



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT Carnival Cruise Terminal Improvement Project

Public Notice/Application No.: SPL-2019-00331-LM

Project: Carnival Cruise Terminal Improvement Project

Comment Period: June 28, 2019 – July 29, 2019

Project Manager: Lisa Mangione; (805) 585-2150; Lisa.Mangione@usace.army.mil

Applicant

Wilkin Mes
Carnival Corporation and PLC
231 Windsor Way
Long Beach, California 90802

Contact

Brian Leslie
GHD
9370 Sky Park Court, Suite 140
San Diego, California 92123

Location

In the Pacific Ocean at the Carnival Cruise terminal, Port of Long Beach in the city of Long Beach, Los Angeles County, CA (lat: 33.751466, long: -118.187165).

Activity

Dredging and terminal facilities improvements to accommodate a new Vista-class vessel, in association with Carnival Cruise Terminal Improvement Project (see attached drawings). For more information see Additional Project Information section below.

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, Section 10 of the Rivers and Harbors Act, and Section 404 of Clean Water Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Lisa Mangione
60 California Street, Suite 201
Ventura, California 93001-2598

Alternatively, comments can be sent electronically to: Lisa.Mangione@usace.army.mil

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 preliminary determination has been made that an environmental impact statement is not required for the proposed work.

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. The applicant has applied for a Section 401 Water Quality Certification with the Los Angeles Regional Water Quality Control Board.

Coastal Zone Management- The applicant has certified the proposed activity would comply with and would be conducted in a manner 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 the project is consistent with the State's Coastal Zone Management Plan. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence.

Essential Fish Habitat The Corps of Engineers preliminary determination indicates the proposed activity may adversely affect EFH. Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Los Angeles District hereby requests initiation of EFH consultation for the proposed project. In order to comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA), pursuant to 50 CFR 600.920(e)(3), the Corps is providing, enclosing, or otherwise identifying the following information:

1. Description of the proposed action: See project description beginning on page 5 of this public notice.
2. Onsite inspection information: See baseline information beginning on page 4 of this public notice.

Essential Fish Habitat (EFH) is designated for species managed in Fisheries Management Plans under the Magnuson Stevens Act (MSA). EFH applies to species within the Action Area for the proposed project. Under the MSA, Long Beach Harbor is designated as Essential Fish Habitat within Coastal Pelagic Fishery Management Plan (CPS FMP) (includes five species and Euphausiids in the POLB), Pacific Groundfish Fishery Management Plan (PG FMP) (85 species in the POLB), and the Highly Migratory Species Fishery Management Plan (HMS FMP) (11 species in the POLB). The CPS FMP was created to promote efficient, sustainable, and profitable fishery practices and to prohibit the harvest of krill species. The HMS FMP seeks to manage sustainable fisheries in the eastern Pacific Ocean across jurisdictional boundaries. No Habitat Areas of Particular Concern (HAPCs) have been designated under this plan as of 2018. The PG FMP prohibits activities such as bottom trawling and dredging that could result in long-term damage to the ocean floor. In addition, the plan designates HAPCs such as kelp, sea grass beds, and estuaries. HAPCs in the Port of Los Angeles/POLB include kelp, and eelgrass beds in the harbor.

A biological assessment (BA) was prepared for the project by GHD (March 5, 2019, *Draft Biological Assessment for the Long Beach Cruise Terminal Improvement Project*) and is being provided to the

National Marine Fisheries Service under separate cover. Pages 15 – 17 of the BA contain detailed information on baseline site conditions.

Kelp and eelgrass beds in the harbor are located primarily on the Los Angeles side of the Port Complex, and eelgrass is not believed to occur close to the construction area. Kelp is present in narrow bands along Pier J close to the construction area and would require measures to minimize potential indirect impacts during project construction.

3. Analysis of the potential adverse effects on EFH: Potential project-related effects on EFH are described below and can be found on pages 76-77 of the BA.

Due to the nature of the project, there is a potential for adverse effects to EFH managed species and their habitats from construction involving pile driving in the POLB. It is possible for any of the Coastal Pelagic species to occur in the project area. However, the only species that have a moderate to high potential of occurring in the project area, based on previously conducted biological surveys, are Northern Anchovy (*Engraulis mordax*), Pacific Sardines (*Sardinops sagax*), and Jack Mackerel (*Trachurus summerricus*). In addition, the results of extensive biological surveys indicate that the only Pacific Groundfish species likely to occur in the project area are English Sole (*Parophrys vetulus*), Vermillion Rockfish (*Sebastes miniatus*), and California Skates (*Raja inornata*). In addition, no species managed under the HMS FMP are likely to occur in the POLB, based on previous biological surveys (MBC Applied Environmental Sciences 2016, MBC Aquatic Sciences 2018).

The new expanded dock and other over water structures will increase overwater shading by 5,340 square feet (sq ft) (see table below).

Shade Area Quantities (sq ft):

Location	Quantity
Tower Foundation Structure	1,400
South Mooring Dolphin	1,300
North Mooring Dolphin	1,300
Catwalk Around Tower Foundation	800
South Mooring Dolphin	300
North Mooring Dolphin Catwalk	330
Total	5,340

Project construction will not result in increased shading over eelgrass beds. No estuaries, wetlands, mudflats, or marshes are located in the project disturbance area. As the Proposed project consists of minor alterations to the existing Carnival Cruise berth, no high-quality habitat will be lost. Construction will result in no physical barriers to wildlife movement. In addition, proposed project activities are localized and temporary and will not result in any long-term adverse impacts to water quality. Under existing conditions the project area experiences significant turbidity. Potential acoustic impacts to fish and marine mammals as a result of pile driving activities will be minimized or mitigated via the proposed conservation measures (i.e. "soft start" when pile driving, which would cause wildlife in the immediate vicinity to leave, biological observers, bubble curtains, etc.).

4. Proposed minimization, conservation, or mitigation measures:

Proposed minimization, conservation and mitigation measures are presented in pages 10 – 15 of the biological assessment. These include general habitat conservation measures, noise mitigation measures, dredging mitigation measures, marine mammal conservation measures, avian

conservation measures, sea turtle conservation measures, pile driving mitigation measures, and steelhead conservation measures.

5. Conclusions regarding effects of the proposed project on EFH:

It is the Corps' initial determination 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' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NOAA Fisheries. If NOAA Fisheries does not provide written comments (regular mail or e-mail) within the 30-day notification period, the Corps will assume NOAA Fisheries' concurrence.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Special conditions requiring sea turtle and marine mammal monitoring during construction would be included in the Corps permit for the project. Although no live occurrences of the federally endangered green sea turtle (*Chelonia mydas*) have been reported within the Port of Long Beach, this species is known to occur in the larger Port complex. The proposed special conditions are intended to avoid affects to green sea turtle. Therefore, the Corps has made a no effect determination for this species, and formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

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

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. The overall project purpose for the proposed project is to conduct port infrastructure improvements to accommodate mooring and passenger boarding for the *Vista* class public cruise vessel design.

Additional Project Information

Baseline information - Prior to urbanization and port development (circa 1870), the Los Angeles and San Gabriel Rivers commingled in a large estuary at San Pedro Bay – approximately 3,450 acres of

sloughs, mudflats, and salt marsh. By the 1930's, harbor-oriented channelization and landfill projects had largely reshaped the lagoon into the Los Angeles and Long Beach Harbors. The estuary underwent extensive industrial, commercial, and residential development, and its ecological diversity decreased. This led to a change of the historic estuarine habitat into mainly deepwater habitat, particularly due to commercial and industrial development at the ports. The ecological importance of the remnant estuary area occupied by the Los Angeles/Long Beach Port complex has significantly increased over time however, due to the scarcity of estuarine resources in the Southern California Bight.

The project site is within a major Port Complex which has been extensively modified over a period of more than a century, including extensive areas of historic fill. As a result, most of the area is not in a natural condition. Open water portions of the Port Complex are generally maintained for shipping (28-47 feet depth MLLW in the project dredge footprint) (Appendix A, Figure 3 - Bathymetry). The bottom is predominantly fine silt and turbidity is high as a result of frequent shipping traffic. In the project area, visibility below the surface generally extends only one to two feet (observation from GHD site visit in 2018). Shorelines are generally rock armored, with very limited, mostly non-native vegetation growing on the few vegetated shoreline areas. Terrestrial areas were generally paved as roads, parking lots, structures, or service areas. Small areas of landscaping are present generally as linear strips along roadsides or in medians or adjacent to structures. These landscaped areas consist largely of evenly spaced palms, eucalyptus, and other ornamentals with mowed or maintained grass or a few ornamental flowering plants or low shrubs as the ground layer. Overall, there is very little habitat structure within either marine or terrestrial habitats. Areas surrounding the POLB on the land side are generally dense urban or industrial, with a few small maintained recreational parks and beaches.

Project description

Project Elements

1. Dredging

The project includes deepening of the existing berth from the current design depth of 30 feet (ft) Mean Lower Low Water (MLLW) plus 1 foot of over-dredge to a new design depth of 36 ft MLLW plus 1 foot of over-dredge for a total depth of 37 ft MLLW. The estimated dredging volume is approximately 33,250 cubic yards (cy) from a 9 acre area (an irregular shape with the approximate dimensions of 1270 x 423 ft). The dredging will result in temporary impacts within the proposed dredge footprint.

Method of Construction & Equipment Used: The equipment to be used for the dredging operations includes a barge with electric clamshell dredge with at least two tug boats and two hopper barges. Active dredging is anticipated to take approximately 21 days, due to ship schedules. The dredging work may occur during times when pile driving is also taking place.

2. Disposal at LA-2 ODMDS

The project proposes the disposal of approximately 33,250 cy of dredged silt and sand from the berth at the LA-2 ODMDS. Dredged materials were deemed compatible for placement at LA-2 based on the Sampling and Analysis Plan Report (SAPR, prepared in February 2019) and in coordination with the Southern California Dredged Material Management Team.

Method of Construction & Equipment Used: Dredged materials are to be transported to LA-2 via hopper barge and tugboat.

3. Mooring Dolphins and Associated Catwalks

The addition of two high-capacity, pile-supported mooring dolphins are proposed to allow for adequate mooring capacity during reasonably anticipated dockside operations, often including high winds and long-period wave swell actions. A total of 40, 36" diameter steel pipe piles are proposed for the mooring dolphins (20 piles each). Both mooring dolphins would connect back to the wharf deck via new catwalks. The areas these mooring improvements will occupy are provided below.

Project Dimensions & Waters of the U.S. Impacts

Project Element Description	Total Footprint (sq ft)	Dimensions (ft)	Bottom Height (ft) above MLLW	Top Height (ft) above MLLW	Impact Type
South Mooring Dolphin	1,140	30 x 38	10	15	Shading
South Mooring Dolphin Catwalk	280	70 x 4	15	17	Shading
North Mooring Dolphin	1,140	30 x 38	10	17.5	Shading
North Mooring Dolphin Catwalk	330	82 x 4	15	17	Shading
40 Steel Pipe Piles (36" diameter)	4,520	36"	-	-	Structure

Method of Construction & Equipment Used: 40 piles would be installed to construct the mooring dolphins. Pile driving would be performed using a derrick barge with pile driver. Active pile-driving is anticipated to be completed within 3 to 4 weeks and may be completed concurrently with the dredging. Construction is anticipated to take 2 months.

4. Passenger Boarding Bridge

An extension to the existing passenger bridge system would include an additional tower element on the existing wharf deck. A new pile supported tower and platform deck would be constructed just south of the existing wharf deck. The tower would consist of 9, 36" steel pipe piles. These new structures would connect to the existing gangway, which would be approximately 58 feet above the water's surface.

Project Dimensions & Waters of the U.S. Impacts

Project Element Description	Total Footprint (sq ft)	Dimensions (ft)	Bottom Height (ft) above MLLW	Top Height (ft) above MLLW	Impact Type
Catwalks	1,900	120 x 5.5	15	17	Shading
Tower Foundation Structure	1,360	34.5 x 39.5	10	15	Shading
9 Steel Pipe Piles (36" diameter)	1,020	36"	-	-	Structure

Method of Construction & Equipment Used: Pile driving will be performed using a derrick barge s. Construction is anticipated to take 2 months, will occur simultaneously with mooring dolphin construction. All other improvements associated with the passenger boarding bridge will be constructed from the landside.

5. Fender Rehabilitation

The project proposes to rehabilitate the existing fender system by replacing most of the existing worn foam filled fenders with larger high capacity fenders, which would improve dampening characteristics, and support increased stand-off from fixed wharf structures. The rehabilitation includes the replacement of 10 fenders with oversized high-density foam-filled fenders and backing plates, and the relocation of 4 existing fenders. The proposed fenders would result in minimal increase in overwater shading as compared to the existing conditions.

Method of Construction & Equipment Used: Fender rehabilitation construction will mostly occur from the landside (i.e. delivery of materials, holes drilled through the wharf/dolphin and prep work). Installation of the fender panels will occur by landside or barge-mounted crane.

Temporary Structures

The Project proposes to use unconfined bubble curtains during pile driving activities to reduce the propagation of in-water noise. The bubble curtains would be installed around an area, as shown in Figure 3, or around individual piles while pile driving is occurring. Specifics regarding the bubble curtain design are not known at this time; however, may consist of the following:

- Air compressor, supply lines, distribution manifolds or headers, perforated aeration pipe and frame;
- Perforated pipe ring(s) around 100 percent of the pile, suitable for the full depth of the water column; and
- Weights attached to the bottom ring to ensure 100 percent mudline contact.

Removal of In-water Structures

The project does not propose to remove any existing in-water structures.

Proposed Mitigation - The Corps has determined the proposed project will not result in the permanent loss of waters of the U.S. Compensatory mitigation is therefore not proposed by the applicant. The following special conditions will be incorporated into the Corps permit to minimize project-related impacts to aquatic and other environmental resources.

Proposed Special Conditions

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

Dredging Conditions:

1. OPERATIONS PLAN: At least 15 calendar days before initiation of any dredging operations authorized by this permit, the Permittee shall submit a dredging and disposal Operations Plan to the Corps Regulatory Division and EPA, with the following information:

A) A list of the names, addresses and telephone numbers of the Permittee's project manager, the contractor's project manager, the dredging operations inspector, the disposal operations inspector and the captain of each tug boat, hopper dredge or other form of vehicle used to transport dredged material to the designated disposal site.

B) A list of all vessels, dredging equipment and electronic positioning systems or navigation equipment to be used for dredging and disposal operations, including: the capacity, load level and acceptable operating sea conditions for each hopper dredge or disposal barge or scow.

C) A schedule describing when the dredging project is planned to begin and end.

D) A pre-construction dredging bathymetric survey (presented as a large format plan view drawing), taken within thirty (30) days before the dredging begins, accurate to 0.5-foot with the exact location of all soundings clearly defined on the survey chart. The pre-dredge survey chart shall be prepared showing the following information:

i) The entire dredging area, including the toe and top of all side-slopes, and typical cross sections of the dredging areas. To ensure that the entire area is surveyed, the pre-dredge condition survey should cover an area at least 50 feet outside the top of the side-slope or the boundary of the dredging area.

ii) Areas shallower than the dredging design depth shall be shaded green, areas between the dredging design depth and overdredge depth shall be shaded yellow, and areas below overdredge depth that will not be dredged shall be shaded blue.

iii) The pre-dredging survey chart shall be signed by the Permittee to certify that the data are accurate and that the survey was completed within thirty (30) days before the proposed dredging start date.

E) A debris management plan to prevent unauthorized disposal of large debris or other unsuitable materials. The debris management plan shall include: sources and expected types of debris if known, debris separation and retrieval methods and equipment to be used, debris disposal location(s), and debris disposal methods (e.g., recycling, landfill, hazardous/toxic/radioactive materials/munitions disposal sites, etc.).

2. NOTICE TO PROCEED: The Permittee shall not commence dredging or disposal operations unless and until the Permittee receives a Notice to Proceed, in writing (letter or email), from the Corps Regulatory Division.

3. MAINTAIN PRINTED COPY OF PERMIT ON-BOARD: The Permittee and its contractors and subcontractors shall maintain a copy of this permit at the work site, and on all vessels used to dredge, transport and dispose of dredged material authorized under this permit.

4. CAPTAIN LICENSING: The Permittee shall ensure that the captain of any hopper dredge, tug or other vessel used in the dredging and disposal operations, is a licensed operator under U.S. Coast Guard regulations and follows the Inland and Ocean Rules of Navigation or the U.S. Coast Guard Vessel Traffic Control Service. All such vessels, hopper dredges or disposal barges or scows, shall have the proper day shapes (mast head signals which indicate vessel operational status), operating marine band radio, and other appropriate navigational aids.

5. RADIO CHANNEL MONITORING: The Permittee's contractor(s) and the captain of any vessel covered by this permit shall monitor VHF-FM channels 13 and 16 while conducting dredging operations.

6. INSPECTIONS: Upon request, the Permittee and its contractor(s) shall allow inspectors from the Corps Regulatory Division (may include other Corps Divisions), EPA, and(or) the U.S. Coast Guard to inspect all phases of the dredging and disposal operations. Upon request, the Permittee and its contractor(s) retained to perform work authorized by the permit or to monitor compliance with this permit shall make available to inspectors from the Corps EPA, and(or) the U.S. Coast Guard the following: dredging and disposal operations inspectors' logs, the vessel track plots and all disposal vessel logs or records, any analyses of the characteristics of dredged material, or any other documents related to dredging and disposal operations.

7. INTERFERENCE WITH NAVIGATION: During disposal and dredging operations the permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.

8. NON-COMPLIANCE NOTIFICATION: If non-compliance of the permit occurs, the Permittee shall report the details of the permit non-compliance to the Corps Regulatory Division within twenty-four (24) hours. If the Permittee retains any contractors to perform any activity authorized by this permit, the Permittee shall instruct all such contractors that any permit non-compliance of any permit condition must be reported to the Permittee immediately who must then report to the Corps Regulatory Division.

9. HOPPER DREDGE OPERATION: When using a hopper dredge, water/slurry flowing through the weirs shall not exceed 10 minutes during dredging operations (to prevent overflow/overload). When using a hopper dredge, the fill level of the hopper dredge shall not exceed the load line to prevent any dredged material or water from spilling over the sides at the dredging site or during transit from the dredging site to the disposal site. No hopper dredge shall be filled above this predetermined level. Before each hopper dredge is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly. If a dredging or disposal operation does not require a hopper dredge than disregard this special condition.

10. BARGE OR SCOW OPERATIONS: When using a disposal barge or scow, no water shall be allowed to flow over the sides throughout the dredging and disposal operations. The fill level of the disposal barge or scow shall not exceed the load line to prevent any dredged material or water from spilling over the sides during all operations. No disposal barge or scow shall be filled above this predetermined level or load line (vessel frame/plating). Before each disposal barge or scow is transported to the disposal site, the Permittees dredging site inspector shall certify that it is filled correctly.

11. ELECTRONIC POSITIONING SYSTEM NAVIGATION: The Permittee shall use an electronic positioning system to navigate throughout all dredging, hauling, disposal, and discharge operations. The electronic positioning system shall have a minimum accuracy and precision of +/- 10 feet (or 3 meters). If the electronic positioning system fails or navigation problems are detected, all dredging operations shall cease until the failure or navigation problems are corrected.

12. POST-CONSTRUCTION REPORTING: The Permittee shall submit a post-construction/project completion report to the Corps Regulatory Division within 30 calendar days after completion of each dredging event to document compliance with all general and special conditions in this permit. The report shall include all information collected by the Permittee, the dredging operations inspector and the disposal operations inspector or the disposal vessel captain. One post-construction report (instead of separate reports) should be submitted for all activities conducted under the permit. The report must describe whether or not all general and special conditions were met. The report shall include:

- A) Project Name and Corps file number (eg. SPL-1980-12345-wtf).
- B) Start date (month/day/year) and completion date of dredging and disposal operations.
- C) The disposition and total cubic yards of all material disposed or discharged at each site or location.
- D) Dredging method (e.g., hopper dredge, suction dredge, clamshell, dragline, etc.).
- E) Mode of transportation.
- F) Frequency of disposal and plots of all trips to the disposal or discharge site(s).
- G) Tug boat or other disposal vessel logs documenting contact with the U.S. Coast Guard before each trip to the disposal or discharge site(s).

H) A detailed post-dredging bathymetry survey drawing of the dredging area. The survey drawing shall show areas above the dredging design depth shaded green, areas between the dredging design depth and overdredge depth shaded yellow, areas below overdredged depth that were not dredged or areas that were deeper than the overdredge depth before the project began as indicated on the pre-dredging survey shaded blue, and areas dredged below the overdredge depth or outside the project boundaries shaded red. The methods used to record the post-construction dredging survey drawing shall be the same methods used in the pre-construction dredging survey drawing. The survey drawing shall be signed by the Permittee certifying that the data are accurate.

I) A description of any navigation problems and corrective measures implemented.

J) Copies of all completed Scow Certification Checklists for ocean disposal.

Section 103 (Ocean Disposal at EPA approved site) Conditions:

13. [PLACEHOLDER: The most recent Section 103 conditions from EPA will be incorporated as special conditions of the Corps permit].

Section 10 (Work and Structures in Navigable Waters of the United States):

1. INTERFERENCE WITH NAVIGATION: The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the United States as defined by 33 C.F.R. Part 329.

2. PILES: Creosote treated pilings shall not be placed in navigable waters unless all of the following conditions are met:

A) The project involves the repair of existing structures that were originally constructed using wood products;

B) The creosote treated pilings are wrapped in plastic;

C) Measures are taken to prevent damage to plastic wrapping from boat use. Such measures may include installation of rub strips or bumpers;

D) The plastic wrapping is sealed at all joints to prevent leakage; and

E) The plastic material is expected to maintain its integrity for at least ten years, and plastic wrappings that develop holes or leaks must be repaired or replaced in a timely manner by the Permittee.

3. LIMITATIONS: No other modifications or work shall occur to the structure permitted herein.

4. CLEAN CONSTRUCTION PRACTICES: The Permittee shall discharge only clean construction materials suitable for use in the oceanic environment. The Permittee shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, hazardous/toxic/radioactive/munitions from construction or dredging or disposal shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of in an appropriate upland site.

5. U.S. COAST GUARD NOTIFICATION: To ensure navigational safety, the Permittee shall provide appropriate notifications to the U.S. Coast Guard as described below:

Commander, 11th Coast Guard District (dpw)

TEL: (510) 437-2980

Email: d11LNM@uscg.mil

Website: <http://www.uscg.mil/dp/lnmrequest.asp>

U.S. Coast Guard, Sector LA-LB (COTP)
Email: D11-DG-SectorLALB-WWM@uscg.mil

A) The Permittee shall notify the U.S. Coast Guard, Commander, 11th Coast Guard District (dpw) and the U.S. Coast Guard, Sector LA-LB (COTP) (contact information shown above), not less than 14 calendar days prior to commencing work and as project information changes. The notification shall be provided by email with at least the following information, transmitted as an attached Word or PDF file:

- 1) Project description including the type of operation (i.e. dredging, diving, construction, etc).
- 2) Location of operation, including Latitude / Longitude (NAD 83).
- 3) Work start and completion dates and the expected duration of operations. The U.S. Coast Guard needs to be notified if these dates change.
- 4) Vessels involved in the operation (name, size and type).
- 5) VHF-FM radio frequencies monitored by vessels on scene.
- 6) Point of contact and 24 -hour phone number.
- 7) Potential hazards to navigation.
- 8) Chart number for the area of operation.
- 9) Recommend the following language be used in the Local Notice to Mariners: "Mariners are urged to transit at their slowest safe speed to minimize wake, and proceed with caution after passing arrangements have been made."

B) The Permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 C.F.R. chapter I, subchapter C, part 66. Not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation that require relocation or removal, the Permittee shall notify, in writing, the Eleventh U.S. Coast Guard District and the Corps Regulatory Division. The Permittee and its contractor(s) are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard.

C) The Permittee is prohibited from establishing private aids to navigation in navigable waters of the United States until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard. Should the Permittee determine the work requires the temporary placement and use of private aids to navigation in navigable waters of the United States, the Permittee shall submit a request in writing to the Corps Regulatory Division and the U.S. Coast Guard.

D) The COTP may modify the deployment of marine construction equipment or mooring systems to safeguard navigation during project construction. The Permittee shall direct questions concerning lighting, equipment placement, and mooring to the appropriate COTP.

6. OBSTRUCTIONS: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers Regulatory Division, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

7. COMMENCEMENT NOTIFICATION: The Permittee shall notify the Corps Regulatory Division of the date of commencement of work in navigable waters of the United States no less than 14 calendar days prior to commencing work, and shall notify the Corps of the date of completion of operations at least five (5) calendar days prior to such completion.

8. POST-CONSTRUCTION AS-BUILT SURVEY(S): Within 30 calendar days of completion of the project authorized by this permit, the Permittee shall conduct a post-project as-built survey indicating the location of all new structures and their features, or the modification of structures and their features, or post-dredge hydrographic surveys, within navigable waters. The Permittee shall forward a copy of the survey, as well as a copy of this permit, to the Corps Regulatory Division (via email at: lisa.mangione@usace.army.mil), and to the National Oceanic and Atmospheric Administration, Marine Charting Division for updating nautical charts (via email at: ocs.ndb@noaa.gov) Post-project surveys/as-built plans should be provided electronically in two formats: .pts (xyz) and one of, .pdf or GIS. Include the following header metadata: project name, surveyor's name and company, area surveyed (acres), type of survey method, date of survey, geographic control points (for example: latitude/longitude, plane coordinates), geographic coordinate system (use NAD83), geographic projection, units (use US Survey Feet), and tide gage location. For all subsurface structures and dredge projects include elevation (z coordinate) datum indicated as a negative below MLLW, and also indicate the survey system and bin sizes as appropriate.

9. CAULERPA PRE-CONSTRUCTION SURVEY: A pre-construction survey of the project area for *Caulerpa taxifolia* (*Caulerpa*) shall be conducted in accordance with the *Caulerpa* Control Protocol (see <http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf>) not earlier than 90 calendar days prior to planned construction and not later than 30 calendar days prior to construction. The results of this survey shall be furnished to the Corps Regulatory Division, NOAA Fisheries, and the California Department of Fish and Wildlife (CDFW) at least 15 calendar days prior to initiation of work in navigable waters. In the event that *Caulerpa* is detected within the project area, the Permittee shall not commence work until such time as the infestation has been isolated, treated, and the risk of spread is eliminated as confirmed in writing by the Corps Regulatory Division, in consultation with NOAA Fisheries and CDFW.

10. EELGRASS PRE-CONSTRUCTION SURVEY: Prior to construction, a pre-project eelgrass survey should be conducted in accordance with the California Eelgrass Mitigation Policy (CEMP) (http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final_CEMP_October_2014/cemp_oct_2014_final.pdf) no earlier than 60 calendar days prior to planned construction. The results of the survey must be submitted to the Corps at least 15 calendar days prior to initiation of work in waters of the United States. If the pre-project survey demonstrates eelgrass presence within the project vicinity, post-project survey(s) must be conducted and any impacts to eelgrass mitigated in accordance with the CEMP.

12. EELGRASS POST-CONSTRUCTION SURVEY(S): If eelgrass is detected in the project area during pre-construction eelgrass surveys, once authorized impacts to navigable waters authorized by this permit have ceased, the Permittee shall conduct two years of post-construction eelgrass monitoring surveys per the mapping guidelines in NOAA Fisheries' California Eelgrass Mitigation Policy (Policy) (http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final_CEMP_October_2014/cemp_oct_2014_final.pdf). All required post-construction monitoring surveys shall be submitted by the Permittee to the Corps and NOAA Fisheries within 30 calendar days of each survey completion date. Based upon the post-construction monitoring survey results and in accordance with the Policy, the Corps will determine the need and/or amount of Essential Fish Habitat (EFH) mitigation required to offset adverse impacts to such habitat. The Corps will transmit its

determination to the Permittee in writing. Within 60 calendar days of receiving the Corps' determination specifying the need and amount of mitigation, the Permittee shall submit a draft EFH mitigation plan to the Corps for review and approval. The EFH mitigation plan shall be prepared in accordance with the Policy and the Corps' South Pacific Division Regional Compensatory Mitigation Guidelines and Monitoring Requirements, dated January 12, 2015. The Permittee shall fully implement the final EFH mitigation plan as approved by the Corps.

Green Sea Turtle (*Chelonia mydas*) Conditions

1. All pile driving, non-sleeved jetting, and maintenance dredging and disposal activities shall occur during daylight hours that allow for sighting of green sea turtles (*Chelonia mydas*) within designated monitoring zones. On a case-by-case basis for urgent maintenance and dredging activities, the Corps may approve an exception to allow nighttime pile driving, non-sleeved jetting, and maintenance dredging and disposal activities.
2. The Permittee and its contractors shall inform all personnel associated with the work of the potential presence of green sea turtles and the requirement to monitor a 100-foot designated monitoring zone (visually estimated) around all in-water equipment and vessels to avoid interactions with, or take of, green sea turtles. All construction personnel are responsible for observing water-related activities for the presence of green sea turtle.
3. As a standard practice for all pile driving, non-sleeved jetting, and maintenance dredging and disposal, a designated visual monitor shall be present for the duration of in-water project construction activities, to detect the presence of green sea turtles. The visual monitor shall have the authority to halt operations when green sea turtles are observed in the designated monitoring zone.
4. Visual monitoring of the monitoring zone (visually estimated) shall commence at least 15 minutes prior to the beginning of in-water construction activities each day and after each break of more than 30 minutes. If a green sea turtle is observed within the monitoring zone, all in-water project activities shall cease as soon as possible, in consideration of worker safety. Project activities shall not commence or continue until the green sea turtle has either been observed having left the monitoring zone, or at least 15 minutes have passed since the last sighting whereby it is assumed the green sea turtle has voluntarily left the monitoring zone.
5. The visual monitor shall maintain a written log containing all observations of green sea turtles including:
 - a) Observer name and title;
 - b) Type of activity (maintenance dredging, pile-driving, etc.);
 - c) Date and time animal first observed (for each observation);
 - d) Date and time observation ended (for each observation), including if the green sea turtle was observed exiting the monitoring zone or was assumed to have exited following a 15-minute period of no observation;
 - e) Location of observer (latitude/longitude), direction, and estimated distance to green sea turtle;
 - f) Nature and duration of equipment shutdown.
6. The green sea turtle observation log for each project shall be provided to the Corps and NMFS as an attachment to the post-construction report for the project, and included in the annual report of maintenance activities conducted under the RGP. Any observations involving potential take of green sea turtle shall be reported to the Corps and NMFS within 24 hours.

7. For non-sleeved jetting and maintenance dredging and disposal the Permittee shall implement a 100-foot (visually estimated) monitoring zone around all in-water equipment, vessels, and/or debris resulting from the project. Green sea turtle monitoring is not required for the transportation of material between dredging and disposal sites.

8. For pile-driving activities, the Permittee shall implement a 400-foot (visually estimated) monitoring zone around all equipment, vessels, and/or debris resulting from the project.

9. For pile-driving activities, ramp-up procedures shall be implemented prior to starting work each day, after each break of 30 minutes, and if any increase in intensity is required. These procedures involve a slow increase in the pile driving to allow any undetected animals in the area to voluntarily depart. Specifically, the ramp-up procedure requires operators to initiate noise from vibratory hammers for 15 seconds at reduced energy, followed by a 30-second waiting period. This procedure shall be repeated two additional times. If an impact hammer is used, operators shall provide an initial set of three strikes from the impact hammer at 40 percent energy, followed by a 30-second waiting period, then two subsequent 3-strike sets.

10. If a green sea turtle is observed within the 400-foot monitoring zone after the pile driving activity has commenced at full intensity, the contractor may continue working that pile activity until complete, as long as the green sea turtle is not within 100 feet of the pile installation site. The contractor may not initiate the installation or removal of another pile until at least 15 minutes have passed after the last sighting whereby it is assumed the green sea turtle has voluntarily left the monitoring zone.

11. If a green sea turtle is observed within 100 feet of pile driving operations while work is in progress, all project activities must cease as soon as possible, in consideration of worker safety. Work may only commence once the green sea turtle has left the project area (and is at least 400 feet away of the pile installation site) or 15 minutes has elapsed from the last sighting whereby it is assumed the green sea turtle has voluntarily left the monitoring zone.

401 Certification and Coastal Zone Management Act Condition

1. This permit is contingent upon the issuance of a Coastal Zone Management Act (CZMA) consistency certification from the California Coastal Commission and a Section 401 Water Quality Certification (WQC) from the California Regional Water Quality Control Board (RWQCB). The Permittee shall abide by the terms and conditions of the CZMA consistency certification and Clean Water Act Section 401 WQC. The Permittee shall submit the CZMA consistency certification and Section 401 WQC to the Corps Regulatory Division (preferably via email) within two weeks of receipt from the issuing state agency. The Permittee shall not proceed with construction until receiving an email or other written notification from Corps Regulatory Division acknowledging the CZMA consistency certification and Clean Water Act 401 WQC has been received, reviewed, and determined to be acceptable. If the RWQCB fails to act on a request for certification within 60 days after receipt of a complete application, please notify the Corps so we may consider whether a waiver of water quality certification is warranted pursuant to 33 CFR 325.2(b)(1)(ii). If the California Coastal Commission fails to act on a request for concurrence with your certification within six months after receipt, please notify the Corps so we may consider whether to presume a concurrence pursuant to 33 CFR 325.2(b)(2)(ii).

For additional information please call Lisa Mangione of my staff at (805) 585-2150 or via e-mail at Lisa.Mangione@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.

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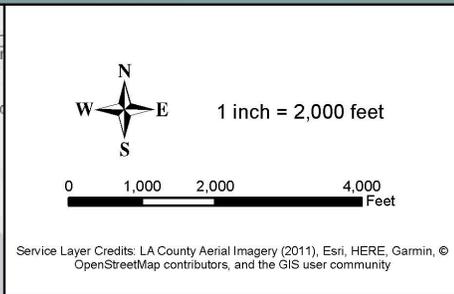
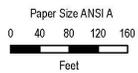
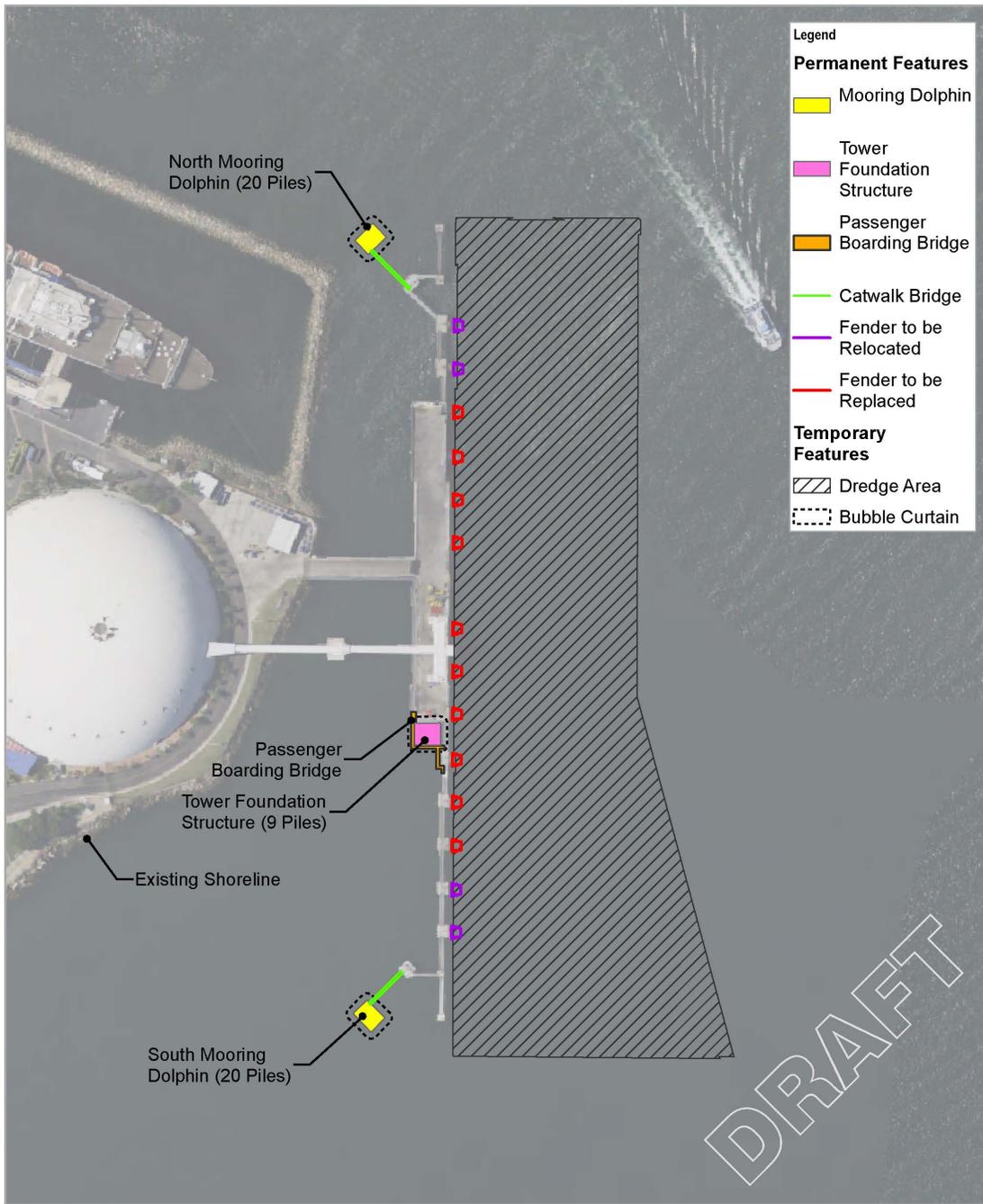


FIGURE 2
Location Map

Job Number: 100046963 Created on: July 12, 2018
Created by: luce2415 Revised: March 6, 2019





Long Beach Cruise Terminal

Project No. 11183495
Revision No. -
Date 5/06/2019

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California V FIPS 0405 Feet

Project Components

FIGURE 3