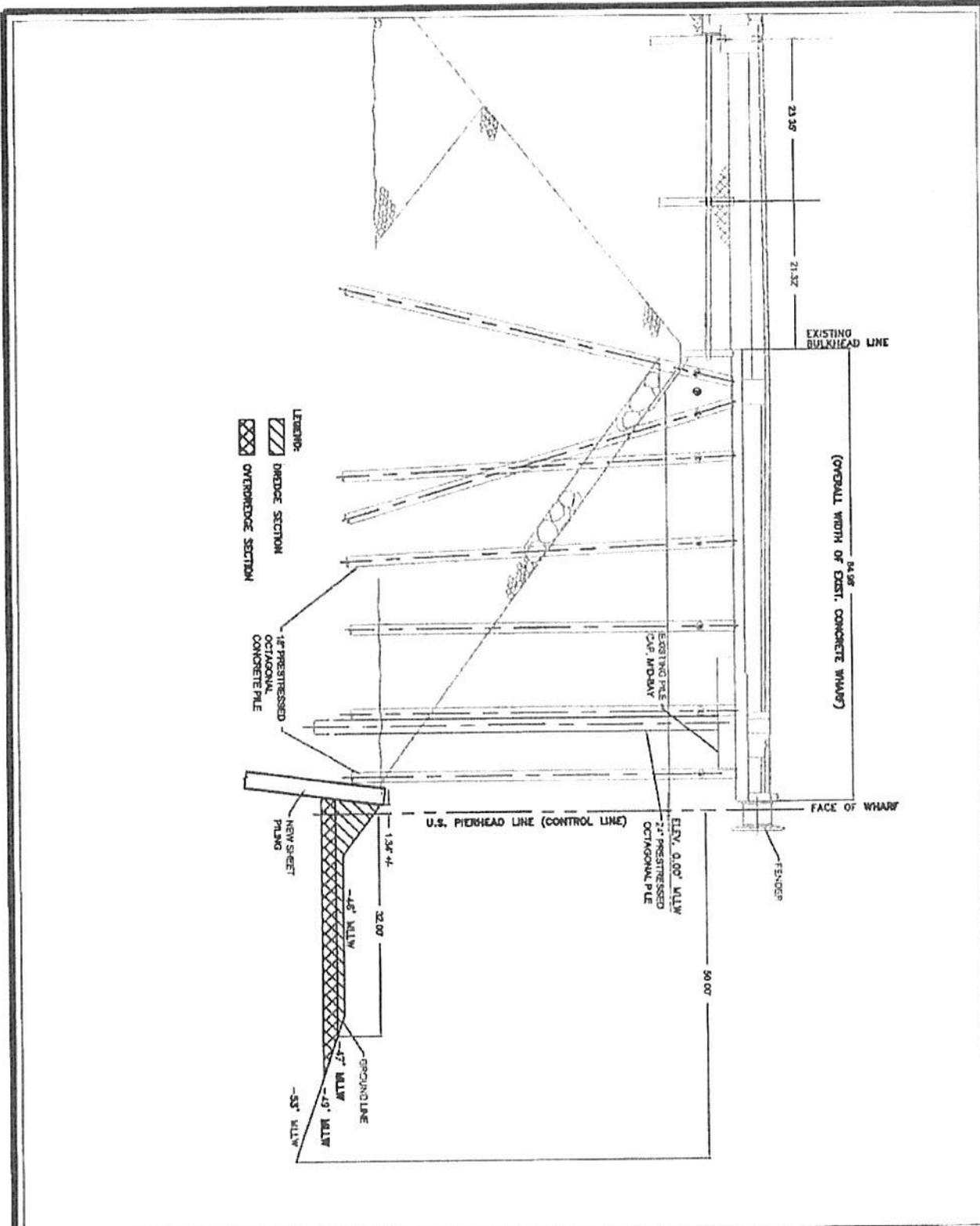
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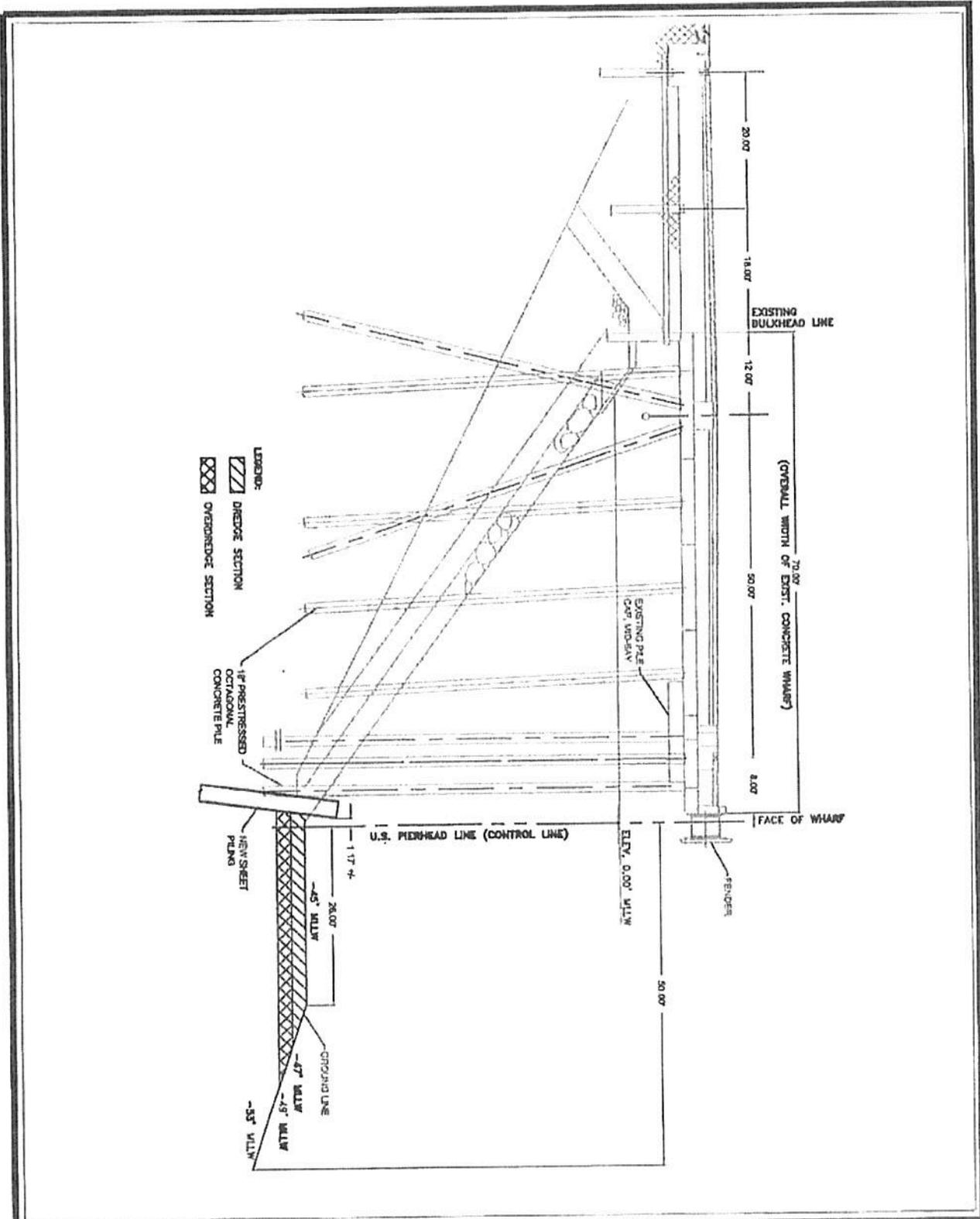
BERTHS 226-236 TERMINAL IMPROVEMENTS BERTH 229 TYPICAL SECTION		THE PORT OF LOS ANGELES ENGINEERING DIVISION 425 S. PALM YARDS STREET SAN PEDRO CA 90731-3208	DRAWING NUMBER 5-7312-2
SCALE: 1" = 20'	CHIEF OF DESIGN <i>Stewart L. Frick</i> ASSISTANT CHIEF OF HARBOUR ENGINEER		
DRAWN: B. CORREA CHECKED: H. CISNEROS DESIGNED: B. CORREA	CHIEF HARBOUR ENGINEER <i>Stewart L. Frick</i> DATE: 11/23/13		

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DRAWN: B. CORREA CHECKED: H. CISNEROS DESIGNED: B. CORREA ENGR/ARCH	DESIGNED BY: <i>B. Correa</i> DATE: 11.22.13		DRAWING NUMBER 5-7312-3
THE PORT OF LOS ANGELES ENGINEERING DIVISION <small>430 S. PALM VERDE STREET SAN PEDRO CA 90731-3300</small>			

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CHECKED: H. CISNEROS		THE PORT OF LOS ANGELES ENGINEERING DIVISION 433 S. PALM VERDE STREET SAN PEDRO CA 90731-5000	
DESIGNED: B. CORREA			
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CHIEF OF DESIGN <i>Stewart L. Frick</i> ASSISTANT CHIEF OF HARBOR ENGINEER CHIEF HARBOR ENGINEER		DATE 11.22.12	