



SPECIAL PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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**APPLICATION FOR PERMIT/
NOTICE OF INTENT TO PREPARE
AN ENVIRONMENTAL IMPACT STATEMENT /
SCOPING MEETING**

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

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

Comment Period: October 24, 2014 through November 24, 2014

Project Manager: Theresa Stevens, Ph.D.; 805-585-2146; theresa.stevens@usace.army.mil

Applicant

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Location

The proposed project is located on Terminal Island at Berths 226-236 in the Port of Los Angeles, Los Angeles Harbor, in the City and County of Los Angeles, California (33.7430 °N, -118.2736° W). Specifically, the Everport Container Terminal is located on the west side of Terminal Island along the Main Channel.

Activity

For more information see below and drawings.

Interested parties are hereby notified that 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 support the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. The proposed project is being evaluated under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), Section 103 of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1413) and the Corps implementing regulations (33 CFR parts 320-332).

Written comments to the Corps will be received until **November 24, 2014**, and should be mailed to the addresses below:

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
Ventura Field Office
Attn: SPL-2013-00756-TS
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Alternatively, comments can be sent electronically to: **theresa.stevens@usace.army.mil**

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

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 committed to protect aquatic resources through the improvement of regulatory products and processes, program transparency, and through customer feedback.

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.

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 Los Angeles Harbor Department (LAHD) for a permit, in accordance with Section 10 of the Rivers and Harbors Act (RHA) and Section 103 of the Marine Protection, Research and Sanctuaries Act, to conduct work and erect structures to upgrade an existing container terminal, and transport dredged material for the purpose of ocean disposal. The project would increase the depth at the project site as a result of dredging, construct wharf improvements, and replace or modify existing container cargo handling cranes with larger cranes. In addition, the Port is proposing to beneficially re-use dredged material to the extent feasible or dispose of unsuitable dredged material at the Corps-approved Berths

243-245 Confined Disposal Facility (CDF), and dispose of suitable material offshore at LA-2, or an approved upland location.

The primary federal action is the proposed issuance of permits authorizing work (dredging and wharf improvements) and structures (wharf improvements and cranes) in, over or under navigable waters of the United States (U.S.). For the Corps, approval of a permit under Section 10 of the RHA for activities associated with the proposed Project or project alternatives is an action that might result in significant effects on the environment. The Corps and the Port independently determined under the National Environmental Policy Act (NEPA, 40 CFR 1500-1508) and the California Environmental Quality Act (CEQA), respectively, potentially significant environmental impacts associated with the proposed action and an EIS under NEPA and an environmental impact report (EIR) under CEQA are required. The Corps and the Port have agreed to jointly prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) in order to optimize efficiency and avoid duplication. The DEIS/DEIR is intended to be sufficient in scope to address the Federal, state, and local requirements and environmental issues concerning the proposed activities and permit approvals. The EIS/EIR would be used by the Corps as part of their decision-making and permit approval process.

The Corps may ultimately make a determination to permit or deny the proposed project, or permit modified version of the proposed Project. As required by NEPA, the Corps published a Notice of Intent to Prepare an EIS (NOI) in the Federal Register October 24, 2014. Public comments on this public notice will be received until **November 24, 2014**.

State Action

The Port is proposing terminal improvements at the Everport Terminal at Berths 226-236. The primary purpose of the Draft EIR is to identify the significant environmental effects of the proposed Project so the decision-makers can consider them as part of the proposed project approval process. Also, the Port would use the EIR to support permit applications and other actions required to implement the proposed project or a project alternative.

Pursuant to CEQA, the LAHD will serve as Lead Agency for the preparation of an EIR for its consideration and development approvals within its jurisdiction. The LAHD prepared a Notice of Preparation (NOP), in accordance with the City of Los Angeles Guidelines for the Implementation of the CEQA (1970, Article 1), State CEQA Guidelines (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 NOP to the LAHD. Public comments on the NOP will be received until **November 24, 2014**.

Scoping Meeting

The U.S. Army Corps of Engineers and the Port of Los Angeles will jointly hold a public scoping meeting to receive public comments and to assess public concerns regarding the scope of the Draft EIS/EIR and project. **This meeting will be held on November 13, 2014, starting at 6:00 PM (doors open at 5:30 PM) in the Board of Harbor Commissioners Hearing Room located in the Harbor Administration Building, at 425 S. Palos Verdes Street, San Pedro, California 90733.**

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 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. If the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the USEPA 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 (NEPA). 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 preliminary determination has been made that an Environmental Impact Statement is required for the proposed action. Digital copies of the Corps' Notice of Intent (NOI, *Federal Register*) and LAHD's Notice of Preparation/Initial Study (NOP/IS) are available upon request, and are available at the Port of Los Angeles web site (<http://www.portoflosangeles.org/>) or at the following locations:

- <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>
- Port of Los Angeles Administration Building, 425 S. Palos Verdes Street, San Pedro, CA 90731
- Los Angeles City Library, San Pedro Branch, 931 Gaffey Street, San Pedro, CA 90731
- Los Angeles City Library, Wilmington Branch, 1300 N. Avalon, Wilmington, CA 90744
- Los Angeles Public Library, Central Branch, 630 W. 5th Street, Los Angeles, CA 90071

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.

Coastal Zone Management- The applicant is required to certify the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan.

Essential Fish Habitat- Several elements of the proposed project would take place in the marine environment which is defined as EFH pursuant to the Magnuson-Stevens Fisheries Conservation and Management Act. Specifically, the proposed project would take place in an area

designated as EFH for species managed pursuant to the Coastal Pelagics Fishery Management Plan (FMP) and Pacific Groundfish Fishery Plan. The proposed Project activities are not included in the list of activities for which the National Marine Fisheries Service (NMFS) and U.S. Army Corps of Engineers Los Angeles District have determined would have minimal individual and cumulative impacts on EFH; therefore, consultation with NMFS is required.

The proposed project would impact areas designated as EFH through dredging, wharf improvements (sheet pile and king pile installation), and transport and disposal of dredged material offshore at LA-2. The potential impacts would involve substantial noise, disturbance associated with greater activity at the site, accidental discharges of debris or construction materials, and turbidity and benthic disturbances associated with the proposed dredging to create additional depth for deep draft vessels. An EFH assessment will be prepared as part of the Draft EIS/EIR.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. Consultation with tribal representatives and the State Historic Preservation Officer will be initiated concurrent with the Draft EIS.

Endangered Species- California least tern (*Sterna antillarum browni*), a federally-listed endangered migratory bird species, is known to nest on an existing 15-acre area on Pier 400 in the Outer Harbor. California least terns are also known to forage throughout shallow water areas of the Port, including the shallow water habitat area in the Inner Cabrillo bay area, Pier 300 Shallow Water Habitat Area/Seaplane Lagoon. No designated critical habitat for California least terns or any other federally listed endangered or threatened species occurs within Los Angeles Harbor/Port of Los Angeles. During the proposed construction activities, California least tern foraging may be affected by increased noise and activity, and turbidity associated with the proposed project. However, dredging activities which may increase turbidity may be scheduled to avoid the California least tern nesting season which would minimize impacts on tern foraging activity.

Proposed Activity for Which a Permit is Requested

The purpose of the proposed Project is to improve marine shipping and commerce by upgrading container terminal infrastructure in, over, and under water and on terminal backlands to accommodate the projected throughput and fleet mix of larger container ships (up to 16,000 twenty-foot equivalent units [TEU]) that are anticipated to call at the terminal through 2038. The proposed Project is needed because the existing berths at the terminal are not deep enough to accommodate the projected fleet mix; additional cranes are needed to efficiently load and unload the larger container ships expected to call at the Everport Container Terminal; and additional backland area is needed to accommodate future operations.

The following proposed activities require authorization from the U.S. Army Corps of Engineers Regulatory Division.

Berths 226-229

Approximately 25,000 cubic yards (cy) of dredging would increase the design depth from -45 feet to -53 feet mean lower low water (MLLW), approximately 1,400 linear feet of king piles and sheet piles would be installed to stabilize the wharf, three new 100-foot gauge overwater gantry cranes would be installed and three existing cranes would be modified to increase their overall height and reach.

Berths 230-232

Approximately 7,000 cy of dredging would increase the design depth of -47 feet MLLW and approximately 1,400 linear feet of sheet piles would be installed to stabilize the wharf.

Approximately 1,300 cy of maintenance dredging would restore a design depth of -45 feet MLLW at Berth 229.

All proposed depths would include an overdredge depth of an additional two feet below the proposed depths described above.

With the proposed project, a total of 11 cranes (8 existing, 3 new) would operate at the Everport Terminal.

Dredged Material Disposal

Dredged material would be beneficially re-used, or disposed at an approved upland facility (if available), confined disposal facility (CDF) or offshore at LA-2, following review of sediment testing and receiving approval from the South Coast Dredged Materials Management Team/Contaminated Sediments Task Force (SC-DMMT/CSTF). Construction activities are scheduled to begin in 2017 and would take approximately 24 months to complete; these activities would be phased to maintain terminal operations during construction.

Additional Project Information

The following actions do not require a Corps permit but indirect and cumulative impacts of these actions will be evaluated in the Draft EIS/EIR as required by NEPA: [re]development of approximately 22 acres of existing developed land and 1.5 acres of vacant land as new backlands; installation of infrastructure to support the additional cranes and the new backland area (e.g., cable, electricity, lighting, drainage); closure of portions of Terminal Way, Barracuda Street, Tuna Street, and Ways Street within the Project site and rerouting of Terminal Way traffic to Cannery Street; improvements to Cannery Street; lease amendments to include the new 23.5 acre backland plus 25 acres of existing backlands under space assignment; and, extension of the lease from the current termination date of 2028 to 2038.

The proposed actions for which a Corps permit is required are being evaluated under Section 10 of the Rivers and Harbors Act and Section 103 of the Marine Protection, Research and Sanctuaries Act. The proposed project does not include new discharges of fill material. Disposal of dredged material at the CDF for the purpose of creating a landfill was previously authorized by the Corps under Section 404 and Section 10 (Corps permit No. SPL-2008-00662-AOA). As such, potential use of the CDF does not require additional Section 404 authorization by the Corps, and the overall project purpose which is typically used by the Corps to evaluate compliance of the proposed project or project alternative with the Section 404(b)(1) Guidelines does not apply. Sediment proposed for dredging will be sampled and tested in accordance with the U.S. EPA and Corps' Ocean Disposal Manual (1991) or Inland Testing Manual (1998). The test results are utilized by the U.S. EPA and Corps to make factual determinations on the suitability of dredged material for in-water/ocean disposal. Alternatives to the proposed Project are being evaluated in the EIS as required by NEPA, 33 CFR 320.4, and 33 CFR 325 Appendix B.

NEPA and CEQA require preparation of an EIS or EIR, respectively, 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 proposed project described in the Draft EIS/EIR is to optimize container handling efficiency at the Everport Container Terminal. 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.

Existing Site Development and Infrastructure

The Everport Container Terminal encompasses 205 acres terminal which includes cargo ship loading/unloading areas (the wharf and backlands), a container and chassis parking/storage yard, a container and equipment wash area, a maintenance and repair area, a power shop area, a marine tower area, a fuel dispensing area, a gear room area, various supply storage areas, a warehouse and consolidation area, a crane maintenance area, and an administration building area. Most of the terminal yard is paved with asphalt, but some areas around buildings and on equipment runways are paved with concrete.

Proposed Mitigation – Impacts and mitigation associated with dredged material disposal at the CDF have been previously evaluated and mitigated in accordance with the section 404(b)(1) Guidelines (40 CFR 230) and authorized by the Corps under section 404 of the Clean Water Act (Corps Permit No. SPL-2008-00662-AOA). Similarly, the LA-2 offshore disposal site was approved by the U.S. Environmental Protection Agency in 1988 and 2005 (as amended). Mitigation for impacts to waters of the U.S. have not yet been proposed by the applicant. If a Corps permit is approved, the Corps' special conditions may be modified as a result of comments received in response to this public notice and the Draft EIS, the applicant's response to those comments, the Corps' public interest review pursuant to 33 CFR 320.4, and/or the requirements of the dredged material test results.

Avoidance: The Draft EIS/EIR will evaluate alternatives to the proposed project which would avoid all or some impacts in waters of the U.S.

Minimization: Minimization measures will be developed as needed, in response to public comments, agency consultation, and coordination with the applicant.

Compensation: Compensatory mitigation will be developed as needed, in response to public comments and agency consultation.

Proposed Special Conditions

Special conditions will be developed as needed, in response to public comments, agency consultation, and coordination with the applicant.

For additional information please contact Theresa Stevens, Ph.D. 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.

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

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