SPECIAL PUBLIC NOTICE

APPLICATION FOR PERMIT,
NOTICE OF AVAILABILITY
FOR A DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS),
& PUBLIC HEARING

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2009-00226-TS
Project: Berths 302-306 American Presidents' Line (APL) Container Terminal Project
Comment Period: December 23, 2011 through February 17, 2012
Corps Project Manager: Theresa Stevens, Ph.D.; 805-585-2146; theresa.stevens@usace.army.mil
Port of Los Angeles Project Manager: Jan Green-Rebstock, 310-732-3949; jgreenrebstock@portla.org

Applicant
Antonio Gioiello, Chief Harbor Engineer
Port of Los Angeles, Engineering Division
425 South Palos Verdes Street
P.O. Box 151
San Pedro, California 90733-0151

Contact
Port of Los Angeles
Environmental Management Division
Attn: Jan Green-Rebstock
425 South Palos Verdes Street
San Pedro, California 90731

Location
The project is located on Terminal Island in Los Angeles Harbor, within the Port of Los Angeles in the city and county of Los Angeles, California (latitude: 33.7354916666667 (N), longitude: -118.246652777778 (W)). The terminal is roughly bordered by the Pier 300 Seaplane Lagoon (to the north) and Pier 400 (to the south), the Pier 400 Causeway (to the east), and Fish Harbor/Reservation Point (to the west).

Activity
The following proposed activities require authorization from the U.S. Army Corps of Engineers Regulatory Division. The container terminal lease holder, Eagle Marine Services, LTD (EMS) operates

the existing American Presidents' Line (APL) Container Terminal at Berths 302-305. The Port of Los Angeles proposes to:

- Expand the existing container terminal by constructing a new 1,250-foot-long concrete wharf at Berth 306, which is immediately adjacent to the existing 4,000-foot long wharf at Berths 302-305.
- Install and operate 12 new gantry cranes between Berths 302-306, with at least eight (8) new cranes at Berth 306.
- Dredge approximately 20,000 cubic yards (cy) of sediment at Berth 306 to increase the depth to – 55 feet mean lower low water (MLLW). An additional - 2 feet of overdepth dredging (to -57 feet MLLW) would occur to establish the final depth.
- Dispose of unsuitable and suitable dredged material at the Corps-approved Berths 243-245 confined disposal facility (CDF), or dispose of unsuitable dredged material at the CDF, and dispose of suitable dredged material at the Cabrillo Shallow Water Habitat Area (CSWHA) or LA-2 (unconfined ocean disposal). Note: Both the CSWHA and the CDF disposal sites were previously authorized by the Corps (File No. SPl-2008-00662-AOA), thus the proposed disposal of dredged material at these approved sites does not constitute a new Section 404 discharge. Disposal of dredged material at LA-2 (if approved by the Corps and U.S. EPA) is an action regulated under Section 103 of the Marine Protection, Research and Sanctuaries Act.

For more information see page 3 of this notice and attached exhibits.

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). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the Rivers and Harbors Act (RHA) and, if there is transport and disposal of dredged material at a USEPA-designated ocean disposal site, Section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA).

Written comments to the Corps and the Port of Los Angeles will be received until **Friday February 17, 2012**, and should be mailed to **both** addresses below:

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
Ventura Field Office
Attn: Theresa Stevens, Ph.D.
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Port of Los Angeles
Environmental Management Division
Attn: Jan Green-Rebstock
425 South Palos Verdes Street
San Pedro, CA 90731

Alternatively, comments can be sent electronically to:
theresa.stevens@usace.army.mil and ceqacomments@portla.org.

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

Federal Action:
Interested parties are hereby notified that a preliminary application has been received for a Department of the Army permit for the activity described herein. The Corps is considering an application submitted by the Port of Los Angeles (Port) for a permit, in accordance with Section 10 of the Rivers and Harbors Act (RHA), to conduct work and erect structures to expand an existing container terminal, increase the depth at the project site, construct a new wharf and install new cranes. In addition, the Port is proposing to transport and discharge suitable dredged material generated by the project at an approved ocean disposal site (LA-2), which would require authorization by the Corps and U.S. EPA pursuant to Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA).

The primary federal action is the proposed issuance of permits authorizing work and structures in navigable waters of the United States (U.S.), and the transportation of dredged material for the purpose of ocean disposal. For the Corps, approval of a permit under Section 10 of the RHA, and Section 103 of the MPRSA, for activities associated with the proposed Project or project alternatives is an action that might result in significant effects on the environment. This environmental impact statement (EIS) would be used by the Corps as part of their decision-making and permit approval process. The Corps and the Port independently determined under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively, there are potentially significant environmental impacts associated with the proposed action and an EIS and environmental impact report (EIR) are required.

The Corps may ultimately make a determination to permit or deny the proposed Project, or permit modified version of the proposed Project. On December 16, 2011, the Corps published a Notice of Availability (NOA) of the Draft EIS for the proposed Project in the Federal Register. Interested parties are invited to provide their views on the Draft EIS. Public comments will be received until **February 17, 2012.**

Public Hearing
The U.S. Army Corps of Engineers and the Port of Los Angeles will jointly hold a public hearing to receive public comments and to assess pubic concerns regarding the Draft EIS/EIR and project on January 19, 2012, starting at 6:00 PM (doors open at 5:30 PM) in the Board Room of the Harbor Administration Building, located at 425 S. Palos Verdes Street, San Pedro, CA 90731.

State Action:
The Port is proposing terminal expansion and improvements at the APL container terminal at Berths 302-306. 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 selected Berths 302-306 project or a project alternative.

Pursuant to CEQA, the Port will serve as Lead Agency for the preparation of an EIR for its consideration and development approvals within its jurisdiction. The Port prepared a Notice of Completion, 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 Draft EIR. Public comments will be received until **February 17, 2012.**

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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 transport and discharge dredged material in the ocean, the evaluation of the activity will include application of the U.S. EPA's sediment testing requirements for ocean disposal as required by Section 103 of the MPRSA.

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 EIS pursuant to the 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 determination has been made that an EIS is required for the proposed work and structures in and over waters of the U.S. The Draft EIS for the proposed Berths 302-306 Container Terminal Project is being circulated for public comment on **December 16, 2011**; comments will be received until **February 17, 2012**.

Copies of the Draft EIS/EIR are available upon request, are available electronically at the Port of Los Angeles web site (http://www.portoflosangeles.org/) and at the following locations:

- 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

The Draft EIS/EIR was prepared in accordance with the NEPA (40 CFR 1500 et seq. and 33 CFR 325 Appendix B) and the CEQA (California Public Resources Code 21000 et seq.) with the Corps of Engineers Regulatory Division designated as the federal lead agency and the Port of Los Angeles the local lead agency.

Water Quality- The applicant may be required to obtain water quality certification, under Section 401 of the Clean Water Act, or Section 402 Waste Discharge Requirements from the California Regional Water Quality Control Board for the proposed disposal of dredged material associated with the proposed Project.

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

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. Further, the Draft EIS/EIR for the Berths 302-306 [APL] Container Terminal Project did not identify any cultural or historic resources that would be affected by the proposed Project. Consultation with tribal representatives and the State Historic Preservation Officer will be initiated with the Draft EIS/EIR. 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- 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 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 in the Pier 300 Shallow Water Habitat area would be scheduled to avoid the California least tern nesting season which would minimize impacts on tern foraging activity in the Pier 300 Shallow Water Habitat area. Based on construction scheduling to avoid the tern nesting season, and detailed biological information in the Draft EIS/EIR for the proposed Project, preliminary determinations indicate the proposed activity may affect but would not adversely affect the California least tern. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time. With this public notice, the Corps hereby requests the Service's concurrence the proposed Project may affect but would not adversely affect the California least tern during construction.

Essential Fish Habitat (EFH)- 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 Corps of Engineers have determined would have minimal individual and cumulative impacts on EFH, and therefore, consultation with NMFS is required. As such, this public notice initiates EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

The proposed Project would permanently and temporarily impact areas designated as EFH through dredging, wharf construction, and potential transport and disposal of dredged material at LA-2 (ocean disposal). While most of the potential impacts would be short-term, the proposed project would shade approximately 4.0 acres of open water by construction of the proposed 1,250-foot-long wharf at Berth 306. Potential impacts to EFH would also include impacts associated with installation of piles to support the proposed 1,250-foot long wharf (pile driving, noise, general 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. No new rock would be added to the aquatic environment as part of the proposed Project. An EFH assessment is included in the Draft EIS/EIR (Appendix F3).

The EFH Assessment indicates two coastal pelagics—northern anchovy and Pacific sardine—are likely to occur in the vicinity of the proposed Project. As summarized in Section 4, northern anchovy is among the most common and abundant fish species in the Port Complex. In 2006, larvae were present in the Port Complex during two seasonal periods, a greater peak in March-July and a lesser

peak in October-December (MBC et al., 2007). Juvenile and adult anchovies have consistently been collected during fish sampling near the proposed project site (MEC and Associates, 2002; SAIC, 2010). Pacific sardine were not abundant during 2006 ichthyoplankton sampling throughout the Port Complex; two sardine larvae were collected in the Outer Harbor in April 2006 (MBC et al., 2007). This species is also found less frequently than northern anchovy near the project site (MEC and Associates, 2002; SAIC, 2010). Pacific sardine is epipelagic, occurring in loosely aggregated schools (Wolf et al., 2001). Jack mackerel and Pacific mackerel have been collected in Los Angeles Harbor, but in much lower frequency and numbers than northern anchovy and Pacific sardine. While no mature market squid have been reported in recent surveys, market squid paralarvae were collected in Inner and Outer Harbor areas in 2006 (MBC et al., 2007).

None of the species covered under the Pacific Groundfish FMP are considered abundant in the proposed Project area. However, many are associated with hard substrate, kelp, and/or eelgrass, which are less frequently sampled habitats than soft bottoms. Pacific sanddab (*Citharichthys sordidus*) is considered common in the study area since it was collected by trawl in all three of the harbor-wide biological studies, though not in great numbers (MEC 1988; MEC and Associates, 2002; SAIC, 2010). One individual was collected in 1986, 51 were collected in 2000, and 171 were collected in 2008. English sole (*Parophrys vetulus*) has also been collected during all three trawl studies, but in relatively low numbers: one individual in 1986, three individuals in 2002, and 24 individuals in 2008. Larvae of English sole were also collected in 2008. English sole prefer soft bottoms from 60 to 1,000 ft, while Pacific sanddab are found between 30 and 1,800 ft (Miller and Lea, 1972).

A total of 23 California skate (*Raja inornata*) were collected by trawl during the biological surveys of the Port Complex in 2008. No big skate (*Raja binoculata*) were collected in 2008, though they have been collected in other studies of the Port Complex (MEC and Associates, 2002). Like English sole, California skate has been collected in all three harbor-wide biological surveys, whereas big skate was only collected in 2002. Both skate species prefer soft bottom habitat, although California skate occurs in much deeper waters (60-2,200 ft) than big skate (10-360 ft) (Miller and Lea, 1972). California scorpionfish (*Scorpaena guttata*) is another species collected in all three harbor-wide surveys, with 11 individuals in 2008. Vermilion rockfish (*Sebastes miniatus*) was only collected in 2002 (four individuals) and 2008 (20 individuals). Vermilion rockfish occur between 6 and 436 m (20-1,440 ft), but are most common between 50-150 m (165-495 ft). Juveniles are common in shallower water (6-36 m, or 20-120 ft), where they hover over sand patches near alga or structures, including pier pilings (Love et al., 2002).

Proposed Activity for Which a Corps Permit is Required

See page 2 for a summary of proposed activities which require a Corps permit. The proposed actions are being evaluated under Section 10 of the Rivers and Harbors Act and Section 103 of the MRPSA. The proposed Project does not include new discharges of dredged or fill material. Disposal of dredged material at the CSWHA and the CDF were previously authorized by the Corps under Section 404. As such, potential use of these disposal sites 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 with the Section 404(b)(1) Guidelines does not apply. Alternatives to the proposed Project are being evaluated in the EIS as required by NEPA and 33 CFR 320.4.

Additional Project Information

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

The purpose of the Draft EIS/EIR is to identify the significant impacts of the proposed Project and the Project alternatives, to inform decision makers and the public of reasonable alternatives to the proposed Project (that would avoid or minimize significant impacts or enhance the quality of the human environment), and to indicate the manner in which significant effects can be avoided or mitigated.

Existing Site Development and Infrastructure: The existing APL Terminal is located on Pier 300, Berths 302-305. It currently occupies approximately 291 acres and includes:

- A 4,000-foot long of wharf with four labeled berths (Berths 302 through 305)
- An on-dock rail yard that can accommodate up to 64 five-platform double-track railcars (equivalent to nearly three full trains)
- Two dedicated lead rail tracks with flexible entrance/exit points off the main rail line within the Alameda Corridor
- A transloading dock
- A gate complex that includes an intermodal control tower
- 10 inbound and 10 outbound lanes
- Automobile parking facilities
- Two marine buildings
- 600 refrigerated container plugs
- A washdown facility for refrigerated container units and trucks
- Maintenance and repair facilities consisting of a chassis shop (approximately 30,000 square feet in size) and a Power Shop (approximately 22,000 square feet in size)

Existing equipment at the APL Terminal includes:

- 12 A-frame 100'- gauge cranes distributed among Berths 302-305
- Cargo handling equipment including approximately 36 forklifts, 7 side picks, 19 top handlers, eight (8) Rubber Tire Gantry (RTG) cranes, 10 Rail Mounted Gantry (RMG) cranes, and 195 yard tractors

Project Description:

The proposed Project as described in the Draft EIS/EIR would improve and expand the existing APL Container Terminal at Berths 302-306. Under the NEPA baseline[1], the APL Container Terminal could handle approximately 2,153,000 Twenty-foot Equivalent Units (TEUs) annually, and approximately 289 annual ship calls by 2027.

The proposed Project, the APL Container Terminal could accommodate 3.2 million TEUs annually at full capacity[2] and 390 annual ship calls by 2027. In addition, the Draft EIS/EIR evaluates the environmental impact associated with six (6) alternatives to the proposed Project including:

1. The No Project Alternative (Alternative 1)
2. The No Federal Action Alternative (Alternative 2)
3. Reduced Project: Four New Cranes (Alternative 3)
4. Reduced Project: No New Wharf (Alternative 4)
5. Reduced Project: No Space Assignment (Alternative 5)
6. Proposed Project with Expanded On-dock Railyard (Alternative 6)

The Draft EIS/EIR evaluates proposed throughput levels, resultant ship calls, and truck and rail trips for each alternative for the various analysis years. For example, proposed Project improvements such as the proposed 1,250-foot-long wharf, 12 new gantry cranes and development of 41 acres of backlands at Berth 306 would increase the physical and operational capacity of the APL terminal when compared to the No Project Alternative in year 2027; however, actual throughput levels would depend on economic conditions and market demand over the life of the project. The 41 acre backlands at Berth 306 were created by the U.S. Army Corps of Engineers Channel Deepening Project. Development of the 41 acre backland area does not require additional authorization from the Corps; however, disclosure and evaluation of impacts associated with this project element is required to comply with NEPA. Potential automation of the 41 acre backland terminal area at Berth 306 may occur in the future under the proposed Project, but automation of Berth 306 operations is not expected to increase throughput because the APL terminal is berth-limited. By analyzing the physical and operational capacity, the Draft EIS/EIR assumes a worse-case scenario to ensure all potential environmental impacts are disclosed.

In conjunction with the proposed physical improvements, the proposed Project would also include a number of features specifically intended and designed to reduce impacts to the environment, particularly related to reducing air pollutant emissions. Such features include, but are not limited to, provisions for Alternative Marine Power (AMP) and potential use of electric rail mounted gantry

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[1] The NEPA baseline describes the actions and impacts which could occur at the APL Container Terminal in the absence of a Corps permit.

[2] The projected cargo throughput of 3.2 million TEUs represents the physical optimal capacity of the terminal in 2027 and is considered the highest reasonably foreseeable level with traditional or automated terminal operations at Berth 306; actual throughput would depend on economic conditions and market demand, but is not expected to exceed 3.2 million TEUs.

(RMG) cranes, and other automation elements on the 41-acre backlands at Berth 306. These measures are required as part of the Clean Air Action Plan (CAAP), which is intended to implement mitigation measures as they become available.

Proposed Mitigation – A discharge of dredged material would occur in either the CSWHA, the CDF or at LA-2. These impacts have been previously evaluated in accordance with the Section 404(b)(1) Guidelines and authorized by the Corps under Section 404 of the Clean Water Act and/or Section 103 of the MPRSA. The proposed mitigation may change as a result of comments received in response to this public notice and the Draft EIS/EIR, the applicant's response to those comments, the Corps' public interest review pursuant to 33 CFR 320.4, and/or the requirement for the project to comply with the U.S. EPA and Corps sediment testing requirements.

Avoidance: No new discharges of fill material in waters of the U.S. are proposed.

Minimization: Short-term impacts would be minimized by implementing Best Management Practices (BMPs) during construction. Long-term impacts would be minimized by implementing mitigation measures described in the Draft EIS/EIR, for example provisions of the CAAP, the Water Resources Action Plan (WRAP), on-site traffic and rail improvements, localized impacts to waters of the U.S. associated with dredging, wharf construction and crane installation, conduct wildlife surveys and avoid sensitive species by scheduling construction to non-breeding periods to the maximum extent practicable, use "soft-start" methods during pile driving to reduce noise impacts on aquatic species, implement the vessel speed reduction program for ships calling at the APL terminal to reduce marine mammal strikes off-shore, develop and implement spill control response plans to protect water quality, and implement applicable CAAP measures.

Compensation: Impacts associated with construction of the in-water elements of the project such as the 1,250-foot-long wharf at Berth 306 may require mitigation as a result of consultation with NMFS associated with impacts to EFH. In addition, the Los Angeles Regional Water Quality Control Board Waste Discharge Requirements may include measures to reduce project impacts on water quality during dredging and dredged disposal activities.

Proposed Special Conditions

The Corps will require standard special conditions related to navigational impacts, work (dredging), disposal of dredged material, and structural development in and over navigable waters of the U.S., as well as standard cultural resources, mitigation monitoring, and BMPs. Additional permit conditions and mitigation requirements will be developed in response to the public notice and EIS/EIR comments, the Corps' public interest review findings, and as required by resource agency coordination.

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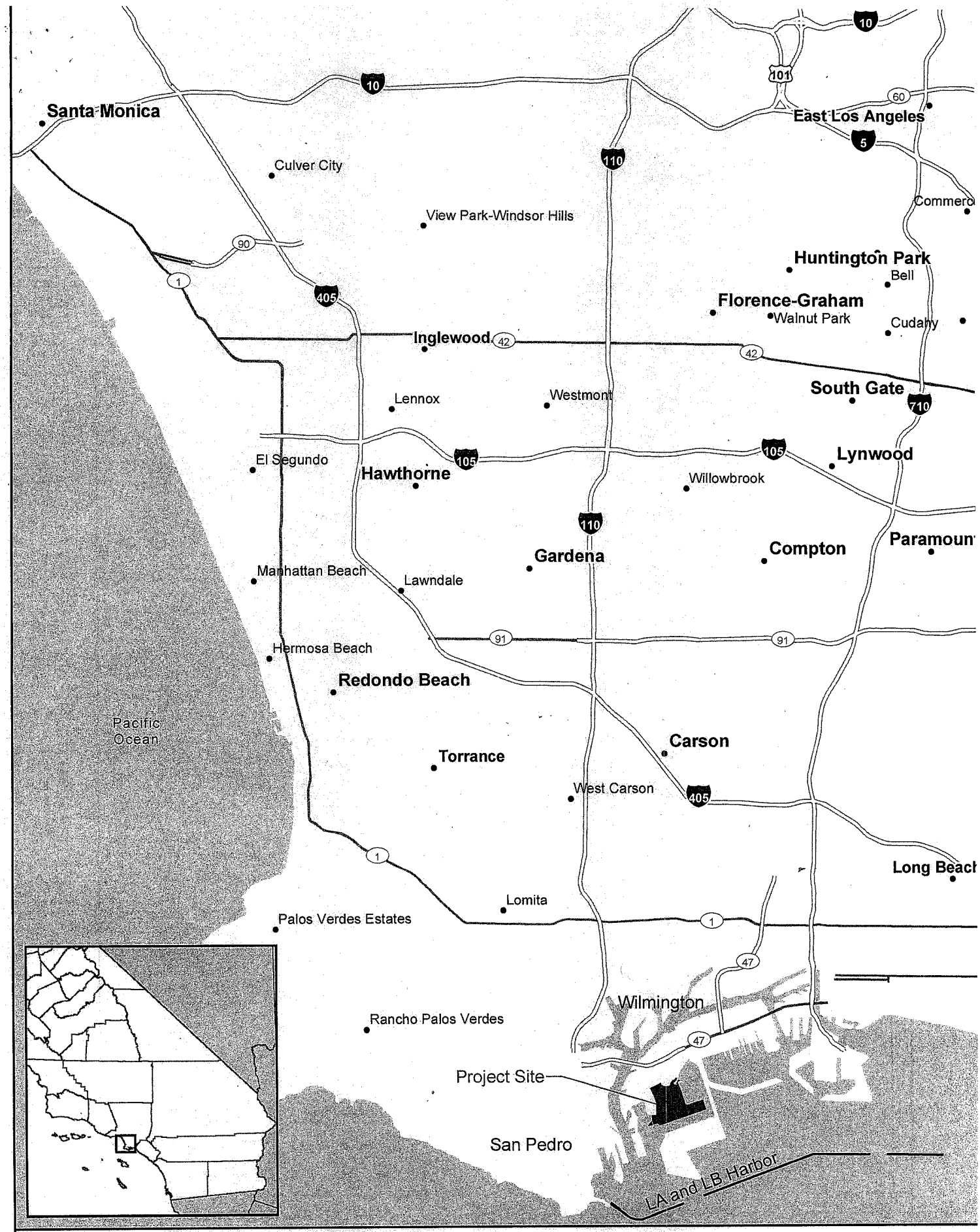
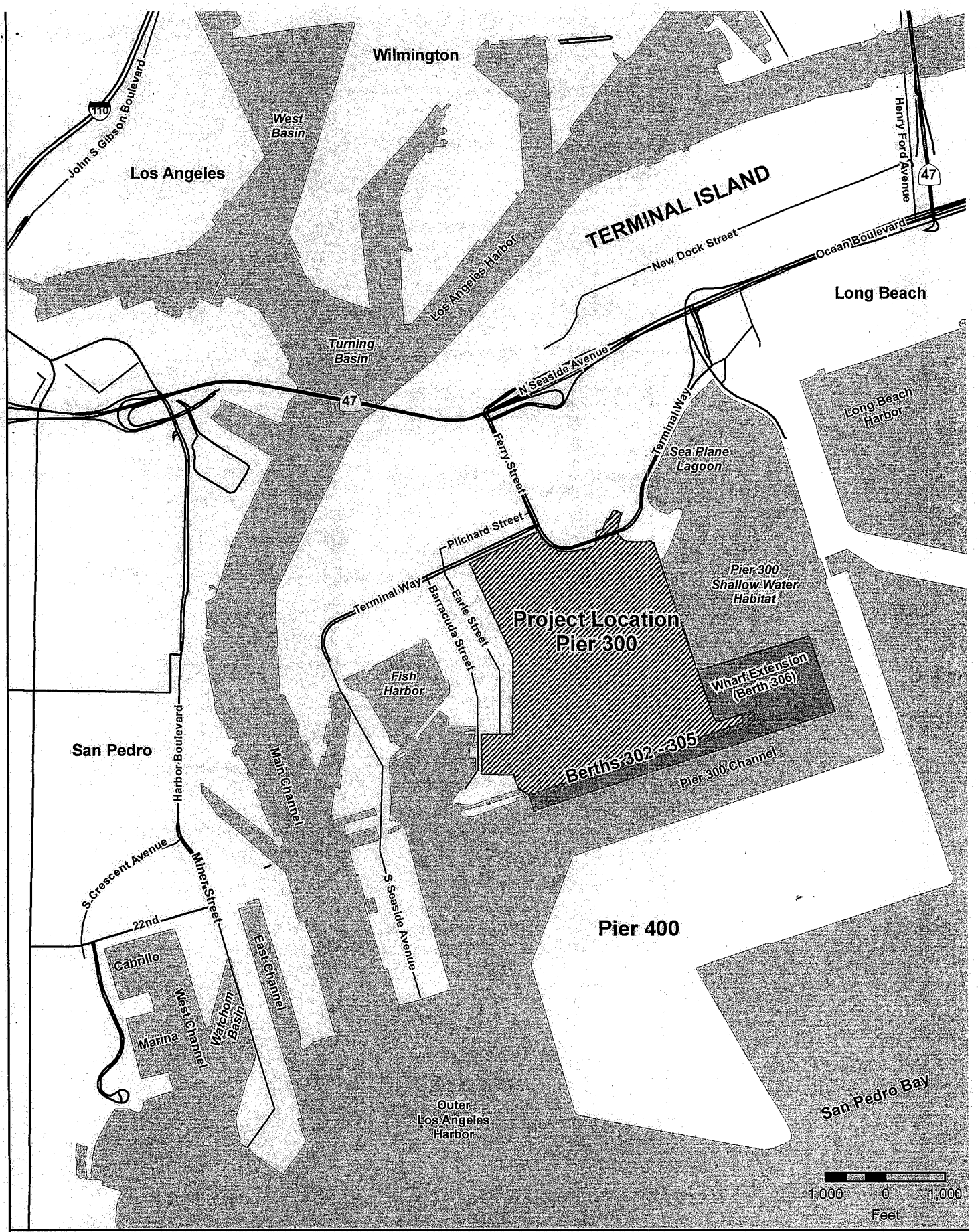
For additional information please contact Theresa Stevens, Ph.D. of my staff at 805-585-2146 or via e-mail at theresa.stevens@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



CDM

Port of Los Angeles
Berths 302 - 306 [APL]
Container Terminal Project
Regional Location Map
Figure 1-1



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CDM

USACE Scope of Federal Review*

- 41 Acres
- New Wharf/Berth 306
- Installation and Operation of 12 New Cranes (Berths 302 to 306)
- 100 Feet from Waters Edge

*Cumulative impact analysis associated with 41 acre backland development and new crane operations extends beyond the delineated direct and indirect impact areas under Federal jurisdiction/review for some issues, such as air quality and traffic.

Port of Los Angeles
Berths 302 - 306 [APL]
Container Terminal Project
USACE Scope of Federal Review

Figure 2-2