Appendix J.

Agency Coordination

U.S. Army Corps of Engineers (USACE) Notice of Availability (NOA) (July 8, 2008)

U.S. Environmental Protection Agency transmittal for publishing NOA in Federal Register (July 8, 2008)

Interested Parties NOA (July 8, 2008)

Transmittal to State Clearinghouse (July 11, 2008)

Notice of Completion to State Clearinghouse (July 11, 2008)

Federal Register Publishing (July 18, 2008)

Transmittal to California Coastal Commission (July 31, 2008)

Letter to National Oceanic and Atmospheric Administration (NOAA) (July 31, 2008)

Letter to California Regional Water Quality Control Board July 31, 2008)

Letter to U.S. Fish and Wildlife Service (August 5, 2008)

Letter from California Coastal Commission to USACE (August 15, 2008)

Letter from U.S. Fish and Wildlife Service to USACE (September 19, 2008)

Letter to California Coastal Commission from USACE (September 23, 2008)

E-Mail to Department of Fish and Game (October 16, 2008)

Letter to California Coastal Commission from USACE November 3, 2008)

Letter to California Coastal commission from USACE (February 4, 2009)

Letter to State Historic Preservation Officer from USACE (March 16, 2009)

Letter to NOAA from USACE (March 19, 2009)

Letter to U.S. Fish and Wildlife Service from USACE (March 19, 2009)

Letter to California Regional Water Quality Control Board from USACE (March 20, 2009)

Letter to USACE from Fish and Wildlife Service (March 26, 2009)

BILLING CODE: 3710-KF

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of a Supplemental Environmental Impact Statement/ Supplemental Environmental Impact Report (SEIS/SEIR) for the Port of Los Angeles Channel Deepening Project, Los Angeles, California

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Availability.

SUMMARY: The U.S. Army Corps of Engineers, Los Angeles District (USACE) and the Los Angeles Harbor Department (Port) have prepared a joint Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR) for the Port of Los Angeles Channel Deepening Project, Los Angeles, California. This Draft SEIS/SEIR describes the affected resources and evaluates the potential impacts to those resources as a result of the Proposed Action and alternatives. The purpose of the Proposed Action is to dispose of approximately 3.0 million cubic yards of dredge material required to complete the Channel Deepening Project and to beneficially reuse the dredge material within the Port of Los Angeles.

Three Alternatives have been analyzed in the Draft SEIS/SEIR, including No Action. Alternative 1, Port Development and Environmental Enhancement was developed with a

focus on using dredge material for port development and environmental enhancement and would involve use and development of the following disposal sites: Berths 243-245, the Northwest Slip, CSWH Expansion, the Eelgrass Habitat Area, and LA-2. Alternative 2, Environmental Enhancement and Ocean Disposal was developed with a focus on environmental enhancement related uses of the remaining material and does not include any disposal options associated with port development. Under Alternative 2, dredge material would be disposed at the CSWH Expansion, Eelgrass Habitat Area, LA-2 and the Anchorage Road Soil Storage Site. Under Alternative 3, the No Action Alternative, no further dredging would take place and the Channel Deepening Project would not be completed.

This Notice also serves as the Public Notice/Notice of Availability for the Section 404 Permit under Clean Water Act (CWA). 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 for a permit, in accordance with Section 404 of the CWA and Section 10 of the Rivers and Harbors Act, to complete dredging activities outside of the Federal Channel and placement of the dredge material in waters of the United States in the Port of Los Angeles.

This SEIS/SEIR would be used by the Corps as part of their application review process. The Corps and the Port independently determined under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively, that there are potential significant environmental impacts associated with the proposed action, and an Environmental Impact Statement and Environmental Impact Report are required.

DATES: Submit comments on or before September 1, 2008.

ADDRESSES: U.S. Army Corps of Engineers, Los Angeles District, CESPL-PD-RN, c/o Joy Jaiswal, P.O. Box 532711, Los Angeles, CA, 90053-2325.

FOR FURTHER INFORMATION CONTACT: Ms. Joy Jaiswal, Chief, Ecosystem Planning Section, at (213) 452-3851 or E-mail at Jyotsna.I.Jaiswal@usace.army.mil.

ADDITIONAL INFORMATION: This Draft SEIS/SEIR has been filed with the Environmental Protection Agency (EPA) to be published in the Federal Register and is available for a forty-five (45) day public review period. The public review period for the Draft SEIS/EIR will be from July 18, 2008 to September 1, 2008. Please forward your comments on the Draft SEIS/SEIR by mail, email, or fax to the contacts listed below by September 1, 2008.

Ms. Joy Jaiswal, Chief, Ecosystem Planning Section

Attn: Ms. Megan Wong

U.S. Army Corps of Engineers

P.O. Box 532711

Los Angeles, California 90053-2325

Fax: (213) 452-4204

Megan.T.Wong@usace.army.mil

or

Dr. Ralph Appy

Los Angeles Harbor Department (LAHD)

425 South Palos Verdes Street

San Pedro, CA 90731

Supplemental Information:

1. Authorization.

The Port of Los Angeles Channel Deepening Project was authorized for construction by the Water Resources Development Act of 2000. Construction began in October 2002 and is currently continuing using previously approved disposal areas.

2. Background.

The City of Los Angeles Harbor Department (LAHD) administers the Port of Los Angeles. The Port comprises 45 kilometers (28 miles) of waterfront and 3,035 hectares (7,500 acres) of land and water. LAHD administers automobile, container, omni, lumber, cruise ship, liquid and dry bulk terminals, and commercial fishing facilities. For recreational activities the Port of Los Angeles provides slips for 5,000 pleasure craft, sport fishing boats, and charter vessels. Community facilities include a water front youth center, a boat launch ramp, and a public swimming beach. Educational facilities include the Cabrillo Marine Aquarium and the Los Angeles Maritime Museum.

This SEIS/SEIR is a supplement to the 2000 SEIS/SEIR that was prepared for the Channel Deepening Project, which was a supplement to the 1998 Channel Deepening Project EIR and the 1992 Deep Draft Navigation Improvements Project EIS/EIR the modifications required to complete disposal of dredged material from the authorized project. This SEIS/SEIR addresses impacts associated with providing additional disposal

capacity of approximately 3 mcy required to complete the Channel Deepening Project**.** Additional disposal capacity is required to complete the deepening of the navigation channel and berthing areas to –53 feet Mean Lower Low Water (MLLW) at container terminals along the deepened channel and the removal of dredge material that was temporarily used as surcharge at the Southwest Slip. This project meets a public need for safe and efficient commercial navigation.

3. Hearing Process.

The Corps Los Angeles District and the Los Angeles Harbor Department (LAHD or Port) will jointly conduct a Public Hearing for the Port of Los Angeles Channel Deepening Project, Los Angeles, California Draft SEIS/SEIR on **August 6, 2008 at 6:30 p.m**., to receive public comment and assess public concerns regarding the Draft SEIS/SEIR (Corps File Number 2008-00662-AOA). Participation in the Public Hearing by Federal, State and local agencies and other interested organizations and persons are encouraged. This meeting is to be conducted in English and Spanish. Members of the public who wish to communicate and listen entirely in Spanish are encouraged to attend this meeting. The Public Hearing will be held at:

Banning's Landing Community Center

100 East Water Street,

Wilmington, CA 90744

4. Availability of the Draft SEIS/SEIR.

a. The Draft SEIS/SEIR for the Proposed Action is being distributed directly to agencies, organizations, and interested groups and persons for comment during the 45-day formal review period in accordance with Section 15087 of the State CEQA Guidelines and 40 CFR Section 1506.10 of the CEQ NEPA Regulations. During the 45-day public review period, which begins on July 18, 2008 and ends on September 1, 2008, the Draft SEIS/SEIR is available for general public review at the following locations:

U.S. Army Corps of Engineers
Los Angeles District
Environmental Resources Branch
915 Wilshire Blvd., 14th Floor
Los Angeles, CA 90053

Port of Los Angeles
Environmental Management
Division
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Public Library
San Pedro Branch
921 South Gaffey Street
San Pedro, CA 90731

Los Angeles Public Library
Wilmington Branch
1300 North Avalon Boulevard
Wilmington, CA 90744

Los Angeles Public Library
Central Branch
630 West 5th Street
Los Angeles, CA 90071

b. Participation of affected Federal, State, and local resource agencies, and concerned interest groups/individuals are encouraged on the Draft SEIS/SEIR during the public review period. Public participation will be especially important in receiving input on environmental analysis for the Proposed Action, and associated Alternatives in finalizing the SEIS/SEIR. Those wishing to provide comments relevant to the environmental or social impacts that should be included or considered in updating the environmental analysis can furnish this information by writing to the point of contact indicated above.

c. The Final SEIS/SEIR document will incorporate public concerns in the analysis of impacts associated with the Proposed Action and associated project alternatives. The Final SEIS/SEIR will address the comments received on the Draft SEIS/SEIR. In compliance with NEPA, the Final SEIS/SEIR will be sent out for a 30-day public review period. Copies of the Final SEIS/SEIR will be furnished to all who commented on the Draft SEIS/SEIR and to anyone who requests a copy. The final step involves preparing and signing a Record of Decision (ROD) by lead Federal Agency for the Federal SEIS. The lead CEQA agency certifies the SEIR and adopts a Mitigation Monitoring and Reporting Plan. The ROD is a concise summary of the decisions made by the USACE from among the alternatives presented in the Final SEIS/SEIR. A certified SEIR indicates that the environmental document adequately assesses the environmental impacts of the proposed project with respect to CEQA. Any required permit would be issued concurrently or soon after the issuance of the ROD.

Date 9 Jul 08 Signature A. G. Reed

Anthony G. Reed

Lieutenant Colonel, US Army

Deputy District Commander

8

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF

July 8, 2008

Environmental Resources Branch

Ms. Pearl Young
Office of Federal Activities
NEPA Compliance Division
Environmental Protection Agency (EPA)
EIS Filing Section
Ariel Rios Building (South Oval Lobby)
Mail Code 2252-A, Room 7220
1200 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Ms. Young:

Enclosed for filing are five copies of the Draft Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/EIR) for the Port of Los Angeles Channel Deepening Project, Los Angeles, California. This Draft SEIS/SEIR describes the affected resources and evaluates the potential impacts to those resources as a result of the Proposed Action and alternatives. The purpose of the Proposed Action is to dispose of approximately 3.0 million cubic yards of dredge material required to complete the Channel Deepening Project and to beneficially reuse the dredged material within the Port of Los Angeles (Port).

Please publish the Notice of Availability (NOA) in the Federal Register. Distribution of copies of the Draft EIS/EIR has been completed. Should you have any questions regarding the project, please contact Ms. Joy Jaiswal, Chief, Ecosystem Planning Section at (213) 452-3851, or Ms. Megan Wong, Environmental Coordinator, at (213) 452-3859.

Sincerely,

For A. D. Reed

Thomas H. Magness
Colonel, US Army
District Commander

Enclosure

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

July 8, 2008

REPLY TO
ATTENTION OF

THE PORT
OF LOS ANGELES

Planning Division

DEAR INTERESTED PARTIES:

Enclosed for your review and comment is a copy of the Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR) for the Port of Los Angeles Channel Deepening Project, Los Angeles, California. This Draft SEIS/SEIR describes the affected resources and evaluates the potential impacts to those resources as a result of the Proposed Action and alternatives. The purpose of the Proposed Action is to dispose of approximately 3.0 million cubic yards of dredge material required to complete the Channel Deepening Project and to beneficially reuse the dredge material within the Port of Los Angeles (Port).

This letter also serves as the Public Notice/Notice of Availability for the Section 404 Permit under Clean Water Act (CWA). A preliminary application has been received for a Department of the Army permit for the activity described herein. The U.S. Army Corps of Engineers (the Corps) is considering an application submitted by the Port for a permit, in accordance with Section 404 of the CWA and Section 10 of the Rivers and Harbors Act, to complete dredging activities outside of the Federal Channel and placement of the dredge material in waters of the United States in the Port of Los Angeles.

This SEIS/SEIR would be used by the Corps as part of their permit approval process. The Corps and the Port independently determined under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively, that there are potential significant environmental impacts associated with the proposed action, and an Environmental Impact Statement and Environmental Impact Report are required.

Three Alternatives have been analyzed in the Draft SEIS/SEIR, including No Action. Alternative 1, Port Development and Environmental Enhancement was developed with a focus on using dredge material for port development and environmental enhancement and would involve use and development of the following disposal sites: Berths 243-245, the Northwest Slip, CSWH Expansion, the Eelgrass Habitat Area, and LA-2. Alternative 2, Environmental Enhancement and Ocean Disposal was developed with a focus on environmental enhancement related uses of the remaining material and does not include any disposal options associated with port development. Under Alternative 2, dredge material would be disposed at the CSWH Expansion, Eelgrass Habitat Area, LA-2 and the Anchorage Road Soil Storage Site. Under Alternative 3, the No Action Alternative, no further dredging would take place and the Channel Deepening Project would not be completed.

This Draft SEIS/SEIR has been filed with the Environmental Protection Agency to be published in the Federal Register and is available for a forty-five (45) day public review period.

Please forward your comments on the Draft SEIS/SEIR by mail, email, or fax to the contacts listed below by September 1, 2008.

Ms. Joy Jaiswal, Chief, Ecosystem Planning Section	Dr. Ralph Appy
Attn: Ms. Megan Wong	Los Angeles Harbor Department (LAHD)
U.S. Army Corps of Engineers	425 South Palos Verdes Street
P.O. Box 532711	San Pedro, CA 90731
Los Angeles, California 90053-2325	Fax: (310) 831-6936
Fax: (213) 452-4204	ceqacomments@portla.org
Megan.T.Wong@usace.army.mil	

The Corps Los Angeles District and the Los Angeles Harbor Department (LAHD or Port) will jointly conduct a public meeting for the Port of Los Angeles Channel Deepening Project, Los Angeles, California Draft SEIS/SEIR on **August 6, 2008 at 6:30 p.m.**, to receive public comment and assess public concerns regarding the Draft SEIS/SEIR (Corps File Number 2008-00662-AOA). Participation in the Public Hearing by Federal, State and local agencies and other interested organizations and persons are encouraged. This meeting is to be conducted in English and Spanish. Members of the public who wish to communicate and listen entirely in Spanish are encouraged to attend this meeting. The meeting will be held at:

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100 East Water Street,
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Availability of the Draft SEIS/SEIR

The Draft SEIS/SEIR for the Proposed Action is being distributed directly to agencies, organizations, and interested groups and persons for comment during the 45-day formal review period in accordance with Section 15087 of the State CEQA Guidelines and 40 CFR Section 1506.10 of the CEQ NEPA Regulations. During the 45-day public review period, which begins on July 18, 2008, and ends on September 1, 2008, the Draft SEIS/SEIR is available for general public review at the following locations:

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San Pedro, CA 90731

Los Angeles Public Library
Wilmington Branch
1300 North Avalon Boulevard
Wilmington, CA 90744

Los Angeles Public Library
Central Branch
630 West 5th Street
Los Angeles, CA 90071

In addition to printed copies of the Draft SEIS/SEIR, members of the public can request an electronic copy of the document on compact disc (CD). The Draft SEIS/SEIR is also available on the Port of Los Angeles' website at http://www.portoflosangeles.org/environment/public_notices.asp.

Should you have any questions, please contact any of the contacts listed below.

U.S. Army Corps of Engineers:
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section, at (213) 452-3851
Ms. Megan Wong, Environmental Coordinator, at (213) 452-3859
Dr. Aaron Allen, Chief, North Coast Section, at (805) 585-2148.

Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager for the Channel Deepening Project, at (310) 521-1306
Dr. Ralph Appy, Director Environmental Management Division, at (310) 732-3497.

Sincerely,

Josephine R. Axt, Ph.D.
Chief, Planning Division

Enclosure

THE PORT OF LOS ANGELES
425 S. Palos Verdes Street Post Office Box 151 San Pedro, CA 90733-0151 TEL/TDD 310 SEA-PORT www.portoflosangeles.org

July 11, 2008

Terry Roberts
Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento CA 95814

SUBJECT: TRANSMITTAL OF A DRAFT SUPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (SEIS/SEIR) FOR THE PORT OF LOS ANGELES CHANNEL DEEPENING PROJECT

In accordance with the California Environmental Quality Act of 1970, and the regulations of the Governor's Office of Planning and Research establishing guidelines for the implementation of this Act, the enclosed fifteen (15) copies of the Draft SEIS/SEIR for the subject property and one copy of the State Clearinghouse cover letter are transmitted herewith. The subject document is transmitted to you for consultation with responsible agencies and public review in accordance with Article 7, Section 15082 of the State CEQA Guidelines and Article IV, Section 1.5 of the Los Angeles City CEQA Guidelines.

It is respectively requested that your comments be returned to the Environmental Management Division, Los Angeles Harbor Department, 425 S. Palos Verdes St. San Pedro CA 90731 Attn: Dr. Ralph Appy, no later than September 1, 2008.

Sincerely,

(for) RALPH G. APPY, Ph.D.
Director of Environmental Management

RGA:KP:LMD
ADP No. 990809-102

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 99091029

Project Title: Port of Los Angeles Channel Deepening Project

Lead Agency: Port of Los Angeles — Contact Person: Dr. Ralph Appy

Mailing Address: 425 S. Palos Verdes St — Phone: 310.732.3675

City: San Pedro — Zip: CA — County: Los Angeles

Project Location: County: Los Angeles — City/Nearest Community: San Pedro

Cross Streets: N/A — Zip Code: 90731

Lat. / Long.: ____° ____' ____" N/ ____° ____' ____" W — Total Acres: ____

Assessor's Parcel No.: ____ — Section: ____ Twp.: ____ Range: ____ Base: ____

Within 2 Miles: State Hwy #: ____ — Waterways: X

Airports: ____ — Railways: X — Schools: ____

Document Type:

CEQA: ☐ NOP ☐ Early Cons ☐ Neg Dec ☐ Mit Neg Dec — ☐ Draft EIR ☑ Supplement/Subsequent EIR (Prior SCH No.) ____ Other ____ — NEPA: ☐ NOI ☐ EA ☑ Draft EIS ☐ FONSI — Other: ☐ Joint Document ☐ Final Document ☐ Other ____

Local Action Type:

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan
☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan
☐ Rezone ☐ Prezone ☑ Use Permit ☐ Land Division (Subdivision, etc.)
☐ Annexation ☐ Redevelopment ☑ Coastal Permit ☐ Other ____

Development Type:

☐ Residential: Units ____ Acres ____
☐ Office: Sq.ft. ____ Acres ____ Employees ____
☐ Commercial: Sq.ft. ____ Acres ____ Employees ____
☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
☐ Educational ____
☐ Recreational ____

☐ Water Facilities: Type ____ MGD ____
☐ Transportation: Type ____
☐ Mining: Mineral ____
☐ Power: Type ____ MW ____
☐ Waste Treatment: Type ____ MGD ____
☐ Hazardous Waste: Type ____
☑ Other: Channel Dredging and Landfill

Project Issues Discussed in Document:

☑ Aesthetic/Visual
☐ Agricultural Land
☑ Air Quality
☑ Archeological/Historical
☑ Biological Resources
☐ Coastal Zone
☐ Drainage/Absorption
☐ Economic/Jobs
☐ Fiscal
☐ Flood Plain/Flooding
☐ Forest Land/Fire Hazard
☑ Geologic/Seismic
☐ Minerals
☑ Noise
☑ Population/Housing Balance
☑ Public Services/Facilities
☑ Recreation/Parks
☐ Schools/Universities
☐ Septic Systems
☐ Sewer Capacity
☐ Soil Erosion/Compaction/Grading
☐ Solid Waste
☑ Toxic/Hazardous
☑ Traffic/Circulation
☐ Vegetation
☑ Water Quality
☐ Water Supply/Groundwater
☐ Wetland/Riparian
☐ Wildlife
☐ Growth Inducing
☑ Land Use
☑ Cumulative Effects
☐ Other ____

Present Land Use/Zoning/General Plan Designation:

Project Description: *(please use a separate page if necessary)*

The proposed Project involves completing the Channel Deepening Project at the Port of Los Angeles. The Project will provide additional dredged material disposal capacity to complete the Channel Deepening Project and will maximize beneficial use of dredge material by construction of additional lands for eventual terminal uses and to provide environmental enhancements at locations in the Port of Los Angeles.

Note: The state Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

X	Air Resources Board	____	Office of Historic Preservation
____	Boating & Waterways, Department of	____	Office of Public School Construction
____	California Highway Patrol	X	Parks & Recreation
X	Caltrans District # ____	____	Pesticide Regulation, Department of
____	Caltrans Division of Aeronautics	____	Public Utilities Commission
____	Caltrans Planning (Headquarters)	____	Reclamation Board
____	Coachella Valley Mountains Conservancy	X	Regional WQCB # ____
____	Coastal Commission	____	Resources Agency
____	Colorado River Board	____	S.F. Bay Conservation & Development Commission
____	Conservation, Department of	____	San Gabriel & Lower L.A. Rivers and Mtns Conservancy
____	Corrections, Department of	____	San Joaquin River Conservancy
____	Delta Protection Commission	____	Santa Monica Mountains Conservancy
____	Education, Department of	____	State Lands Commission
____	Energy Commission	____	SWRCB: Clean Water Grants
X	Fish & Game Region # ____	X	SWRCB: Water Quality
____	Food & Agriculture, Department of	____	SWRCB: Water Rights
____	Forestry & Fire Protection	____	Tahoe Regional Planning Agency
____	General Services, Department of	____	Toxic Substances Control, Department of
____	Health Services, Department of	X	Water Resources, Department of
____	Housing & Community Development		
____	Integrated Waste Management Board	____	Other ____
X	Native American Heritage Commission	____	Other ____
____	Office of Emergency Services		

Local Public Review Period (to be filled in by lead agency)

Starting Date July 11, 2008 Ending Date September 1, 2008

Lead Agency (Complete if applicable):

Consulting Firm: ____
Address: ____
City/State/Zip: ____
Contact: ____
Phone: ____

Applicant: Los Angeles Harbor Department
Address: 425 S. Palos Verdes St
City/State/Zip: San Pedro CA 90731
Phone: (310) 732-3675

Signature of Lead Agency Representative: Paul Haas **Date:** 7/2/08

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8583–7]

Environmental Impact Statements;

Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements

Filed 07/07/2008 through 07/11/2008

Pursuant to 40 CFR 1506.9.

EIS No. 20080269, Final Supplement, FHW, AR, US 67 Construction, U.S. 67/167 to I–40 West/I–430 Interchange around the North Little Rock Metropolitan Area, Funding, Pulaski County, AR, *Wait Period Ends:* 08/18/2008, *Contact:* Randal Looney 501–324–5625.

EIS No. 20080270, Final EIS, NSF, 00, PROGRAMMATIC—Integrated Ocean Drilling Program—United States Implementing Organizations Participation in the Development of Scientific Ocean Drilling, IODP–USIO, *Wait Period Ends:* 08/18/2008, *Contact:* James F. Allen 703–292–8581.

EIS No. 20080271, Final EIS, BLM, UT, Kanab Field Office Resource Management Plan, Implementation, Portions of Kane and Garfield Counties, UT, *Wait Period Ends:* 08/18/2008, *Contact:* Keith Rigtrup 435–644–4600.

EIS No. 20080272, Third Draft Supplement, COE, CA, Port of Los Angeles Channel Deepening Project, To Dispose of Approximately 3.0 Million Cubic Yards of Dredge Material Required to Complete the Channel Deepening Project and to Beneficially Reuse the Dredge Material with the Port of Los Angeles, Los Angeles County, CA, *Comment Period Ends:* 09/02/2008, *Contact:* Joy Jaiswal 213–453–3851.

EIS No. 20080273, Final EIS, FRC, FL, Floridian Natural Gas Storage Project, Construction and Operation, Liquefied Natural Gas (LNG) Storage and Natural Gas Transmission Facilities, Martin County, FL, *Wait Period Ends:* 08/18/2008, *Contact:* Patricia Schaub 1–866–208–3372.

EIS No. 20080274, Final EIS, CGD, FL, Calypso Liquefied Natural Gas (LNG) Deepwater Port License Application, Proposes to Own, Construct and Operate a Deepwater Port, Outer Continental Shelf (OCS) in the OCS NG 17–06 (Bahamas) Lease Area, 8 to 10 miles off the East Coast of Florida to the Northeast of Port Everglades, FL, *Wait Period Ends:* 09/02/2008, *Contact:* Lt. Hannah Kim 202–372–1438.

EIS No. 20080275, Final EIS, NOA, WA, ADOPTION—Fish Passage and Aquatic Habitat Restoration at Hemlock Dam, Implementation, Gifford Pinchot National Forest, Mount Adams District, Skamania County, WA, *Contact:* Christopher Doley 301–713–0174. US DOC/NOA adopted the U.S. DOA/AFS, Final EIS 20050451 filed 10/24/2005. NOA was a cooperating agency on the project. Recirculation on the document is not necessary under 1506.3(b) of the CEQ Regulations.

EIS No. 20080276, Draft EIS, FTA, CO, Gold Line Corridor Project, To Implement Fixed-Guideway Transit Service within the Golden Line Study area between Denver Union Station (DUS) and Ward Road in Wheat Ridge, Denver, Arvada, Wheat Ridge, Adam and Jefferson Counties, CO, *Comment Period Ends:* 09/02/2008, *Contact:* David Beckhouse 720–963–3306.

EIS No. 20080277, Final EIS, SFW, TX, Texas Chenier Plain National Wildlife Refuge Complex, Development of a 15-Year Management Plan (Comprehensive Conservation Plan) for Refuge Complex, and Expansion of the Approval Land Acquisition Boundaries (Land Protection Plan) for the Four Refuges: Moody, Anahuac, McFaddin and Texas Point National Wildlife Refuges, Chambers, Jefferson and Galveston Counties, TX, *Wait Period Ends:* 08/18/2008, *Contact:* Stephanie Nash 703–358–2183.

EIS No. 20080278, Final EIS, NPS, WA, Mountain Lake Fisheries Management Plan for the North Cascades National Service Complex, Implementation, North Cascades National Park, Whatcom, Skagit and Chelan Counties, WA, *Wait Period Ends:* 08/18/2008, *Contact:* Alan Schmierer 510–817–1441.

Amended Notices

EIS No. 20080167, Draft EIS, COE, CO, Northern Integrated Supply Project, Construction and Operation of a Regional Water Supply to Serve the Current and Future Water Needs of 12 Towns and Water Districts, Approval of Section 404 Permit Application, Northern Colorado Water Conservancy District, Larimer and Weld Counties, CO, *Comment Period Ends:* 07/30/2008, *Contact:* Chandler J. Peter 303–979–4120. Revision of FR Notice Published 05/09/2008: Extending the Comment Period from 07/30/2008 to 09/13/2008.

EIS No. 20080264, Second Final Supplement, DOE, NV, Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada—Nevada Rail Transportation Corridor (DOE/EIS–0250F–S2), *Wait Period Ends:* 08/11/2008, *Contact:* Dr. Jane R. Summerson 702–794–1493. Revision of FR Notice Published 07/11/2008: Correction to Title.

EIS No. 20080265, Second Final EIS (Tiering), DOE, NV, Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository (DOE/EIS–0369) at Yucca Mountain, Nye County, NV, *Wait Period Ends:* 08/11/2008, *Contact:* Dr. Jane R. Summerson 702–794–1493. Revision of FR Notice Published 07/11/2008: Correction to Title.

EIS No. 20080266, Final Supplement, DOE, NV, Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste, Construction, Operation, Monitoring and Eventually Closing a Geologic Repository DOE/EIS–0250F–S1D) at Yucca Mountain, Nye County, NV, *Wait Period Ends:* 08/11/2008, *Contact:* Dr. Jane R. Summerson 702–794–1493. Revision FR Notice Published 07/11/2008: Correction to Title.

Dated: July 15, 2008.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E8–16473 Filed 7–17–08; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

July 11, 2008.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995 (PRA), Public Law No. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Subject to the PRA, no person shall be subject to any penalty for failing to comply with a collection of information that does not display a

to be placed on the mailing list should also be sent to this address.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS/EIR should be addressed to Ms. Elizabeth Holland at (916) 557–6763, e-mail *Elizabeth.g.holland@usace.army.mil* or by mail (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

1. Proposed Action. The U.S. Army Corps of Engineers is preparing an EIS/EIR to analyze the impacts of the work proposed by SAFCA to implement the NLIP Phase 3. The NLIP Phase 3 is proposed by SAFCA to reduce the risk of flooding to portions of the City and County of Sacramento and Sutter County, CA lying within the Natomas Basin.

2. Alternatives. The EIS/EIR will address an array of flood risk management alternatives. Alternatives analyzed during the investigation will consist of a combination of one or more flood protection measures. These measures include raising the existing levee in place, constructing seepage berms, constructing adjacent setback levees, installing seepage wells and seepage cutoff walls, and relocating irrigation ditches.

3. Scoping Process. a. A public scoping meeting will be held on August 6, 2008 to present information to the public and to receive comments from the public. This meeting will begin a process to involve concerned individuals, and local, State, and Federal agencies.

b. Significant issues to be analyzed in depth in the EIS/EIR include effects on hydraulic, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, cultural resources, land use, fisheries, water quality, air quality, transportation, and socioeconomics. The EIS/EIR will also evaluate the cumulative effects of the proposed NLIP and other related projects in the study area.

c. The Corps is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act, and with the U.S. Fish and Wildlife Service to provide a Fish and Wildlife Coordination Act Report.

d. A 45-day public review period will be provided for individuals and agencies to review and comment on the draft EIS/EIR. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS/EIR circulation.

4. Availability. The draft EIS/EIR is scheduled to be available for public review and comment in late 2008.

Dated: July 9, 2008

Thomas Chapman,

P.E., COL, EN, Commanding.

[FR Doc. E8–16445 Filed 7–17–08; 8:45 am]

BILLING CODE 3710–EZ–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of a Supplemental Environmental Impact Statement/ Supplemental Environmental Impact Report (SEIS/SEIR) for the Port of Los Angeles Channel Deepening Project, Los Angeles, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers, Los Angeles District (USACE) and the Los Angeles Harbor Department (Port) have prepared a joint Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR) for the Port of Los Angeles Channel Deepening Project, Los Angeles, California. This Draft SEIS/SEIR describes the affected resources and evaluates the potential impacts to those resources as a result of the Proposed Action and alternatives. The purpose of the Proposed Action is to dispose of approximately 3.0 million cubic yards of dredge material required to complete the Channel Deepening Project and to beneficially reuse the dredge material within the Port of Los Angeles.

Three Alternatives have been analyzed in the Draft SEIS/SEIR, including No Action. Alternative 1, Port Development and Environmental Enhancement was developed with a focus on using dredge material for port development and environmental enhancement and would involve use and development of the following disposal sites: Berths 243–245, the Northwest Slip, CSWH Expansion, the Eelgrass Habitat Area, and LA–2. Alternative 2, Environmental Enhancement and Ocean Disposal was developed with a focus on environmental enhancement related uses of the remaining material and does not include any disposal options associated with port development. Under Alternative 2, dredge material would be disposed at the CSWH Expansion, Eelgrass Habitat Area, LA–2 and the Anchorage Road Soil Storage Site. Under Alternative 3, the No Action Alternative, no further dredging would take place and the Channel Deepening Project would not be completed.

This Notice also serves as the Public Notice/Notice of Availability for the Section 404 Permit under Clean Water Act (CWA). 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 for a permit, in accordance with Section 404 of the CWA and Section 10 of the Rivers and Harbors Act, to complete dredging activities outside of the Federal Channel and placement of the dredge material in waters of the United States in the Port of Los Angeles.

This SEIS/SEIR would be used by the Corps as part of their application review process. The Corps and the Port independently determined under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively, that there are potential significant environmental impacts associated with the proposed action, and an Environmental Impact Statement and Environmental Impact Report are required.

DATES: Submit comments on or before September 1, 2008.

ADDRESSES: U.S. Army Corps of Engineers, Los Angeles District, CESPL–PD–RN, c/o Joy Jaiswal, P.O. Box 532711, Los Angeles, CA 90053–2325.

FOR FURTHER INFORMATION CONTACT: Ms. Joy Jaiswal, Chief, Ecosystem Planning Section, at (213) 452–3851 or e-mail at *Jyotsna.I.Jaiswal@usace.army.mil. Additional Information:* This Draft SEIS/SEIR has been filed with the Environmental Protection Agency (EPA) to be published in the **Federal Register** and is available for a forty-five (45) day public review period. The public review period for the Draft SEIS/EIR will be from July 18, 2008 to September 1, 2008. Please forward your comments on the Draft SEIS/SEIR by mail, email, or fax to the contacts listed below by September 1, 2008.

Ms. Joy Jaiswal, Chief, Ecosystem Planning Section, Attn: Ms. Megan Wong, U.S. Army Corps of Engineers, P.O. Box 532711, Los Angeles, California 90053–2325, Fax: (213) 452–4204, *Megan.T.Wong@usace.army.mil*; or

Dr. Ralph Appy, Los Angeles Harbor Department (LAHD), 425 South Palos Verdes Street, San Pedro, CA 90731.

SUPPLEMENTARY INFORMATION:

1. Authorization

The Port of Los Angeles Channel Deepening Project was authorized for

construction by the Water Resources Development Act of 2000. Construction began in October 2002 and is currently continuing using previously approved disposal areas.

2. Background

The City of Los Angeles Harbor Department (LAHD) administers the Port of Los Angeles. The Port comprises 45 kilometers (28 miles) of waterfront and 3,035 hectares (7,500 acres) of land and water. LAHD administers automobile, container, omni, lumber, cruise ship, liquid and dry bulk terminals, and commercial fishing facilities. For recreational activities the Port of Los Angeles provides slips for 5,000 pleasure craft, sport fishing boats, and charter vessels. Community facilities include a water front youth center, a boat launch ramp, and a public swimming beach. Educational facilities include the Cabrillo Marine Aquarium and the Los Angeles Maritime Museum.

This SEIS/SEIR is a supplement to the 2000 SEIS/SEIR that was prepared for the Channel Deepening Project, which was a supplement to the 1998 Channel Deepening Project EIR and the 1992 Deep Draft Navigation Improvements Project EIS/EIR the modifications required to complete disposal of dredged material from the authorized project. This SEIS/SEIR addresses impacts associated with providing additional disposal capacity of approximately 3 mcy required to complete the Channel Deepening Project. Additional disposal capacity is required to complete the deepening of the navigation channel and berthing areas to −53 feet Mean Lower Low Water (MLLW) at container terminals along the deepened channel and the removal of dredge material that was temporarily used as surcharge at the Southwest Slip. This project meets a public need for safe and efficient commercial navigation.

3. Hearing Process

The Corps Los Angeles District and the Los Angeles Harbor Department (LAHD or Port) will jointly conduct a Public Hearing for the Port of Los Angeles Channel Deepening Project, Los Angeles, California Draft SEIS/SEIR on August 6, 2008 at 6:30 p.m., to receive public comment and assess public concerns regarding the Draft SEIS/SEIR (Corps File Number 2008–00662–AOA). Participation in the Public Hearing by Federal, State and local agencies and other interested organizations and persons are encouraged. This meeting is to be conducted in English and Spanish. Members of the public who wish to communicate and listen entirely in Spanish are encouraged to attend this meeting. The Public Hearing will be held at: Banning's Landing Community Center, 100 East Water Street, Wilmington, CA 90744.

4. Availability of the Draft SEIS/SEIR

a. The Draft SEIS/SEIR for the Proposed Action is being distributed directly to agencies, organizations, and interested groups and persons for comment during the 45-day formal review period in accordance with Section 15087 of the State CEQA Guidelines and 40 CFR Section 1506.10 of the CEQ NEPA Regulations. During the 45-day public review period, which begins on July 18, 2008 and ends on September 1, 2008, the Draft SEIS/SEIR is available for general public review at the following locations:

U.S. Army Corps of Engineers, Los Angeles District, Environmental Resources Branch, 915 Wilshire Blvd., 14th Floor, Los Angeles, CA 90053

Los Angeles Public Library, San Pedro Branch, 921 South Gaffey Street, San Pedro, CA 90731

Los Angeles Public Library, Central Branch, 630 West 5th Street, Los Angeles, CA 90071

Port of Los Angeles, Environmental Management Division, 425 South Palos Verdes Street, San Pedro, CA 90731

Los Angeles Public Library, Wilmington Branch, 1300 North Avalon Boulevard, Wilmington, CA 90744

b. Participation of affected Federal, State, and local resource agencies, and concerned interest groups/individuals are encouraged on the Draft SEIS/SEIR during the public review period. Public participation will be especially important in receiving input on environmental analysis for the Proposed Action, and associated Alternatives in finalizing the SEIS/SEIR. Those wishing to provide comments relevant to the environmental or social impacts that should be included or considered in updating the environmental analysis can furnish this information by writing to the point of contact indicated above.

c. The Final SEIS/SEIR document will incorporate public concerns in the analysis of impacts associated with the Proposed Action and associated project alternatives. The Final SEIS/SEIR will address the comments received on the Draft SEIS/SEIR. In compliance with NEPA, the Final SEIS/SEIR will be sent out for a 30-day public review period. Copies of the Final SEIS/SEIR will be furnished to all who commented on the Draft SEIS/SEIR and to anyone who requests a copy. The final step involves preparing and signing a Record of Decision (ROD) by lead Federal Agency for the Federal SEIS. The lead CEQA agency certifies the SEIR and adopts a Mitigation Monitoring and Reporting Plan. The ROD is a concise summary of the decisions made by the USACE from among the alternatives presented in the Final SEIS/SEIR. A certified SEIR indicates that the environmental document adequately assesses the environmental impacts of the proposed project with respect to CEQA. Any required permit would be issued concurrently or soon after the issuance of the ROD.

Dated: July 9, 2008.

Anthony G. Reed,

Lieutenant Colonel, U.S. Army, Deputy District Commander.

[FR Doc. E8–16458 Filed 7–17–08; 8:45 am]

BILLING CODE 3710–KF–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for Potential Multipurpose Projects for Ecosystem Restoration, Flood Risk Management, and Recreation Development Within and Along Johnson Creek, Arlington, Tarrant County, TX

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The study is being conducted in response to the authority contained in the Consolidated Appropriations Act, 2008. Pertinent text is quoted below:

SEC. 117. JOHNSON CREEK, ARLINGTON, TEXAS.

(a) IN GENERAL.—The project for flood damage reduction, environmental restoration and recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280–281) is modified to authorize the Secretary to construct the project substantially in accordance with the report entitled Johnson Creek: A Vision of Conservation, dated March 30, 2006, at a total cost of $80,000,000, with an estimated Federal cost of $52,000,000 and an estimated non-Federal cost of $28,000,000 if the Secretary determines that the project is technically sound and environmentally acceptable.

An initial assessment based on the authority indicates that the modifications outlined within the report ''Johnson Creek: A Vision of Conservation'' require preparation of a Draft Environmental Impact Statement (DEIS) to review the project proposal

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF

July 31, 2008

Office of the Chief
Environmental Resources Branch

Mr. Peter Douglas
Executive Director
California Coastal Commission
Attn: Mr. Larry Simon
45 Fremont, Suite 2000
San Francisco, California 94105

Dear Mr. Douglas:

The U.S. Army Corps of Engineers (USACE) submits the Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR) for the Corps' Port of Los Angeles (POLA) Channel Deepening Project, Los Angeles, California, for your review and consideration for a Coastal Consistency Determination (CCD).

The Draft SEIS/SEIR describes the affected resources and evaluates the potential impacts to those resources as a result of the Proposed Action and alternatives. The purpose of the Proposed Action is to dispose of approximately 3.0 million cubic yards of dredge material required to complete the Channel Deepening Project and to beneficially reuse the dredge material within the POLA.

Three alternatives, including the No Action Alternative, have been analyzed in the Draft SEIS/SEIR. Alternative 1, Port Development and Environmental Enhancement was developed with a focus on using dredge material for port development and environmental enhancement and would involve use and development of the following disposal sites: Berths 243-245, the Northwest Slip, Cabrillo Shallow Water Habitat (CSWH) Expansion, the Eelgrass Habitat Area, and LA-2. Alternative 2, Environmental Enhancement and Ocean Disposal was developed with a focus on environmental enhancement related uses of the remaining material and does not include any disposal options associated with port development. Under Alternative 2, dredge material would be disposed at the CSWH Expansion, Eelgrass Habitat Area, LA-2 and the Anchorage Road Soil Storage Site. Under Alternative 3, the No Action Alternative, no further dredging would take place and the Channel Deepening Project would not be completed. Full descriptions of each alternative are located in Chapter 2 of the enclosed SEIS/SEIR.

Since 2005, the USACE has informally coordinated with Mr. Larry Simon of your staff for compliance with the Federal Coastal Zone Management Act (CZMA) for the

POLA Channel Deepening Project. For certain previous Corps navigation projects, the Corps has submitted a NEPA document along with a cover letter referencing that document and concluding that the proposed Corps project is consistent with the California Coastal Management Program (CCMP). The Corps is following that procedure with the subject Channel Deepening Project Draft SEIS/SEIR. The USACE has determined that its proposed POLA Channel Deepening Project is consistent with the CCMP. The USACE is requesting that the consistency determination be heard at the Commission's October 15-17, 2008, in southern California. A tentative schedule is enclosed for your information.

Mr. Simon requested that a detailed description of the disposal options and a thorough analysis of impacts to the environmental resources, including any recreational activities, be included in the consistency determination. Enclosed, you will find a copy of the Draft SEIS/SEIR providing the requested information and documentation that the proposed project is consistent with the coastal resource protection policies of the CCMP. Please refer to the following in the document:

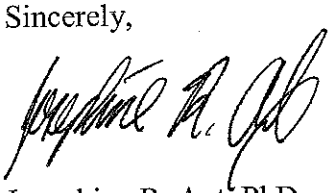
- Resource Agency Coordination (CCC) – Section 1.12 (pg. 1-41)
- Project Description – Section 2 (pg. 2-1 to 2-48)
- Biological Resources – Section 3.3 (pg. 3.3-13.3-58)
- Recreation – Section 3.11 (pg. 3.11-1 to 3.11-15)
- CZMA Compliance with Environmental Requirements – Section 8 (pg. 8-13)

Furthermore, POLA will be submitting at a future date a Port Master Plan Amendment to the CCC for the Channel Deepening Project. The Corps acknowledges that until the Commission has also certified this Port Master Plan Amendment, the Corps project cannot be implemented.

Your timely concurrence for a CCD would be greatly appreciated. If you have any questions regarding this project, please contact Ms. Joy Jaiswal, Chief of Ecosystem Planning Section, at (213) 452-3851, or Ms. Megan Wong, Project Biologist, at (213) 452-3859, or Mr. John Foxworthy, Project Manager, at (310) 732-3571.

Thank you for your time and attention to this request.

Sincerely,



Josephine R. Axt, PhD
Chief, Planning Division

Enclosure

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF

July 31, 2008

Office of the Chief
Planning Division

Mr. Rodney McInnis
Regional Administrator
Southwest Regional Office
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Attn: Mr. Bryant Chesney
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

Dear Mr. McInnis:

The U.S. Army Corps of Engineers (USACE) and the Los Angeles Harbor Department (LAHD) request your concurrence on our determination on Essential Fish Habitat (EFH) and mitigations for implementation of the Proposed Port of Los Angeles Channel Deepening Project. Details on biological resources including EFH are provided in Section 3.3 of the Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR). A copy of the Draft SEIS/SEIR has been provided for your information. This SEIS/SEIR is a supplement to the Channel Deepening Project SEIS/EIR (2000) and addresses impacts related to the modifications required to complete disposal of dredged material from the authorized project.

In accordance with the 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act, the assessment of EFH has been prepared (Draft SEIS/SEIR, Section 3.3.2.9). The Proposed Action would be located within areas designated as EFH for two Fishery Management Plans (FMPs): Coastal Pelagics Plan and Pacific Coast Groundfish Management Plan. Of the 94 fisheries management species federally managed under these plans, 19 are known to occur in the Los Angeles-Long Beach Harbor.

The Draft SEIS/SEIR describes the affected resources and evaluates the potential impacts to those resources as a result of the Proposed Action and alternatives. The purpose of the Proposed Action is to complete the Channel Deepening Project by providing 3.0 million cubic yards (mcy) of additional disposal capacity for dredge material and maximizing beneficial use of the dredge material within the Port of Los Angeles (Port).

Three alternatives, including the No Action Alternative, have been analyzed in the Draft SEIS/SEIR. Alternative 1, Port Development and Environmental Enhancement

was developed with a focus on using dredge material for port development and environmental enhancement and would involve use and development of the following disposal sites: Berths 243-245, the Northwest Slip, Cabrillo Shallow Water Habitat (CSWH) Expansion, the Eelgrass Habitat Area, and LA-2. Alternative 2, Environmental Enhancement, and Ocean Disposal, was developed with a focus on environmental enhancement uses of the remaining material and does not include any disposal options associated with port development. Under Alternative 2, dredge material would be disposed at the CSWH Expansion, Eelgrass Habitat Area, LA-2 and the Anchorage Road Soil Storage Site. Under Alternative 3, the No Action Alternative, no further dredging would take place and the Channel Deepening Project would not be completed. Full descriptions of each alternative are located in Chapter 2 of the enclosed SEIS/SEIR.

Since July 2005, the USACE and POLA have been coordinating with NOAA Fisheries (Mr. Bob Hoffman) with regard to the Proposed Action and development of the Alternatives. Many meetings were conducted to coordinate development of the CSWH Expansion and Eelgrass Habitat Area disposal options. Mr. Hoffman provided recommendations on the design for the CSWH Expansion Area and Eelgrass Habitat Area, including depths and the type of material to be used for construction of the Eelgrass Habitat Area and dike.

In May and June 2008, the USACE and Port staff met with Bryant Chesney, the newly assigned National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) staff member to provide background of the project. At this meeting, NOAA Fisheries personnel provided recommendations for EFH and benthic organisms. In addition, the USACE and the Port agreed to coordinate with NOAA Fisheries prior to construction to develop a construction monitoring plan to identify dredge areas to be utilized for construction as well as a post-construction investigation program.

Construction of Alternative 1 would result in the permanent loss of 4.8 acres (1.9 ha), 7.6 acres (3.1 ha), and 1.7 acres (0.7 ha) of EFH at the Northwest Slip, Berths 243-245, and Eelgrass Habitat Area disposal sites, respectively, for a total loss of 14.1 acres (5.7 ha). This loss of EFH does not represent a substantial portion of the EFH in the Harbor, and the Northwest Slip and Berths 243-245 areas provide only low quality habitat for FMP species. However, impacts to EFH are still considered significant, but the loss of marine habitat from these areas would be mitigated through the use of existing mitigation credits as outlined in the Draft SEIS/SEIR - MM BIO-4 and BIO-5. Impacts to EFH would be fully mitigated to an insignificant level.

The POLA would offset the loss of marine habitat from the Berths 243-245 disposal site, the Northwest Slip site, and the above-water portion of the containment dike at the Eelgrass Habitat Area by using existing mitigation credits from the Bolsa Chica Mitigation Bank, in accordance with provisions of the Memorandum of Agreement (MOA) governing its use. The loss of 12.4 acres (5.0 ha) of Inner Harbor habitat from Berths 243-245 and the Northwest Slip would require 6.2 credits (acres) (calculated at 0.5 credits per acre of Inner Harbor habitat lost). The loss of 1.7 acres (0.7 ha) of Outer

Harbor habitat from the Eelgrass Habitat Area above-water portion of the containment dike would require no more than 2.6 Outer Harbor Bank credits (calculated at 1.5 credits for each acre of shallow habitat lost; this conservatively assumes that all of the dike would be on shallow Outer Harbor habitat (1.5:1) even though a portion is on deep (1:1). Credits will be debited from available credits in the Bolsa Chica Mitigation Bank (as of June 2008, approximately 106 credits are available in this bank).

Alternative 2 would result in loss of the 1.7 acres (0.7 ha) of deep and shallow water habitat displaced by the containment dike for the Eelgrass Habitat Area that extends above the water surface. Disposal of sediments at LA-2 and disposal of contaminated sediments at the upland Anchorage Road Soil Storage Site would cause no loss of marine habitat.

Coordination with other resource agencies is ongoing. The USACE and LAHD have conducted extensive coordination with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) in regard to potential impacts to California Least Tern. Mitigation measures have been developed to minimize/avoid impacts to this federally listed species (see Section 1.12 of the Draft SEIS/SEIR for details about coordination with resource agencies).

Should you have any questions, please contact any of the contacts listed below.

U.S. Army Corps of Engineers:
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section, at (213) 452-3851
Ms. Megan Wong, Environmental Coordinator, at (213) 452-3859

Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager, Channel Deepening Project, at (310) 521-1306
Dr. Ralph Appy, Director, Environmental Management Division, at (310) 732-3497.

Your timely response to this request for concurrence on our EFH determination is greatly appreciated.

Sincerely,

Josephine R. Axt, PhD
Chief, Planning Division
U.S. Army Corps of Engineers
Los Angeles District

Enclosures

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF

July 31, 2008

THE PORT
OF LOS ANGELES

Office of the Chief
Planning Division

Ms. Tracy Egoscue
Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
Attn: Mr. Michael Lyons
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Dear Ms. Egoscue:

The U.S. Army Corps of Engineers (USACE) and the Los Angeles Harbor Department (LAHD) hereby request a joint Section 401 Water Quality Certification (WQC) for the Proposed Port of Los Angeles Channel Deepening Project. This Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR) is a supplement to the Channel Deepening Project SEIS/EIR (2000) and addresses impacts related to the modifications required to complete disposal of dredged material from the authorized project.

The Draft SEIS/SEIR describes the affected resources and evaluates the potential impacts to those resources as a result of the Proposed Action and alternatives. The purpose of the Proposed Action is to dispose of approximately 3.0 million cubic yards of dredge material required to complete the Channel Deepening Project and to beneficially reuse the dredge material within the Port of Los Angeles (Port).

The USACE is considering an application submitted by the Port for a permit, in accordance with Section 404 of the CWA and Section 10 of the Rivers and Harbors Act, to complete dredging activities outside of the Federal Channel and placement of the dredge material in waters of the United States in the Port of Los Angeles. Therefore, the Section 401 WQC shall be issued for both activities within the Federal Channel and dredging activities outside of the Federal Channel, as described in the Draft SEIS/SSEIR.

The USACE has informally coordinated with Mr. Michael Lyons of the LARWQCB to provide a brief summary of the Proposed Action and to discuss the requirements of the Section 401 WQC. The enclosed copy of the Draft SEIS/SEIR includes detailed analysis of each environmental resource for the viable alternatives and the No Action Alternative. The following sections of the Draft SEIS/SEIR contain information necessary to issue the Section 401 WQC and have been flagged for your attention: Project Description, Water Quality, Biological Resources, and Compliance with Environmental Requirements.

Three alternatives, including the No Action Alternative, have been analyzed in the Draft SEIS/SEIR. Alternative 1, Port Development and Environmental Enhancement was developed with a focus on using dredge material for port development and environmental enhancement and would involve use and development of the following disposal sites: Berths 243-245, the Northwest Slip, Cabrillo Shallow Water Habitat (CSWH) Expansion, the Eelgrass Habitat Area, and LA-2. Alternative 2, Environmental Enhancement and Ocean Disposal was developed with a focus on environmental enhancement related uses of the remaining material and does not include any disposal options associated with port development. Under Alternative 2, dredge material would be disposed at the CSWH Expansion, Eelgrass Habitat Area, LA-2 and the Anchorage Road Soil Storage Site. Under Alternative 3, the No Action Alternative, no further dredging would take place and the Channel Deepening Project would not be completed. Full descriptions of each alternative are located in Chapter 2 of the enclosed SEIS/SEIR.

Coordination with resource agencies is ongoing. The USACE and LAHD have conducted extensive coordination with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) with regard to potential impacts to California Least Tern. Mitigation measures have been developed to minimize/avoid impacts to this federally listed species (see Section 1.12 of the Draft SEIS/SEIR for details about coordination with resource agencies). The USACE will submit a request to initiate informal Section 7 consultation with the USFWS and will furnish a copy to the CDFG. Extensive coordination also has been performed with the National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) in developing the CSWH Expansion Area, Eelgrass Habitat and impacts to Essential Fish Habitat (EFH). The USACE will initiate EFH Consultation with Fisheries for placement of fill for construction of the Eelgrass Habitat Area.

As the local sponsor and joint applicant, the LAHD is providing the required fees. Section 404(t) of the CWA requires the Corps to comply with the State or Regional Boards' substantive and procedural requirements pertaining to the discharge of dredged or fill material, including structural discharges. However, this Section does not authorize the payment of fees as a condition of compliance with these requirements. Fundamentally, as an agency of the Federal government, legal determinations preclude the Corps from paying fees, except where Congress has clearly and unambiguously waived Federal sovereignty.

The Draft SEIS/SEIR has determined that implementation of Alternative 1 or Alternative 2 of the Proposed Action would result in significant impacts that can be mitigated to less than significant on Water Quality and Biological Resources. Please see details in Section 3.13 and Section 3.3, respectively, of the Draft SEIS/SEIR. Chapter 8 of the Draft SEIS/SEIR describes how the Proposed Action has been developed in accordance with the requirements of relevant environmental statutes and regulations and identifies conclusions concerning compliance or responsibility for compliance for each requirement.

Should you have any questions, please contact any of the contacts listed below.

U.S. Army Corps of Engineers:
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section, at (213) 452-3851
Ms. Megan Wong, Environmental Coordinator, at (213) 452-3859
Dr. Aaron Allen, Chief, North Coast Section, at (805) 585-2148.

Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager, Channel Deepening Project, at (310) 521-1306
Mr. Tony Gioiello, Port, Chief Harbor Engineer, at (310) 732-3877
Dr. Ralph Appy, Director, Environmental Management Division, at (310) 732-3497

Your timely response to this request for issuing the Section 401 WQC is greatly appreciated.

Sincerely,

Antonio Gioiello
Chief, Harbor Engineer
Port of Los Angeles

Sincerely,

Josephine R. Axt, PhD
Chief, Planning Division
U.S. Army Corps of Engineers
Los Angeles District

Enclosures

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF

August 5, 2008

Office of the Chief
Planning Division

Mr. Jim Bartel
Field Supervisor
U.S. Fish and Wildlife Service
Attn: Ms. Chris Medak
6010 Hidden Valley Rd.
Carlsbad, CA 92009

Dear Mr. Bartel:

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C.A. §§1531 *et seq.*) the U.S. Army Corps of Engineers (USACE) and the Los Angeles Harbor Department (LAHD) request initiation of informal consultation (50 CFR §402.14) concerning a Federal action which may affect individual California least tern (*Sternula antillarum browni*); California brown pelican (*Pelecanus occidentalis californicus*) and western snowy plover (*Charadrius alexandrinus nivosus*) for the Port of Los Angeles Channel Deepening Project. This Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (SEIS/SEIR) is a supplement to the Channel Deepening Project SEIS/EIR (2000) and addresses impacts related to the modifications required to complete disposal of dredged material from the authorized project. The California least tern and California brown pelican are endangered under Federal and State listing; the western snowy plover is a federally threatened species and special concern species for the State.

The Draft SEIS/SEIR describes the affected resources and evaluates the potential impacts to those resources as a result of the Proposed Action and alternatives. The purpose of the Proposed Action is to dispose of approximately 3.0 million cubic yards of dredge material required to complete the Channel Deepening Project and to beneficially reuse the dredge material within the Port of Los Angeles (Port).

Three alternatives, including the No Action Alternative, have been analyzed in the Draft SEIS/SEIR. Alternative 1, Port Development and Environmental Enhancement, was developed with a focus on using dredge material for port development and environmental enhancement and would involve use and development of the following disposal sites: Berths 243-245, the Northwest Slip, Cabrillo Shallow Water Habitat (CSWH) Expansion, the Eelgrass Habitat Area, and LA-2. Alternative 2, Environmental Enhancement and Ocean Disposal, was developed with a focus on environmental enhancement uses of the remaining material and does not include any disposal options associated with port development. Under Alternative 2, dredge material would be disposed at the CSWH Expansion, Eelgrass Habitat Area, LA-2 and the Anchorage Road

Soil Storage Site. Under Alternative 3, the No Action Alternative, no further dredging would take place and the Channel Deepening Project would not be completed. Full descriptions of each alternative are located in Chapter 2 of the enclosed SEIS/SEIR.

Formal and informal coordination with the USFWS has been ongoing since July 2005. Conversations ranged widely over disposal options being considered to complete the Channel Deepening Project, conceptual alternatives, concepts for expansion of the Cabrillo Shallow Water Habitat and creation of a Bird Island Nesting Area. Mr. Jack Fancher, of your staff, had provided input on developing design for the Eelgrass Habitat Area including depth of water, dike width, slope, and type of rocks to be used for dike construction. Discussion also occurred over obtaining Coordination Act Report and Informal Consultation for the least tern.

A meeting was held on March 11, 2008 with Ms. Christine Medak of USFWS, along with other concerned resource agencies to brief new members of the Proposed Action and proposed alternatives. Extensive coordination occurred with the USFWS and California Department of Fish and Game (CDFG) to develop mitigation measures to minimize/off-set impacts to the federally listed species California least tern. USFWS, USACE and LADH negotiated mitigation measures to minimize impacts to California least tern, which are located in Section 3.3.8 of the Draft SEIS/SEIR (also see detail coordination in Section 1.12 of the Draft SEIS/EIR) and listed later in this letter.

In May 2008, USACE coordinated with Ms. Medak, and Ms. Loni Adams and Ms. Becky Ota of CDFG in response to the Daft CAR. CDFG indicated that they would provide comments on the Draft CAR after release of the public Draft SEIS/SEIR. The USACE will submit a request for informal ESA Section 7 Consultation upon release of the Draft SEIS/SEIR and a copy of this request will be provided to CDFG. The CDFG will provide response along with the Draft SEIS/SEIR related to Section 7 Consultation.

Coordination with other resource agencies is ongoing. The USACE and LAHD have conducted extensive coordination with the National Oceanic and Atmospheric Administration Fisheries (NOAA) in developing the CSWH Expansion Area, Eelgrass Habitat and impacts to Essential Fish Habitat (EFH). The USACE will coordinate with the NOAA Fisheries on our determination on EFH for placement of fill for construction of the Eelgrass Habitat Area.

Determination for the listed species:

Sections 3.3.6 and 3.3.7 of the Draft SEIS/SEIR provides detail related to impact analysis and mitigation measures of the federally and state listed species for Alternative 1, and 2, respectively. Impacts from the construction of landfills at Berths 243-245 and the Northwest Slip would be less than significant because no individuals or habitat for the California least tern or other special status species would be adversely affected. Dredging for the CSWH Expansion Area dike would also have less than significant impacts on

these species because the disturbance would be localized, be of short duration, and affect few, if any individuals.

Construction in the immediate vicinity of the CSWH for construction of the CSWH Expansion Area and Eelgrass Habitat Area has the potential to adversely affect California least tern foraging by causing a decline in the availability of forage fish or the ability of least terns to find forage fish during the nesting season due to construction-related turbidity within the adjacent CSWH and surrounding areas. Construction would affect approximately 13 acres (2.5 percent) of the 512 acres of existing shallow water California least tern foraging habitat available within the Harbor at any time during concurrent construction of the CSWH Expansion Area and Eelgrass Habitat Area. Thus, impacts would be less than significant. Nevertheless, based on coordination with USFWS, to ensure that construction-related turbidity would not adversely affect California least tern, mitigation measures BIO-1 through BIO-3 would be implemented and provided in the following paragraph. Based on this impact analysis it has been determined that the Proposed Action may affect, but is not likely to adversely affect, the California least tern.

Mitigation Measures:

MM BIO-1 Limit Turbidity Plume. Unless specifically allowed by the USFWS, as appropriate, the LAHD/USACE shall not allow turbidity from the dredge and fill activities to extend over greater than 6.5-acres of shallow (i.e., less than 20 feet deep) Outer Harbor waters during the April-to-September nesting season of the California least tern. This requirement shall be monitored as provided for in measure BIO-2 below and shall be based on visually observed differences between ambient surface water conditions and any dredging turbidity plume.

MM BIO-2 Least Tern Nesting Monitoring. The LAHD/USACE shall provide a qualified least tern biologist, acceptable to the USFWS and CDFG, as appropriate, to monitor and manage known least tern colonies foraging in the immediate vicinity of the existing Cabrillo Shallow Water Habitat during the nesting season. This program shall be carried out for up to one year following construction of the last element of the Port of Los Angeles Channel Deepening Project. The biologist shall coordinate with CDFG and USFWS, pursuant to the existing least tern MOA (LAHD et al. 2006) and shall:

a) Monitor nesting and fledgling success of the least tern colony and provide an annual report in the format provided in previous years.
b) Provide an education program for construction crews regarding the identity of the least tern and their nests, restricted areas and activities, actions to be taken if least tern nesting sites are found outside the designated least tern nesting sites (e.g. Southwest Slip surcharge area).
c) Assist the USFWS and CDFG in predator control, prior to and during the least tern nesting season during the construction period.

d) Visually monitor and report to USACE field representative and Environmental Resources Branch (ERB) biologist any turbidity from project dredging which extends over greater than 6.5-acres of shallow Outer Harbor waters.

MM BIO-3 Protect Least Tern Nesting Sites. If California least tern nests are found outside of the known least tern colonies during construction, the biologist shall determine the affected area and notify the USACE field representative and Environmental Resources Branch (ERB) biologist, and USACE shall halt work as appropriate. The USACE shall notify the USFWS and CDFG immediately. The USACE will then determine any potential effect to the tern and consult with the USFWS pursuant to Section 7 of the ESA as appropriate.

Residual Impacts. Impacts to special status species, including California least tern, would be less than significant.

Implementation of Alternative 2 would result in the same type and extent of development at the CSWH Expansion Area and the Eelgrass Habitat Area disposal locations as described for Alternative 1.

Impacts of constructing Alternative 2 would have less than significant impacts to the least tern and other special status species. Based on this impact analysis it has been determined that the Proposed Action may affect but is not likely to adversely affect the California least tern.

Demolition of the existing in-water structures, dredging for the containment dike foundation, and construction of the CDF at Berths 243-245 would not remove any important foraging, roosting, or resting areas for the California brown pelican. Few, if any, individuals use this area, and any present would avoid the disturbance by moving to other locations within the Harbor. Similar activities would occur at the Northwest Slip fill disposal site with little or no effect on this species for the same reasons.

Construction activities for the CSWH Expansion Area and Eelgrass Habitat Area would affect a small amount of foraging area in the Outer Harbor at a time over a period of more than one year. As described for the California least tern, some of the fish in the work area would move to adjacent areas and be available to foraging brown pelicans while some fish would remain within the turbidity plume with reduced availability. California brown pelicans forage over both shallow and deep water inside and outside the Harbor, and the small area affected by construction at these two disposal sites would not limit their foraging. Roosting areas on the breakwaters would not be affected by construction activities due to distance (more than 1.0 mi [1.6 km]) from the Middle Breakwater. This species appears to have adapted to harbor activities because there has been no decline in abundance as harbor activity has increased. Disposal of 0.004 mcy of material at the LA-2 ocean site would not adversely affect the brown pelican because few, if any, individuals would be present at this location, which is located approximately 5.8 miles offshore. Any pelicans that are present could avoid the small area of disturbance during each disposal event (approximately three barges per day).

Once construction is complete, California brown pelicans would be able to forage in the area and could use the dike around the Eelgrass Habitat Area for resting and roosting. No critical habitat has been designated for the California brown pelican, so none would be affected by the Proposed Action. Impacts to the California brown pelican would be less than significant because foraging would not be adversely affected.

Western snowy plovers are not known to nest in the Harbor, so no nesting would be affected by the Proposed Action. A few individuals stop at the California least tern nesting area during migration and some use Cabrillo Beach during the winter. Neither of the locations would be directly or indirectly affected by construction activities associated with the Proposed Action therefore there would be no effects to the western snowy plover. This species does not use open ocean habitats such as at the LA-2 disposal site, and disposal of dredged material at this site would not affect the species. No designated critical habitat for the species is located within the Harbor, and thus, none would be affected by the Proposed Action.

We request that the USFWS coordinate with the CDFG related to their Coordination Act Report (CAR) and our determination to the federally and state listed species. Should you have any questions, please contact any of the contacts listed below.

U.S. Army Corps of Engineers:
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section, at (213) 452-3851
Ms. Megan Wong, Environmental Coordinator, at (213) 452-3859

Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager, Channel Deepening Project, at (310) 521-1306
Dr. Ralph Appy, Director, Environmental Management Division, at (310) 732-3497.

Your timely response to our determination on the federally listed species within 30-days to complete the Informal Section 7 Consultation is appreciated. Your timely response will be included in the Final SEIS/EIR. Ms. Christine Medak of your staff was of great assistance in developing mitigation measures to minimize/avoid impacts to the concerned species.

Sincerely,

for Josephine R. Axt, PhD
Chief, Planning Division
U.S. Army Corps of Engineers
Los Angeles District

Enclosures

STATE OF CALIFORNIA – THE RESOURCES AGENCY
CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

Arnold Schwarzenegger, *Governor*

August 15, 2008

Josephine Axt, PhD
Chief, Planning Division
U.S. Army Corps of Engineers
ATTN: Joy Jaiswal
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Consistency Determination CD-046-08 (Completion of Channel Deepening Project, Port of Los Angeles, Los Angeles County)

Dear Dr. Axt:

Pursuant to 15 CFR Section 930.41(b), I am hereby requesting the automatic 15-day extension to the 60-day time limit for Commission review of the above-referenced consistency determination. This will extend our deadline from October 13, 2008, to October 28, 2008, and allow us to complete our review of the proposed project and schedule it for the Commission's October 15-17 meeting in Ventura. Thank you for your cooperation and please contact me at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

Larry Simon
Federal Consistency Coordinator

cc: John Foxworthy, POLA
David Mathewson, POLA

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

In Reply Refer To:
FWS-LA-08B0378-08I0849

SEP 19 2008

Colonel Thomas H. Magness, IV
District Engineer
U. S. Army Corps of Engineers
Los Angeles District
P.O. Box 532711
Los Angeles, California 90053-2325

Attn: Joy Jaiswal, Chief of Ecosystem Planning Section, Los Angeles District

Subj: Informal Section 7 Consultation on Port of Los Angeles Channel Deepening Project, City of Los Angeles, Los Angeles County, California

Dear Colonel Magness,

This letter is in response to your letter, dated August 5, 2008, requesting concurrence that the proposed Port of Los Angeles Channel Deepening Project, City of Los Angeles, Los Angeles County, California, is not likely to adversely affect the federally endangered California least tern (*Sterna antillarum browni*), and would not affect the federally endangered brown pelican (*Pelecanus occidentalis*) and federally threatened western snowy plover (*Charadrius alexandrinus nivosus*). Based on our review of the information provided in your letter and the draft supplemental Environmental Impact Statement for the subject project (dSEIS, July 2008), we concur with your determination regarding project effects to listed species.

The proposed project would provide additional disposal capacity for approximately 3.0 million cubic yards (mcy) of sediments that require removal from the main channel and adjacent berth areas of Los Angeles Harbor to complete the Channel Deepening Project. Six optional disposal sites have been identified in the dSEIS including an 8-acre landfill at Berths 243-245 (0.368 mcy), a 5-acre landfill at Northwest Slip (0.128 mcy), expansion of the Cabrillo Shallow Water Habitat by approximately 50 acres (1.700 mcy), creation of the 40-acre Eelgrass Habitat Area (0.800 mcy), storage of contaminated sediments at the Anchorage Road Soil Storage Site (0.080 mcy), and disposal of remaining material at LA-2 (a U.S. Environmental Protection Agency-approved ocean disposal site).

As your letter confirms, we have been informally consulting on the proposed project with your agency and the local sponsor, the Los Angeles Harbor Department, since July, 2005. We issued a draft Fish and Wildlife Coordination Act Report (draft CAR) for the project in May 2008 and expect to complete a Final CAR very soon. Our recommendations for avoiding impacts to listed

species have been incorporated into the dSEIS. Therefore, provided the project is implemented as described in the dSEIS, no federally listed species are anticipated to be adversely affected.

With our concurrence, the interagency consultation requirements of section 7 of the Act have been satisfied. Although our concurrence ends informal consultation, obligations under section 7 of the Act shall be reconsidered if (1) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (2) this action is subsequently modified in a manner that was not considered in this assessment, or (3) a new species is listed or critical habitat designated that may be affected by the action.

In addition, as requested in your letter, we coordinated with the California Department of Fish and Game (Department), regarding species of concern to the State (*i.e.*, California least tern, brown pelican, and western snowy plover). The Department did not provide any additional recommendations at this time (Loni Adams, Department, personal communication to C. Medak, Carlsbad Fish and Wildlife Office, September 16, 2008).

We appreciate your coordination on the above project. If you have any questions regarding this letter, please contact Christine Medak of my staff at (760) 431-9440 x298.

Sincerely,

(for)

Karen A. Goebel
Assistant Field Supervisor

cc:
Kat Prickett, Los Angeles Harbor Department, Los Angeles
Loni Adams, California Department of Fish and Game, San Diego
Bryant Chesney, National Oceanic and Atmospheric Administration, Long Beach

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF

September 23, 2008

Office of the Chief
Planning Division

Mr. Peter Douglas
Executive Director
California Coastal Commission
Attn: Mr. Larry Simon
45 Fremont, Suite 2000
San Francisco, California 94105

Dear Mr. Douglas:

The U.S. Army Corps of Engineers (Corps), submitted a Coastal Consistency Determination (CCD) for the Port of Los Angeles, Channel Deepening Project, Los Angeles, California, for your review and consideration during month of July 2008 with the Draft Supplemental Environmental Impact Statement and Environmental Impact Report (EIS/EIR). The Corps and Port of Los Angeles (POLA) have been coordinating with you related to subject matter.

The Corps requests postponement of the public hearing for the CD-046-08 until November 30, 2008. All correspondence related to postponements is on file at the Los Angeles District. The Corps and POLA will make an effort to coordinate with you continuously and provide up dated information for your report preparation to be submitted for the Commission's Review.

The Corps and Port appreciate support and coordination provided by your staff Mr. Larry Simon related to the CCD. If you have any questions regarding this project, please contact Ms. Joy Jaiswal, Chief of Ecosystem Planning Section, at (213) 452-3851, or Ms. Megan Wong, project biologist, at (213) 452-3859, or Mr. John Foxworthy at (310) 732-3571.

Thank you for your time and attention to this request.

Sincerely,

For Josephine R. Axt, PhD
Chief, Planning Division

From: Loni Adams [mailto:ladams@dfg.ca.gov]
Sent: Thursday, October 16, 2008 5:59 PM
To: Christine_Medak@fws.gov
Cc: Wong, Megan T SPL
Subject: LA Channel Deepening Supplemental DEIR/DEIS and Draft Coordination Act Report

Dear Ms. Medak:

I am sending you this e-mail in response to your request to the Department of Fish and Game (Department) for concurrence regarding the subject project. The Department has reviewed the subject documents and does not have any objections to the project or the draft CAR as proposed. This position is predicated on the successful completion of all mitigation measures and monitoring requirements as they relate to impacts from dredging and the Cabrillo shallow water habitat expansion. If you have any questions please contact me at 858-627-3985.

Loni Adams
Environmental Scientist
Department of Fish and Game
Marine Region
4949 Viewridge Ave.
San Diego, CA 92123

Office: 858-627-3985
Cell: 858-750-8803
Fax: 858-467-4299

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

November 3, 2008

Office of the Chief
Planning Division

Mr. Peter Douglas
Executive Director
California Coastal Commission
Attn: Mr. Larry Simon
45 Fremont, Suite 2000
San Francisco, California 94105

Dear Mr. Douglas:

The U.S. Army Corps of Engineers (Corps) submitted a Coastal Consistency Determination (CCD) (CD-046-08) for the Port of Los Angeles, Channel Deepening Project, Los Angeles, California, and the Draft Supplemental Environmental Impact Statement and Environmental Impact Report (EIS/EIR) for your review and consideration during the month of July 2008. The Corps and the Port of Los Angeles (Port) have been coordinating with your staff, Mr. Larry Simon, related to this subject matter.

By letter dated September 22, 2008, the Corps requested postponement of the public hearing until November 2008. All correspondence related to the postponement are on file at the Corps Los Angeles District office. The Corps and Port have since reviewed the comments received on the public review Draft Supplemental EIS/EIR. Based on the public comments, the disposal options may be modified. Therefore, the Corps is requesting another postponement of the public hearing for the CD-046-08 until February 2009. The Corps and Port staff have informally coordinated with Mr. Simon related to this subject matter. The Corps will provide details of the modified disposal options and related environmental resources evaluation to Mr. Simon during the month of November 2008 and December 2008, respectively. The Corps and Port will continue to coordinate with Mr. Simon and provide updated information for your report preparation.

We greatly appreciate your support and the coordination provided by Mr. Simon. If you have any questions regarding this project, please contact Ms. Joy Jaiswal, Chief of Ecosystem Planning Section, at (213) 452-3851, or Ms. Megan Wong, Project Biologist, at (213) 452-3859,

or Mr. John Foxworthy, Port Project Manager, at (310) 732-3571. Thank you for your time and attention to this request.

Sincerely,

Josephine R. Axt, PhD
Chief, Planning Division

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

February 4, 2009

Office of the Chief
Planning Division

Mr. Peter Douglas
Executive Director
California Coastal Commission
ATTN: Mr. Larry Simon
45 Fremont, Suite 2000
San Francisco, California 94105

Dear Mr. Douglas:

The U.S. Army Corps of Engineers (Corps) submitted a Coastal Consistency Determination (CCD) and the Draft Supplemental Environmental Impact Statement and Environmental Impact Report (EIS/EIR) for the Port of Los Angeles, Channel Deepening Project, Los Angeles, California, for your review and consideration during the month of July 2008. The Corps and the Port of Los Angeles (Port) have been coordinating with you related to the subject matter. In reference to the letter dated November 3, 2008, the Corps requested postponement of the public hearing for the CD-046-08 until February 2008.

On December 15, 2008, the Corps and the Port met with Mr. Larry Simon of your staff to provide an update to the Administrative Preliminary Final Supplemental EIS/EIR for the Channel Deepening Project. The Port is in the process of adopting a Port Master Plan Amendment for the Channel Deepening Project. We hereby request that the Coastal Commission consider the adopted Port Master Plan Amendment and the Coastal Consistency Determination for the Channel Deepening Project at its meeting in June 2009. The Corps extends the statutory time deadline for Commission action on CD-046-08 to June 12, 2009.

The Corps and Port will continue to coordinate with Mr. Simon and provide updates on the project's progress. We greatly appreciate your support and the coordination provided by Mr. Simon. If you have any questions regarding this project, please contact Ms. Joy Jaiswal, Chief of the Ecosystem Planning Section, at (213) 452-3851, or Ms. Megan Wong, Project Environmental Coordinator, at (213) 452-3859, or Mr. John Foxworthy, Port Project Manager, at (310) 521-1306.

Thank you for your time and attention to this request.

Sincerely,

Josephine R. Axt, PhD
Chief, Planning Division

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF:

March 16, 2009

Office of the Chief
Planning Division

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
Office of Historic Preservation
P.O. Box 942896
Sacramento, California 94296-0001

Dear Mr. Donaldson:

The U.S. Army Corps of Engineers, Los Angeles District (Corps) is proposing to construct added features to the Port of Los Angeles Deepening Project, City of Los Angeles. The original Port infrastructure project was coordinated with your office in 2000 (COE970314A). The completed features of the project consist of dredging of the Main Channel, West Basin, and Placement of dredged materials at Pier 100, 300, 400, and the Cabrillo Shallow Water Habit location (enclosure 1 and 2). We are requesting your concurrence with the determinations we have made in this letter.

The added project features are needed to complete the project because disposal sites developed for the approved Channel Deepening Project are inadequate for the total volume of sediments that require removal from the Main Channel and adjacent berth areas. Since implementation of the original project, several changes to the project were required as a result of revised bathymetric data, the occurrence of shoaling and settlement of material, the need to dispose of surcharge, and the opportunity to remove and confine contaminated dredge material. A draft supplemental EIS/EIR was circulated to the public in July of 2008 to account for these changes to the original project.

The subject of the draft supplemental EIS/EIR and of this consultation is for the establishment and/or use of four disposal sites. This will allow the previously approved dredging areas to be completed. A map is attached (enclosure 2) which details both the areas of the original deepening project which have already been completed, and the added features necessary to complete the project. Our proposed area of potential effects (APE) for these new disposal sites are in green on enclosure 2. LA-2 is an existing, previously approved off-shore disposal site and is not shown on the map.

The presently proposed action, which involves disposing approximately 3.0 million cubic yards (mcy) of remaining dredge material at new disposal sites, is to complete the Channel Deepening Project as authorized by Congress in WRDA 2000. The Proposed Action would

result in disposal of 3.0 mcy of dredge material at the following disposal sites: Berths 243-245, the Northwest Slip, CSWH Expansion, and LA-2. Disposal volumes are described below. This alternative would result in new land at the Northwest Slip, a Confined Disposal Facility (CDF) at Berths 243-245 for disposal and capping of contaminated sediments, and approximately 50 acres of new shallow water habitat.

At the Northwest Slip site, a new 5-acre landfill would be constructed with approximately 0.128 mcy of dredge material from the Channel Deepening Project. Construction of a 5-acre landfill at the Northwest Slip would allow realignment of the wharf roadway which would facilitate safer and more efficient truck and equipment movement. The additional area would also allow additional wheeled operations to occur for container movement instead of the less efficient Rubber Tired Gantry (RTG) operation. The Northwest Slip fill location is completely disturbed from it original construction and maintenance dredging. No historic properties are present in this location.

At the CSWH Expansion site, approximately 1.7 mcy of dredge material would be used to raise the existing sea bottom, which ranges between –40 feet to –50 feet MLLW, up to a new elevation of -15 feet MLLW, creating approximately 50 acres of shallow water habitat. The location for placement of dredged material at the Cabrillo Shallow Water Habitat location has been completely disturbed by it original establishment as a disposal site in 2002. If cultural resources had been present they would have been obliterated by this activity. Use of this location will not disturb any original undisturbed seafloor surfaces. No historic properties are present in this location.

Berths 243-245, which consist of two open water slips covering approximately 8 acres, was part of the former Southwest Marine Shipyard site. The slips at Berths 243-245 contain contaminated sediments from past shipyard operations. This alternative includes creating a CDF for the existing contaminated materials within Berths 243-245, as well as for placement of contaminated dredge material associated with completing the Channel Deepening Project. Approximately 0.368 mcy of dredge material would be disposed at this site, including: 0.080 mcy of contaminated sediments from the Channel Deepening Project and 0.288 mcy of clean sediments from the Channel Deepening Project. Approximately 0.18 mcy of clean dredge material would be placed as surcharge on the completed CDF to an approximate elevation of +30 feet MLLW. This volume of material is a result of the dredging that would be required for construction of the dikes at the Northwest Slip (0.05 mcy), Berths 243-245 (0.09 mcy), and the CSWH (0.04 mcy) disposal sites (i.e., because dike dredging material required for these sites would be placed in its respective disposal site, a corresponding volume of dredge material from the Channel Deepening Project would effectively be displaced). The total volume of Channel Deepening Project material that would be displaced from these three disposal sites would be available to be placed as surcharge on Berths 243-245. The surcharge material would remain in place until post project geotechnical investigation/ monitoring determines the fill has been consolidated.

For the disposal site at Berths 243-245 the Corps has enlarged the APE to include the Southwest Marine Site which abuts these berths just to the north. That is because of the potential for visual effects to the Southwest Marine Site, which has been previously determined to be eligible for the National Register of Historic Places (NRHP). Based on a report prepared by Jones and Stokes (J & S) (enclosure 3), the Southwest Marine site was determined to be eligible for the NRHP under criteria A for its association with World War II. No direct construction effects would occur at the site.

Based on the information in the J & S report and updated memorandum from J & S (enclosure 4), the Corps has determined that berths 243-245 no longer retain integrity from their period of significance, and are not contributors to the Southwest Marine NRHP district. Enclosure 4 discusses and shows the development of these Berths from 1938 to the present. The present condition of Berths 243-245 dates from extensive reconstruction in 1961, not World War II. Therefore, they cannot be considered as contributors to the historic district. Based on this analysis, the Corps has determined that their use as a disposal site would not have an adverse effect on the district.

Two organizations submitted comment letters on the proposed action. The first letter was from the Los Angeles Conservancy (enclosure 5). They recommended that a consultant evaluate Berths 243-245 as contributing elements to the NRHP district. That work has been accomplished and evaluated by the Corps (enclosure 4).

The second letter was from the San Pedro Bay Historical Society (enclosure 6). They also recommended that a consultant evaluate Berths 243-245 as contributing elements to the NRHP district. That work has been accomplished and evaluated by the Corps (enclosure 4).

Based on present estimates, approximately 0.804 mcy of material would remain after using the above disposal sites. This remaining material is currently to be placed at the previously approved USEPA Ocean Disposal Site LA-2.

Based on the above information and analysis, the Corps has determined that the proposed modifications to the on-going Port of Los Angeles Deepening Project would not have an adverse effect on historic properties.

Please review the enclosed information and respond with comments at your earliest convenience. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by E-mail at: david.s.dibble@usace.army.mil.

Sincerely,

Josephine R. Axt, PhD
Chief, Planning Division

Enclosures

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF

March 19, 2009

Office of the Chief
Planning Division

Mr. Rodney McInnis
Regional Administrator
Southwest Regional Office
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Attention: Mr. Bryant Chesney
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

Dear Mr. McInnis:

The U.S. Army Corps of Engineers (USACE) and the Los Angeles Harbor Department (LAHD) would like to thank the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) for their participation in preparation of the Draft and Final Supplemental Environmental Impact Statement / Supplemental Environmental Impact Report (SEIS/SEIR) for the Port of Los Angeles (POLA), Channel Deepening Project. NOAA Fisheries has provided comment letters and recommended conservation measures to minimize impacts to the marine resources. Pursuant to Section 305(b)(4)(B) and 50 CFR 600.920(k) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the USACE and LAHD hereby submit this letter as a written response to the respective NOAA Fisheries letter, dated September 2, 2008.

NOAA Fisheries provided several comments related to: potential adverse effects of the Proposed Action on Essential Fish Habitat (EFH), construction details for some of the proposed disposal sites, recommendations for biological monitoring of the proposed Cabrillo Shallow Water Habitat (CSWH) Expansion Area, potential adverse effects of the Proposed Action on marine mammals, and EFH Conservation Recommendations.

The USACE and POLA are currently preparing the Final SEIS/SEIR for the Proposed Action. The Final SEIS/SEIR will include responses to comments received from NOAA Fisheries on the Draft SEIS/SEIR, as well as revisions to selected sections of the SEIS/SEIR. With regard to the EFH Conservation Recommendations from NOAA Fisheries, the USACE and POLA have agreed to perform preconstruction surveys in accordance with the *Caulerpa* Control Protocol (which has been included as an Appendix to the Final SEIS/SEIR). Prior to construction, the USACE and POLA will also coordinate with NOAA Fisheries on developing an appropriate monitoring plan to evaluate the success of the CSWH Expansion. Mitigation credit for creation of the

CSWH may be obtained after completion of the project. The LAHD would evaluate the habitat value of the newly created CSWH in coordination with NOAA Fisheries, based on the Mitigation Monitoring Plan and on guidelines provided in the Memorandum of Understanding. A copy of the Final SEIS/SEIR would be provided to your office during public review of the Final SEIS/SEIR.

The USACE and POLA will continue to coordinate with NOAA Fisheries, as well as other resource agencies, including the U.S. Fish and Wildlife Service, California Department of Fish and Game, and the Los Angeles Regional Water Quality Control Board.

Should you have any questions, please contact any of the contacts listed below.

U.S. Army Corps of Engineers:
Ms. Joy Jaiswal, Chief of Ecosystem Planning Section, at (213) 452-3851
Ms. Megan Wong, Environmental Coordinator, at (213) 452-3859

Los Angeles Harbor Department
Mr. John Foxworthy, Project Manager, Channel Deepening Project, at (310) 521-1306
Dr. Ralph Appy, Director, Environmental Management Division, at (310) 732-3497.

Sincerely,

for Josephine R. Axt, Ph.D.
Chief, Planning Division

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF

March 19, 2009

Office of the Chief
Planning Division

Mr. Jim Bartel
Field Supervisor
U.S. Fish and Wildlife Service
Attention: Ms. Chris Medak
6010 Hidden Valley Road
Carlsbad, California 92009

Dear Mr. Bartel:

The U.S. Army Corps of Engineers, Los Angeles District, (Corps) has reviewed the U.S. Fish and Wildlife Service (Service) Draft Coordination Act Report (CAR), dated May 2008, for the Port of Los Angeles Channel Deepening Project, Los Angeles, California. The Corps does not have any comment in the mitigation/conservation measures provided by the Service on the Draft CAR. Based on public review of the Draft Supplemental Environmental Impact Statement/Environmental Impact Report (EIS/EIR), however, the eelgrass habitat area has been eliminated as a disposal site. The Corps and Port of Los Angeles have coordinated with Ms. Chris Medak, of your staff, on elimination of the eelgrass habitat area. An electronic copy of the updated project description was provided to Ms. Medak, and is hereby enclosed for inclusion in the Final CAR.

As coordinated with Ms. Medak, the Corps would appreciate the Service for provision of the Final CAR by Friday, March 27, 2009. The Corps appreciates the input and continuing support Ms. Medak has provided during preparation of the Draft and Final Supplemental EIS/EIR. Should you have any questions, please contact Ms. Joy Jaiswal, Chief of Ecosystem Planning Section, at (213) 452-3851, or Ms. Megan Wong, Environmental Coordinator, at (213) 452-3859.

Sincerely,

for Josephine R. Axt, PhD
Chief, Planning Division

Enclosure

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

March 20, 2009

REPLY TO
ATTENTION OF

Office of the Chief
Planning Division

Ms. Tracy Egoscue
Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
Attention: Mr. Michael Lyons
320 West Fourth Street, Suite 200
Los Angeles, California 90013

Dear Ms. Egoscue:

The U.S. Army Corps of Engineers (USACE) and the Los Angeles Harbor Department (LAHD) previously requested a joint Section 401 Water Quality Certification (WQC) for the Proposed Port of Los Angeles Channel Deepening Project in a letter dated July 31, 2008 (enclosure).

Through informal coordination with Mr. Michael Lyons of your staff, the USACE and the LAHD understand that the Regional Water Quality Control Board will issue a Waste Discharge Requirement (WDR) to the LAHD for the project and the USACE will be listed as the co-applicant. The WDR will cover the Section 401 Water Quality Certification. The USACE and the LAHD will follow the conditions identified in the WDR during construction.

The LAHD will be submitting the application to the RWQCB prior to 90 days of the project construction. Construction is expected to begin in October 2009.

Should you have any questions, please contact Ms. Joy Jaiswal, Chief of Ecosystem Planning Section, at (213) 452-3851 or Ms. Megan Wong, Environmental Coordinator, at (213) 452-3859.

Sincerely,

for Josephine R. Axt, Ph.D.
Chief, Planning Division

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

In Reply Refer To:
FWS-LA-08B0378-09FA0022

MAR 26 2009

Colonel Thomas H. Magness, IV
District Engineer, Los Angeles
U. S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, California 90053-2325

Attention: Ms. Joy Jaiswal, Ecosystem Planning Section

Subject: Final Fish and Wildlife Coordination Act Report for the Port of Los Angeles Channel Deepening Project, Los Angeles County, California

Dear Colonel Magness:

Enclosed is our Final Fish and Wildlife Coordination Act Report (Report) for the Port of Los Angeles Channel Deepening Project in Los Angeles County, California. This Report is provided as fulfillment of Scope of Work Agreement Number W81EYN71994081 between our agencies, requesting us to provide a draft and final Report for this project.

This Report is prepared in accordance with the Fish and Wildlife Coordination Act and constitutes the final report of the Secretary of the Interior as required by section 2(b) of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

If you have any questions regarding our Report please contact Christine Medak, Project Biologist, at (760) 431-9440 x298.

Sincerely,

for Karen A. Goebel
Assistant Field Supervisor

Enclosure (1)

FISH AND WILDLIFE COORDINATION ACT REPORT

for the

Port of Los Angeles
Channel Deepening Project - Additional Disposal Capacity
Los Angeles County, California

Prepared for the

U.S. Army Corps of Engineers
Los Angeles District

by the

U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
Carlsbad, California

Author

Christine Medak
Fish and Wildlife Biologist

March 2009

EXECUTIVE SUMMARY

The U.S. Army Corps of Engineers and the Port of Los Angeles are proposing to modify the approved Channel Deepening Project in the Los Angeles Harbor to provide additional disposal capacity needed to complete the project. The Channel Deepening Project was authorized for construction by the Water Resources Development Act of 2000. Several changes to the project have been required since its authorization as a result of revised bathymetric data, the occurrence of shoaling and settlement of material, design changes, the need to dispose of surcharge, the opportunity to remove and confine contaminated dredge material, and other design and construction modifications. Disposal sites identified in the authorized Channel Deepening Project are inadequate for the total volume of sediments that require removal from the Main Channel and adjacent berth areas to complete the project. Approximately 3.0 million cubic yards of additional disposal capacity is needed.

The proposed modification to the Channel Deepening Project is another increment in a series of such dredge-and-fill projects over the last 20 years that have modernized and reshaped Los Angeles Harbor. Pacific Rim trade is increasing, as is the-size of the ships. A century of harbor dredging and filling has eliminated thousands of acres of the historic Wilmington Lagoon Estuary. In its place, behind manmade breakwaters, is a marine embayment of relatively high biological diversity and productivity. Construction of landfills out of the marine habitats of San Pedro Bay is permanently destructive of significant fish and wildlife habitats there. The Port and the biological resource agencies have successfully and repeatedly resolved the issues of: a) evaluation of impacts to fish and wildlife resources in the harbor and b) identification and implementation of appropriate and acceptable compensatory mitigation for those impacts. Mitigation for harbor landfill construction is executed both inside and outside of the harbor boundaries. This process of harbor impact evaluation and mitigation was employed for the Channel Deepening Project. The subject project proposal simply proposes to continue this process, to construct no new landfills until such time as appropriate and acceptable mitigation is identified and assured of implementation.

PREFACE

This document constitutes the Fish and Wildlife Coordination Act Report (Report) in fulfillment of the Scope of Work Number W81EYN71994081 between the U.S. Fish and Wildlife Service (USFWS) and the U.S. Army Corps of Engineers (USACE), and addresses the potential effects on fish and wildlife resources of implementing the proposed modification to the Channel Deepening Project. We have prepared this Report pursuant to the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and in keeping with the spirit and intent of the National Environmental Policy Act (P.L. 91-190). This report supersedes all of our previous planning input regarding this project.

A Notice of Intent/Preparation to prepare a Supplemental Environmental Impact Statement/ Supplemental Environmental Impact Report (SEIS/SEIR) on the proposed project was circulated for review in November, 2004 and a supplemental Notice was circulated in October, 2005. The USFWS, National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (CDFG), collectively referred to as the Resources Agencies, met with the Los Angeles Harbor Department (LAHD) and USACE staff on September 19, 2005, November 8, 2005, December 12, 2006 (USFWS and NMFS), and March 11, 2008 (USFWS and CDFG), in regards to the coordination of mitigation and endangered species requirements. A Draft Report was submitted to USACE on May 9, 2008 and included in the Draft SEIS/SEIR, dated July 2008 (Appendix J). A final coordination meeting with the Resource Agencies, LAHD, and USACE was held on October 14, 2008 to discuss public comments received on Draft SEIS/SEIR and potential changes in the project description. Comments on the Draft Report were received from CDFG on October 16, 2008 and USACE on March 19, 2009 (Appendix). The CDFG concurred with recommendations provided in the draft report. The USACE did not have any comments on the Draft Report; however, a revised project description was provided to reflect the removal of the Eelgrass Habitat Area disposal site. This Report incorporates the revised project description.

The proposed project and environmental documentation supplements a previous Federal Project at the Port of Los Angeles, the Channel Deepening Project, which was authorized by the Water Resources Development Act of 2000. Construction of navigational improvements and in-bay disposal of dredge material was initiated in September 2002. To date the project has resulted in the disposal of 13.591 million cubic yards (mcy) of material (Draft SEIS/SEIR, Appendix A) and creation of approximately 137 acres of fill in Los Angeles Harbor. During the environmental and approval process, our agency provided significant written and verbal input on the Channel Deepening Project in a planning aid letter (USFWS 1999), Coordination Act Report (USFWS 2000), and during meetings attended by the USACE, the LAHD and the Resource Agencies on and between December 13, 2001, and May 11, 2004. Environmental commitments associated with this project were implemented in accordance with measures worked out with the LAHD and USACE.

In the proposed SEIS/SEIR, the LAHD and the USACE will evaluate the environmental effects of providing additional disposal capacity needed to complete the authorized Channel Deepening Project at the Port of Los Angeles. This Coordination Act Report reviews this project in light of the environmental considerations established during the Channel Deepening Project and ongoing coordination between USFWS, NMFS, CDFG, LAHD and the USACE.

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INTRODUCTION

The Port of Los Angeles (Port) is a major center of international commerce on the west coast of the United States. Development of a permanent industrial base within the Port was gradual and began with increased harbor improvements and transportation in the early 1900's. The main channel was deepened by 10 feet to a depth of -45 feet mean lower low water (MLLW) in 1982 and dredged material was used to create Pier 300 (USACE and LAHD 2000). The authority to construct Channel Deepening Improvements at the Port was originally provided under the Water Resources Development Act (WRDA) of 1986. The authorization was modified by language in subsequent WRDAs, including WRDA 1988, and 1996, which provided additional detail of the features to be analyzed, focusing on deep draft navigation channels and landfill needed in the outer harbor area to accommodate the anticipated increase in cargo shipments and handling requirements on the west coast (VZM 1988). Construction of the Deep Draft Navigation Project in the outer harbor was completed in 2000.

The Water Resources Development Act of 2000 further authorized dredging of the Main Channel of the Port and associated berths to allow the new generation of deeper draft container vessels that require a depth of -53 feet Mean Lower Low Water (MLLW) to navigate and access the container terminals along the Main Channel of the Port. Construction of this project was initiated in September 2002; however, the project cannot be completed until additional sites are identified to dispose of approximately 3.0 million cubic yards (mcy) of remaining dredge material and surcharge. The U.S. Army Corps of Engineers in conjunction with the Los Angeles Harbor Department are now examining options to provide additional disposal capacity necessary to complete the project.

DESCRIPTION OF THE PROJECT AREA

The project site (Port of Los Angeles) is located in San Pedro Bay, at the southern end of the City of Los Angeles, Los Angeles County. The two competing and independent commercial ports, the Port of Los Angeles and the Port of Long Beach, share the San Pedro Bay marine ecosystem. These man-made harbors have been created through a century of dredging and filling of the former 3,450-acre Wilmington Lagoon. The Port of Los Angeles encompasses 7,500 acres of land and water including 43 miles of waterfront and 26 cargo terminals. Land uses within the Port of Los Angeles are largely industrial although a variety of other uses (*e.g.*, recreation, commercial fishing) are also supported.

The outer limit of the Port of Los Angeles is defined by breakwaters that were constructed during the early to mid 1900's (MEC 2002). The majority of the harbor waters within the Port of Los Angeles range in depth from 30 to 60 feet (MEC 2002) with navigation channels dredged to depths of 45 feet and greater (USFWS 2000). The Port of Los Angeles also contains several hundred acres of waters shallower than 20 feet, primarily constructed by sub-aquatic fill of deeper areas to increase biological values.

PROJECT DESCRIPTION

The U.S. Army Corps of Engineers (USACE), with the Los Angeles Harbor Department (LAHD) as the local sponsor, is considering the feasibility of modifying the approved Channel Deepening Project to provide additional capacity for disposal of dredged material associated with completing the Channel Deepening Project. This description is being evaluated in a Supplemental Environmental Impact Statement/ Supplemental Environmental Impact Report (SEIS/SEIR), which is the fifth supplement to the Deep Draft Navigation Project Environmental Impact Statement/ Environmental Impact Report (USACE and LAHD 1992a).

Project History

Federal Authorization and involvement in providing navigation features and improvement for Los Angeles harbor dates from 1856 (USFWS 2000). Since that time congress has authorized Federal participation in the study of a number of improvements in response to requests from local sponsors.

On January 24, 1994, the USACE approved the Deep Draft Navigation Project in the Outer Los Angeles Harbor (USACE and LAHD 1992b). The Federal authorization for the feasibility study and environmental documentation were derived from a series of Congressional resolutions dating from 1945 to 1968. As a result of the authorization, the LAHD began construction of the first phase of the project (Pier 400 Stage 1) in September of 1994 to create approximately 274 acres of fill (USFWS 2000). In July of 1997, construction of Stage 2 of the project was initiated which would complete the navigation improvements and in-bay disposal of dredge material to create an additional 305 acres of fill (Pier 400 Stage 2). Construction of the Deep Draft Navigation Project was completed in 2000.

A component of the justification for the Deep Draft Navigation Project was the assumption that existing facilities at the Port of Los Angeles (Port) would be optimized in concert with the dredging of new channels and creation of new land for cargo terminals (USACE and LAHD 1992b, Appendix A). In fact, many landside terminals/facilities at the Port were upgraded to improve the efficiency of these terminals (*e.g.*, West Basin Redevelopment Project, Evergreen Backlands Improvement Project, Terminal Island Container Terminal Facility Project, Badger Avenue Bridge Replacement Project, Alameda Corridor Project, *et al.*) (USACE and LAHD 2000). One such project, the Channel Deepening Project (LAHD 1997), was approved by the LAHD in 1998 (USACE and LAHD 2000). This project would improve efficiency of shipping and port operations by deepening the Main Channel and associated channels and turning basins from -45 feet MLLW to -50 feet MLLW to accommodate new container vessels with a -46 foot draft (LAHD 1997).

Following approval of the original Channel Deepening Project by the LAHD, it was determined that new ships in the world container fleet were planned with a draft of -52 feet and would require a navigational channel as deep as -55 feet with a two-foot overdraft. The Channel Deepening Project, subsequently authorized by WRDA 2000, would allow container vessels that require a depth of -53 feet MLLW to navigate and access the container terminals along the Main

Channel of the Port (USACE and LAHD 2000). Construction of the Channel Deepening Project was initiated in September 2002.

Several changes to the Channel Deepening Project have been required since its authorization as a result of revised bathymetric data, the occurrence of shoaling and settlement of material, design changes, the need to dispose of surcharge, the opportunity to remove and confine contaminated dredge material, and other design and construction modifications. These changes resulted in an increase in the total volume of dredge material requiring disposal from 6.6 mcy to 12.7 mcy. The project changes were analyzed and documented in three separate Supplemental Environmental Assessments (USACE 2002, 2003, 2004).

The present study, which is being carried out by the USACE and the LAHD under the authority provided by WRDA 2000, examines the environmental effects of providing additional disposal capacity necessary to complete the authorized Channel Deepening Project.

Purpose and Need

The Channel Deepening Project was approved to allow a new generation of deeper draft container ships access to terminals along the Main Channel of the Port. The purpose of the proposed project is to complete the Channel Deepening Project and optimize the beneficial use of the dredged material within the Port. Additional disposal sites are needed because disposal sites developed for the approved Channel Deepening Project are inadequate for the total volume of sediments that require removal from the Main Channel and adjacent berth areas to complete the project. An estimated 2.515 mcy of material require removal based on a project depth of -53 feet MLLW, plus two feet of over-depth allowance. The areas requiring material removal are identified in Figure 1 and include 1.025 mcy from East Basin Channel (Remaining Channel Dredging), and 0.675 mcy from berth deepening (Remaining Berth Dredging). In addition, 0.815 mcy of surcharge temporarily placed on the Southwest Slip Disposal Area would be removed and 0.180 mcy of material would be dredged to prepare foundations for the rock dikes that would be constructed around new disposal sites. The USACE and LAHD are considering disposal sites to accommodate up to 3.0 mcy of material (Draft SEIS/SEIR).

Description of Disposal Sites

The proposed project includes six optional disposal sites, four within the harbor area and one ocean disposal alternative.

Berths 243-245

Berths 243-245 disposal site consists of two open water slips covering approximately 8 acres that were formerly was part of the Southwest Marine Shipyard (Figure 1, Proposed Fill). The slips at Berths 243-245 contain contaminated sediments from past shipyard operations (Weston Solutions 2006). The site would be used to create a Confined Disposal Facility (CDF) for existing harbor bottom contaminated sediments, as well as for contaminated dredge material associated with completing the Channel Deepening Project (approximately 0.080 mcy) which is unsuitable for open water disposal. The site would dispose of 0.368 mcy of material and create 8 acres of land. A rock dike would be constructed across the opening of the berths to a final

elevation of +11 feet MLLW to contain the dredge material. Use of the site as a CDF would be in accordance with discharge requirements to preclude release of contaminated sediments into surrounding waters.

Northwest Slip
This disposal site has the capacity for 0.128 mcy of clean sediment and would result in a 5-acre landfill (Figure 1, Proposed Fill). The new landfill would be contained behind a rock dike constructed to +11 feet MLLW and would be used to improve the wharf roadway configuration at Berths 136-139 to provide safer and more efficient truck and equipment movement.

Cabrillo Shallow Water Habitat Expansion Area
This submerged site would expand the existing Cabrillo Shallow Water Habitat (CSWH) by approximately 50 acres and would be used to dispose of 1.700 mcy of clean, non-structural-quality dredge material (fine grain) with a sand cap (Figure 1, Proposed Submerged Disposal Site). The material would be supported by a new submerged dike on the north side and by the existing CSWH submerged dike on the remaining sides. Fine grained material that otherwise would be disposed of at an ocean disposal site would be placed to an elevation of -17 feet MLLW. A course grain cover (surcharge from the Southwest Slip) would then be placed to the final -15 feet MLLW elevation. Construction of this site would create increased habitat value for inclusion in the Port's Outer Harbor Mitigation Bank.

Anchorage Road Soil Storage Site (ARSSS)
This upland disposal site has previously been used to contain minor amounts of contaminated material. The amount of contaminated material associated with completing the Channel Deepening Project is currently estimated at 0.080 mcy.

Ocean Disposal Sites (LA-2 and LA-3)
Any remaining clean material could be disposed of at the U.S. Environmental Protection Agency-approved ocean disposal sites: LA-2 or LA-3. LA-2 is located 5.9 miles south-southwest of the entrance to Los Angeles Harbor on the outer continental shelf margin. LA-3 is located 5 miles southwest of the entrance to Newport Harbor. These disposal options do not result in any beneficial reuse of material.

Construction Methods and Timing

For the Berths 243-245 site, and the Northwest Slip site, the initial work would involve demolition and removal of existing structures as needed. A clamshell dredge would construct a trench along the perimeter of the fill area to key in the dike foundation. The dike would be initially constructed to a depth of –12 feet MLLW to allow entrance by barges to the fill area. All clamshell dredge sediments would be bottom-dumped into the site. The dike would then be completed and the remaining sediments would be pumped into the site by pipeline from the hydraulic dredge or re-handled by clamshell into the disposal site. The Berths 243-245 site would require approximately 0.15 mcy of surcharge to be placed to an elevation of +30 feet MLLW to promote densification of deposited dredge material. Bulldozers would then be used for final grading of the landfill and a surface cover layer of sand would be placed on the site. A

contaminated sediment management plan would be developed in cooperation with State and Federal agencies prior to moving and disposing of the contaminated sediments.

For construction of the CSWH Expansion Area, dikes would be constructed to an elevation of -15 feet MLLW, and then sediments would be pumped into the sites by pipeline from the hydraulic dredge or from hopper barges.

Use of the ARSSS site would require sediments to be placed in barges and shipped to an offloading site at Shore Road. The sediments would be transferred from the barges by clamshell to a temporary holding area and subsequently transferred to trucks for transport to the disposal site, approximately 0.15 miles away.

Dredging for the Channel Deepening Project is expected to resume in October 2009 (using the newly approved disposal areas) and be completed in approximately 22 months (*i.e.*, July 2011). Construction of the CSWH Expansion Area is scheduled to occur approximately during the first 290 days and last 120 days of the construction period. Dredging is tentatively scheduled 24 hours per day, seven days a week.

Alternatives

The proposed project is to provide disposal capacity to complete the authorized Channel Deepening Project in accordance with the project objectives. Two disposal alternatives ("Port Development and Environmental Enhancement" and "Environmental Enhancement and Ocean Disposal") and a "No Action" alternative will be considered in the SEIS/SEIR. Table 1 provides a summary of the disposal volumes and distribution of fill for each alternative.

Port Development and Environmental Enhancement

The Port Development and Environmental Enhancement alternative focuses on using dredge material for port development and environmental enhancement (Figure 1). This alternative would result in new land at the Northwest Slip, a CDF at Berths 243-245 for disposal of contaminated sediments, and approximately 50 acres of new shallow water habitat. The remainder of clean material (0.804 mcy) would be disposed of at ocean disposal site LA-2.

Environmental Enhancement and Ocean Disposal

The Environmental Enhancement and Ocean Disposal alternative focuses on environmental enhancement related uses of the remaining material and does not create any new land areas (Figure 2). Under this alternative, dredge material would be used to create approximately 50 acres of new shallow water habitat. Contaminated sediments would be placed in the Anchorage Road Soil Storage Site and remaining clean material (1.22 mcy) would be disposed of at the ocean disposal sites (LA-2 and LA-3).

No Action

Under the No Action Alternative, since all approved disposal sites have been completed, no further dredging would take place and the Channel Deepening Project would not be completed (Figure 3). Approximately 1.700 mcy of material within the Main Channel and berthing areas would remain to be dredged and disposed. A total of 0.815 mcy of surcharge on Southwest Slip

Area would remain to be removed and disposed. An estimated 0.080 mcy of contaminated material would remain within the Main Channel of the Port. The opportunities for beneficial use of dredged material identified for port development and environmental enhancement would be deferred until such time that other sources of material could be made available.

Table 1. Disposal volume summary for three alternatives (mcy).

Disposal Sites	Port Development and Environmental Enhancement	Environmental Enhancement and Ocean Disposal	No Action
Berths 243-245 (a)	0.368 (b)	-	-
Northwest Slip	0.128 (b)	-	-
CSWH Expansion	1.700 (b)	1.700 (b)	-
ARSSS (a)	-	0.080	-
Ocean Disposal Site LA-2	0.804	0.804	-
Ocean Disposal Site LA-3		0.416	
Total Volume	**3.000**	**3.000**	**-**

(a) Site would be used for material unsuitable for ocean disposal

(b) Additional dredging of 0.090 mcy for Berths 243-245, 0.050 mcy for Northwest Slip, and 0.040 mcy for CSWH is required for trenching dike foundations and is not included in the volumes presented in this table.

DESCRIPTION OF BIOLOGICAL RESOURCES

The fish and wildlife resources of the Los Angeles Harbor part of San Pedro Bay are reported in great detail and summarized in the 1988 and 2000 biological baseline reports (MEC 1988, 2002). The studies reported in these documents were conducted by the Port using the advice and guidance of the biological resource agencies. Only a brief summary of available information is provided herein, based primarily on the 2000 biological baseline report. The important biological resource groups of San Pedro Bay are marine fishes and water-associated birds.

Fish populations of San Pedro Bay (including Long Beach and Los Angeles harbors) are diverse and abundant. During surveys conducted in 2000 a total of 74 species were recorded and an estimated 44 million fish occupied both harbors. Generally, schooling fishes were the most abundant species recorded. The five most abundant species accounted for 92% of the total fish populations. These included northern anchovy (*Engraulis mordax*), white croaker (*Genyonemus lineatus*), queenfish (*Seriphus politus*), Pacific sardine (*Sardinops sagax*), and topsmelt (*Atherinops affinis*). Other relatively abundant species included shiner surfperch (*Cymatogaster aggregate*), salema (*Xenistius californiensis*), and jacksmelt (*Atherinopsis californiensis*). Less numerous but ecologically or recreationally important species recorded were California barracuda (*Sphyraena argentea*), California halibut (*Paralichthys califomicus*), barred sand bass (*Paralabrax nebulifer*), California corbina (*Menticirrhus undulatus*), white seabass (*Atractoscion nobilis*), California grunion (*Leuresthes tenuis*) and several species of sharks, and rays. More species were collected at the shallow water stations than deep water stations, and generally fewer species were caught in the inner harbor than outer harbor.

Higher biological values are attributed to shallow water areas in the harbor due to the nursery function, greater production, and relatively high abundance of fish. That is, more fish are there because they find good conditions for growth and sustenance. Studies conducted in the shallow areas of the Outer Harbor, including the Pier 300 Shallow Water Habitat (MEC 1988, 1999) which was created in 1984, and the Cabrillo Shallow Water Habitat (MEC 1999) which was constructed in 1997, have shown that these areas have higher diversity and greater abundance of fish and invertebrates then the deeper soft bottom portions of the harbor. There is also a greater abundance of juvenile fish present in these areas and they appear to enter these areas relatively soon after they have been created. As a result of the high numbers of small fish in these areas, more birds are also found there because, for the most part, they are fish-eating birds and find more food there.

Los Angeles Harbor provides a valuable habitat for foraging, resting, and breeding birds. During the 2000-2001 monitoring year, a total of 99 species, representing 31 families were observed within San Pedro Bay. Of these species, 69 are considered to be dependent on marine habitats. Gulls comprised 44.5 percent of the birds observed in 2000, with aerial foragers (22.4 percent) and waterfowl (21.4 percent) also common. The remaining 21.7 percent of the birds were small and large shorebirds, wading/marsh birds, raptors, and upland birds. The most abundant birds included several gull species (western, Heermann's, and California), brown pelican, elegant tern, western grebe, Brant's cormorant, double-crested cormorant, surf scoter, and rock dove. Survey zones in the vicinity of Cabrillo Beach and Fish Harbor supported the highest densities of birds in Los Angeles Harbor.

The State and Federal Endangered California least tern (*Sterna antillarum browni*) is a piscivorous sea bird that makes significant breeding use of San Pedro Bay (KBC 2005). The least tern has a long history of nesting on Terminal Island and Pier 400 in the Port of Los Angeles (Figure 4). The nesting site of this bird is relatively flat, barren sandy areas where it lays and incubates its eggs, and chicks fledge. Its nesting period extends from April through August. During the remainder of the year, the birds are gone from the area. The location of the tern nesting site(s) in the Port has varied from year to year (KBC 1998) depending largely on the Port's development activities. The LAHD manages the nest site pursuant to a Memorandum of Agreement with the USFWS, USACE, and CDFG (LAHD *et al.* 2006). A 15.7-acre fenced nesting site is currently located at the southern tip of Pier 400 although nesting also occurs outside of this designated area.

Least tern nesting in the Port has been monitored annually since 1973. The greatest documented nesting activity for the tern has occurred since the birds utilized the newly constructed Pier 400 as a nesting site in 1997 (Figure 4). The number of recorded nests peaked at 1,322 in 2005, then declined to 906 in 2006, and further declined to 710 in 2007 (KBC 2007). The principal foraging areas for least tern in the harbor vary somewhat from year to year, but during the chick rearing period, the shallow water areas of the harbor appear to be used heavily, probably due to the relatively greater abundances of prey fish found there (see MEC 1988, 1999). Measures to protect the least tern during channel dredging and landfill construction (USFWS 1992) have proven very successful. Those measures have included nesting area and predator management, shallow water area conservation, and protection of water quality in the shallow water areas during breeding season.

The Federal Endangered brown pelican (*Pelecanus occidentalis*) can also be found in large numbers in San Pedro Bay (MEC 2002). This bird breeds on the offshore Channel Islands, and forages widely along the Southern California coast on small fishes. It makes heavy use of the Outer Harbor breakwaters for roosting.

Several other piscivorous seabirds began nesting in the Port following construction of Pier 400 (Table 2). The royal tern (*Sterna maxima*), Caspian tern (*Sterna caspia*), elegant tern (*Sterna elegans*) and black skimmer (*Rhynchops niger*) had each been recorded nesting on Pier 400 up until 2005 (KBC 2005). No nesting was recorded in 2006 or 2007 (KBC 2007). The new landfill initially provided a large expanse of suitable nesting habitat directly adjacent to a well developed forage base (small fish) in the Outer Harbor; however, development of Pier 400 is now almost complete and undeveloped areas outside of the least tern nesting site contain very little, if any, suitable nesting habitat.

Table 2. Nest numbers for large tern species at Pier 400, 1997-2005 (KBC 2005).

Species	1997	1998	1999	2000	2001	2002	2003	2004	2005
Caspian Tern	25	146	250	336	160	151	170	125	125
Elegant Tern	0	3,662	0	3,656	166	5,598	1,516	10,170	2,700
Royal Tern	0	17	0	0	1	5	5	8	0
Black Skimmer	0	10	170	115	0	0	0	25	0

Two areas supporting significant eelgrass beds were mapped in Los Angeles Harbor during 2000. Near-shore waters off Cabrillo Beach supported approximately 42 acres of eelgrass beds and Pier 300 supported approximately 43 acres. An additional 14.5-acre eelgrass mitigation area was constructed adjacent to the Seaplane Anchorage in 2003 and supported approximately 13 acres of eelgrass in 2006 (Merkel & Associates 2006). The proliferation of this shallow water, aquatic vegetation which has special protection under the Clean Water Act, is likely due to improved water quality that has occurred in the harbor in recent years. Eelgrass provides excellent habitat for invertebrates and small fish.

SAN PEDRO BAY LANDFILL MITIGATION HISTORY

The agency consensus mitigation goal for San Pedro Bay landfill impacts has been no net loss of habitat value for in-kind resources, as near to the site of loss as feasible, in advance but not later than concurrently with the fill (USACE and LAHD 1992a, Appendix B). For the last many years, the USFWS, CDFG, NMFS, and the LAHD have been designing and executing mitigation plans for port development projects. The process employs a modified habitat evaluation procedure and involves evaluation of the habitat value in the impacted harbor area and compares predicted habitat value increases at conceptual mitigation areas (Figure 5). This accounting of debits and credits is written into each of the mitigation agreements that have already been completed.

On-Site Creation of New or Shallow Water as Landfill Mitigation

Following credible measures for avoiding and minimizing impacts to fish and wildlife, on-site mitigation has been conducted in the Port consisting of limited creation of new water area and creation of shallow water from deep.

In 1984 our agency, NMFS, CDFG and the LAHD entered into the Inner Harbor Mitigation Bank (LAHD *et al.* 1984) which created a system of debits and credits within the Inner Harbor of the Port of Los Angeles. This agreement took into account all gains and losses of water occurring at the Port since the passage of the Clean Water Act in 1975. With a beginning credit of approximately 17 acres, this bank has been debited and credited on a number of occasions and presently contains approximately 6 credits (Table 3). The use of this bank is restricted to water areas within the Inner Harbor.

Table 3. Mitigation credits available for landfill in the Port of Los Angeles.

Mitigation Bank	Approximate Credits Available[a]	Value in Deep Outer Harbor[b]	Value in Shallow Outer Harbor[b]	Value in Inner Harbor Slips[b]
Bolsa Chica	106	106	71	212
Outer Harbor	49	49	33	98
Inner Harbor[c]	6	NA	NA	6
Total	161	155	103	316

(a) Approximately 67 credits, to be confirmed from as-built drawings, need to be debited for completed Channel Deepening Projects leaving about 88 available for new projects.
(b) Value of credits is 1/1 for Outer Harbor deep habitat, 1/1.5 for Outer Harbor shallow water habitat, and 1/0.5 for Inner Harbor
(c) NA = not applicable; Inner Harbor Bank credits not available

In 1985, as a condition of the Harbor Deepening Project in the Port of Los Angeles, the USACE created 190 acres of shallow water (*i.e.*, water less then -20 feet MLLW) as mitigation for the filling of 190 acres of shallow water to make the land area now called Pier 300. The shallow water created, now called the Pier 300 Shallow Water Habitat, has been the subject of several biological investigations (MEC 1988, 1999) and shown to be a highly productive habitat. It is also an important foraging area for the California least tern (KBC and Aspen Environmental Group 2004).

The Outer Harbor Mitigation Bank was established in 1997 to capture excess habitat value created when the Port of Los Angeles constructed the Cabrillo Shallow Water Habitat in the Outer Los Angeles Harbor (LAHD *et al.* 1997b). Approximately 137 credits were deposited in this mitigation bank as a result of the construction of 272 acres of shallow water habitat (Figure 6, Phase 1 and 2). Presently this mitigation bank contains approximately 49 credits (Table 3). An additional 54 acres of shallow water habitat was added to this area in association with the Channel Deepening Project (Figure 6, Phase 3) but has not yet been credited to the mitigation bank. In accordance with the Memorandum of Agreement for the Outer Harbor Mitigation Bank, "[t]he value of future shallow water habitat created in the Outer Harbor and credited to this bank will be determined by the parties to this agreement based on monitoring studies."

Coastal Wetland Restoration as Landfill Mitigation

Following all credible measures for avoiding and minimizing impacts to fish and wildlife, and the limited availability of on-site mitigation, the primary habitat loss compensation measure has been creation off-site of new, tidally influenced waters and wetlands or restoration of tidal flows to suitable, low-lying coastal areas. These types of mitigation projects can create replacement habitats of value to many of the same species harmed by harbor landfills or ecological equivalent species. Hence, even though the habitat types being exchanged are not exactly the same, fish and wildlife resources are. Another factor in this agency consensus view is that Southern California coastal wetlands have been diminished nearly 90 percent in the last 100 years, and that those wetland areas that do remain include many that are badly damaged by human activities, but are restorable.

Several of these coastal wetland restoration plans have involved habitat creation in advance of loss. Interagency agreements were used to formalize this process with one port or the other. Each agreement included a habitat value tradeoff evaluation. Four such interagency agreements associated with off-site mitigation have been completed.

The first landfill mitigation agreement, completed in 1984 with the Port of Long Beach, involved excavation to below mean sea level of about 28 acres of floodplain, high ground in Upper Newport Bay Ecological Reserve, City of Newport Beach, Orange County. The Port completed a landfill at Pier A. The tradeoff ratio consisted of 1.5 acres of inner harbor landfill for 1.0 acres of new, tidally influenced water area created at Upper Newport Bay. The Port of Long Beach encumbered their remaining mitigation credits from this project in the implementation of their Pier J project.

A second agreement, completed in 1986 with the Port of Long Beach, called for restoration of tidal waters to about 110 acres of mostly upland at Seal Beach National Wildlife Refuge (Anaheim Bay in Orange County) to create mitigation credits for a 147-acre landfill at Pier J. The tradeoff ratio was 1.32 landfill acres for 1.0 acres of new estuarine waters and wetlands. The wetland restoration project was completed in March 1990 and was the subject of a five-year monitoring project (MEC 1995). The monitoring showed that fish populated the newly created water area rapidly and that a productive and mature marine habitat had become established within two years of project construction and exceeded the habitat value of the harbor habitat within five years. This area also had the extra benefit of providing new foraging area for least terns in the Anaheim Bay area and has allowed for the natural expansion of the salt marsh.

A third off-site mitigation agreement with the Port of Los Angeles, primarily addressed habitat compensation for outer harbor landfills through excavation to restore tidal influence to Batiquitos Lagoon, in the City of Carlsbad, San Diego County. The tradeoff ratio was 1.062 landfill acres for each acre within the 360 acres subject to mitigation credit. The 381 credits generated by the Batiquitos Lagoon Restoration Project were expended through the construction of Pier 400 in the Outer Los Angeles Harbor. Batiquitos Lagoon was opened to tidal flushing in December of 1996 and was the subject of a ten-year monitoring program (years 1,2,3,5 and 10). Monitoring results following year five indicate that a flourishing marine habitat has established where previously there was virtually no marine habitat values (Merkel & Associates 2002). The

number of marine fish alone has increased from approximately 5 species before restoration to 66 species five years later. The lagoon has significantly better water quality and there is significant increase in the number of shorebirds and several endangered bird species in the lagoon. Eelgrass planted in the lagoon is spreading rapidly and the existing salt marsh is expanding around the edges of the lagoon.

A fourth interagency agreement, the Bolsa Chica Mitigation Agreement, approved in 1996 (and amended in December of 1996, March of 1997, and December of 2005) established mitigation banks for the Port of Los Angeles and the Port of Long Beach (LAHD *et al.* 1996a, b, 1997a, 2005). This project acquired and restored a large portion of the Bolsa Chica Wetland lowland including 420 acres of full tidal area and 169 acres of muted tidal area for which the Ports received 610 credits. Of the 305 credits received by the Port of Los Angeles, 199 have been used as mitigation for the completion of Pier 400 and Berth 100 landfills. The Port of Los Angeles has approximately 106 credits remaining in this mitigation bank (Table 3).

IMPACTS OF THE PROPOSED PROJECT ON BIOLOGICAL RESOURCES

The proposed project involves deepening of East Basin Channel and several berthing areas to a depth of -53 feet MLLW (plus two feet of over-depth allowance) with the disposal of dredge material at a variety of locations including creation of shallow water and new land. The proposed dredging of deep (*i.e.*, greater than 20 feet) water areas of San Pedro Bay does not involve significant habitat loss or degradation warranting mitigation.[1] Anticipated impacts are associated with disposal of dredge material and include: 1) the permanent elimination of fish and wildlife habitats associated with the in-bay disposal sites/landfills; 2) a temporary reduction in available foraging habitat for piscivorous bird species, including the California least tern due to turbidity generated by the project; and 3) the potential modification of water circulation and degradation of habitat in shallow Outer Harbor waters as a result of the placement of fills.

Landfill

The Port Development and Environmental Enhancement alternative would result in a total of 13 acres of landfill within the Port in association with the Berths 243-245 (8 acres) and Northwest Slip (5 acres) disposal sites. The remaining two alternatives would not result in landfill with the Port.

Turbidity

The disposal of dredge material to create shallow water habitat creates a temporary impact but a long term benefit due to the higher values for fish and wildlife attributable to shallow water. The construction of rock dikes and placement of dredge material in the Cabrillo Shallow Water Habitat Expansion Area would cause turbidity over an existing California least tern foraging area (Cabrillo Shallow Water Habitat) for approximately one year. Due to the large disposal capacity

[1] Historically, mitigation has been required for dredging that deepens shallow water areas, 20 feet deep or less, because the deepening reduces or eliminates the fish nursery and bird foraging values. No such impacts are anticipated with this project.

provided by the CSWH Expansion Area, construction of this site is currently proposed during two California least tern breeding seasons, contrary to prior measures established to protect the least tern during channel dredging and landfill construction (USFWS 1992, USACE and LAHD 2000). The size and duration of the turbidity plume generated by dredging and disposal activities is dependent on grain size of the suspended material and current velocities at the time the activity is conducted (USACE and LAHD 2000); therefore, not readily predicted. The amount of turbidity is generally greater in the immediate vicinity of the filling operation than at the dredge site because the dredge operates with suction while the filling operation is by discharge from a pipe (USACE and LAHD 2000). However, based on past disposal operations, the extent of the turbidity plume is not expected to be greater than several hundred feet and would affect a maximum of 6.5 acres of existing shallow water habitat (Draft SEIS/SEIR, page 3.3-28). Because several hundred acres of shallow water foraging habitat are available for piscivorous bird species within the Port (*i.e.*, 193-acre Pier 300 Shallow Water Habitat, 326-acre Cabrillo Shallow Water Habitat, et al.), the area of disturbance would represent a minor portion of available foraging habitat.

Water Circulation

The Corps evaluated pre- and post-project water circulation conditions around the proposed disposal sites to identify potential long-term effects on water circulation within the Port (USACE 2008). This report concluded that water velocities would be increased immediately to the west of the CSWH Expansion Area in the vicinity of the Inner Cabrillo Beach. The predicted increase in velocity of 10 cm/sec was determined to be insignificant but to have the potential to result in increased erosion of existing shallow water habitats, depending on the character of the bottom material and the values of instantaneous currents. Erosion of the substrate could reduce the suitability of the habitat in this area for benthic invertebrates and in turn reduce the value of the habitat for some fish species. Because the Memorandum of Agreement for the Outer Harbor Mitigation Bank (LAHD *et al.* 1997b) contains provisions for the maintenance of fish and wildlife habitat values within the CSWH on a permanent basis, we anticipate any changes in water circulation that result in a decrease in habitat value within the bank will be addressed by the LAHD.

RECOMMENDATIONS

The Fish and Wildlife Coordination Act states that "...wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development projects through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation...." (16 U.S.C. 661). Should either of the two action alternatives be implemented, incorporation of the following recommendations would avoid, minimize, and compensate for impacts to fish and wildlife resources associated with completion of the Channel Deepening Project. These measures are adapted and revised from environmental documentation for the Channel Deepening Project (USACE and LAHD 2000).

In accordance with the Fish and Wildlife Coordination Act, we make the following recommendations:

1. The Port of Los Angeles apply credits available in existing mitigation banks, in accordance with the provisions of the Memorandum of Agreements governing their use[2], to compensate for loss off fish and wildlife habitat due to construction of fill at Berths 243-245 and Northwest Slip. Mitigation recommendations for each alternative are presented in Table 4. Approximately 161 credits are available in existing banks for application at varying values to this project (see Table 3).

2. The LAHD/USACE modify the construction schedule for the CSWH Expansion Area to avoid one least tern breeding season, if feasible.

3. Turbidity from dredge and fill activities in the vicinity of the Cabrillo Shallow Water Habitat should not extend over an area greater than 6.5 acres of shallow Outer Harbor waters (*i.e.*, less than 20 feet deep) at any one time during the April-to-September breeding season of the California least tern. To ensure this limit is not exceeded, monitoring, as provided for in measure 3 below, should be based on visually observed differences between ambient surface water conditions and any dredging turbidity plume.

4. The LAHD/USACE provide a qualified least tern biologist, acceptable to the USFWS and CDFG and approved by USACE, to monitor and manage the least tern colony during the nesting season. This program should be carried out for up to one year following construction of the last element of the Port of Los Angeles Channel Deepening Project. The biologist should coordinate with the agencies pursuant to the existing least tern MOA (LAHD *et al.* 2006) and:

    a. Monitor nesting and fledgling success of the least tern colony and provide an annual report in the format provided in previous years.

    b. Provide an education program for construction crews regarding the identity of the least tern and their nests, restricted areas and activities, and actions to be taken if least tern nesting sites are found outside the designated least tern nesting sites (*e.g.*, Southwest Slip surcharge area).

    c. Assist the USFWS and CDFG in predator control, prior to and during the least tern nesting season during the construction period.

    d. Visually monitor and report to the dredging contractor or LAHD/USACE contract manager and CDFG/USFWS any turbidity from project dredging which extends over greater than 6.5-acres of shallow Outer Harbor waters.

5. If California least tern or other protected species nests are found outside of the designated nesting site (*e.g.*, Southwest Slip surcharge area) during construction, then all work in the immediate area shall be halted, and the least tern biologist be notified immediately. An

[2] Bolsa Chica (LAHD *et al.* 1996a,b, 1997a, 2005), Outer Harbor (LAHD *et al.* 1997b), Inner Harbor (LAHD *et al.* 1984)

appropriate buffer zone around the nest(s) and protection should be specified by the biologist in coordination with CDFG and USFWS.

6. Prior to crediting the Outer Harbor Mitigation Bank for the CSWH Expansion, the LAHD/USACE modify the existing Memoranda of Agreement for this bank (LAHD *et al.* 1997b) consistent with previously agreed-upon procedures (*i.e.*, USACE and LAHD 2000, BIO-1, pages 3.4-18-20).

Table 4. Mitigation recommendations for completion of the Channel Deepening Project.

Alternative	Disposal Sites Resulting in Landfill*						Total Credits
	Berths 243-245			Northwest Slip			
	Acres	Value	Credits	Acres	Value	Credits	
Port Development and Environmental Enhancement	8	0.5	4	5	0.5	2.5	6.5
Environmental Enhancement and Ocean Disposal	-	-	-	-	-	-	-
No Action	-	-	-	-	-	-	-

* Value of credits is 1/1 for Outer Harbor deep habitat, 1/1.5 for Outer Harbor shallow water habitat, and 1/0.5 for Inner Harbor.
- Not applicable

SUMMARY

The Fish and Wildlife Service, together with the National Marine Fisheries Service, and the California Department of Fish and Game have committed a great deal of effort in resolving the very significant fish and wildlife issues related to harbor developments in San Pedro Bay as has the Port of Los Angeles. We have been proud of our accomplishments with regard to identifying and implementing mitigation for landfills in Los Angeles and Long Beach Harbors. Our recommendations are to continue to proceed following the path that has been firmly established.

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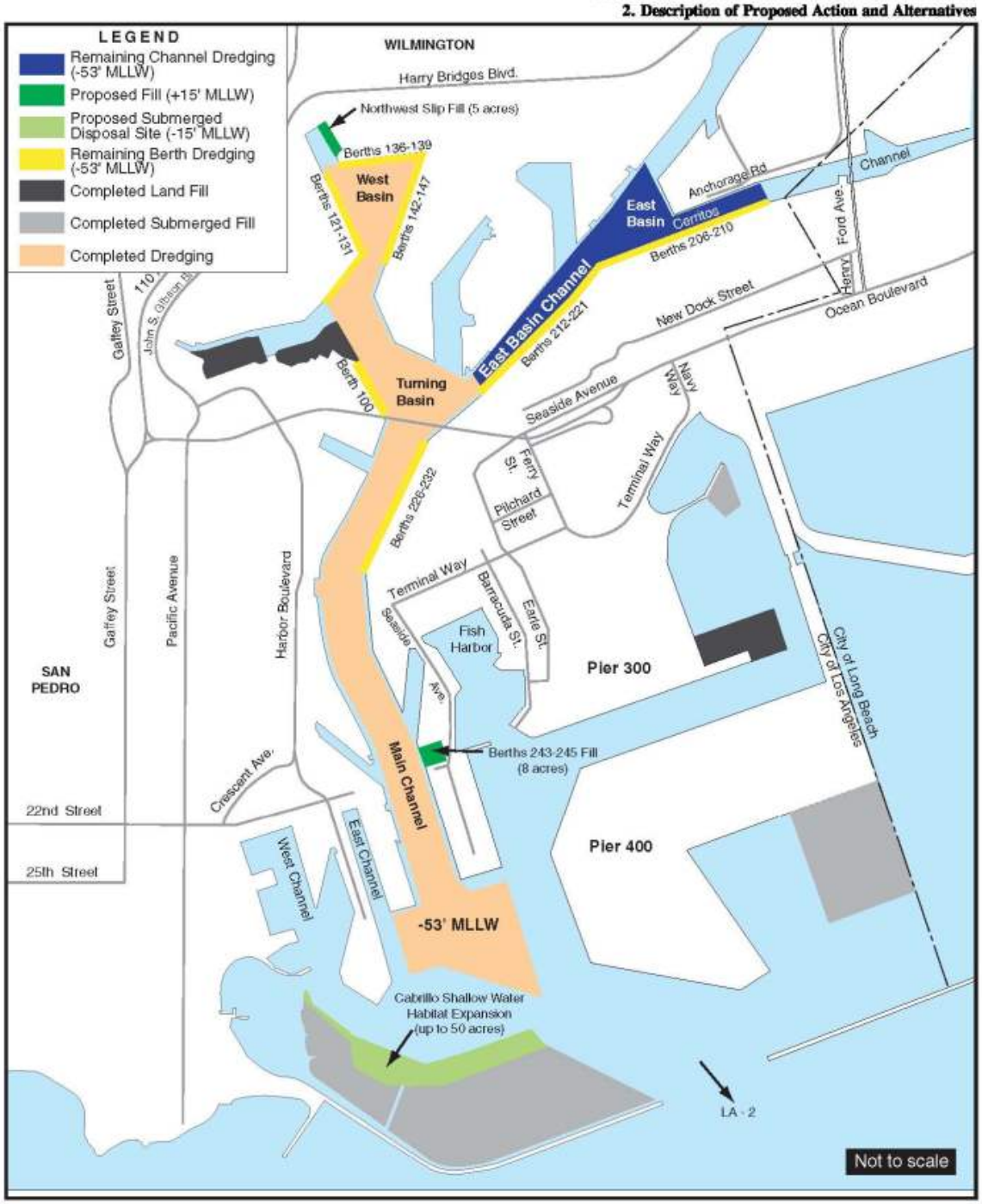


Figure 2-10
Alternative 1:
Port Development and Environmental Enhancement

Figure 1

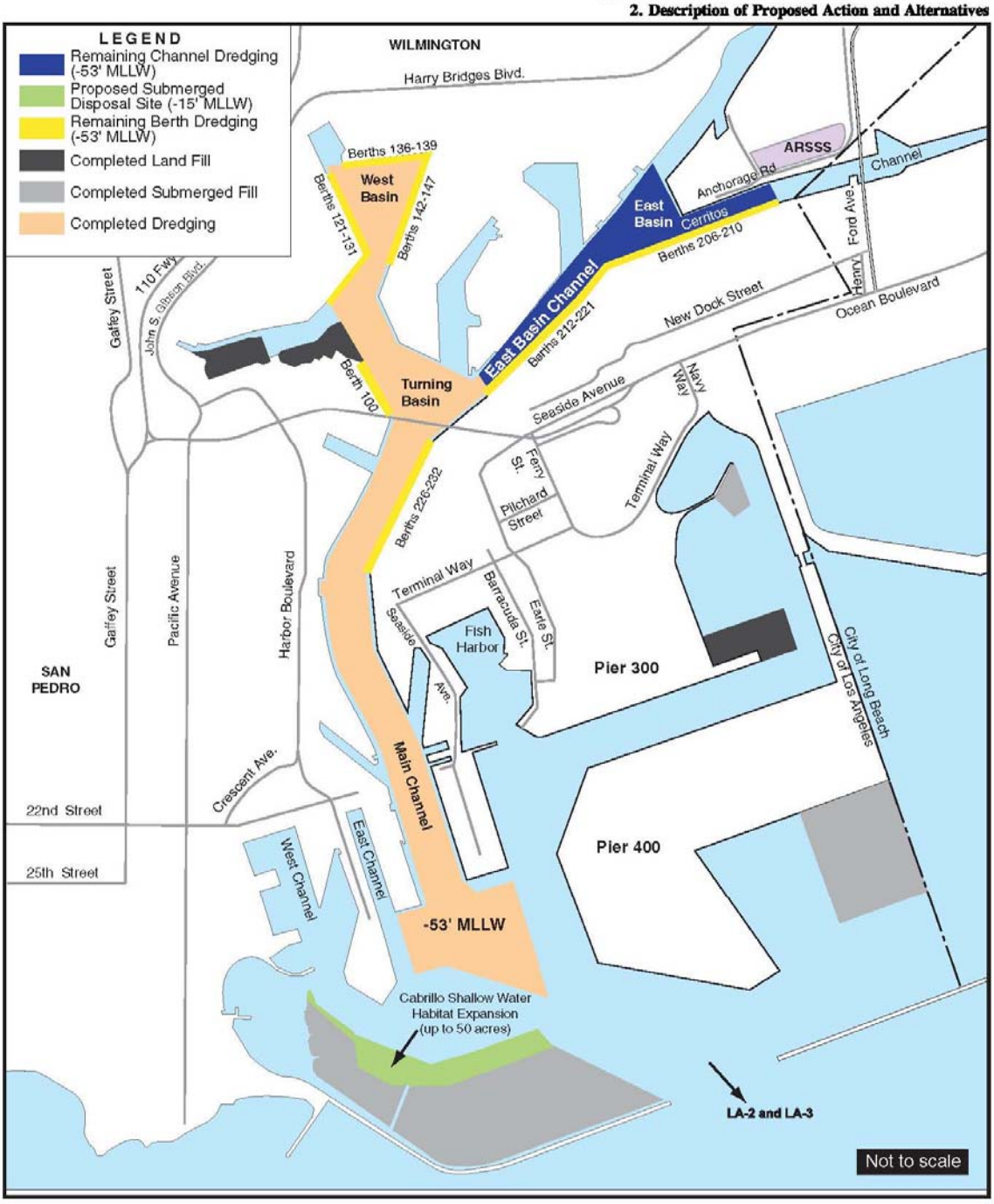


Figure 2-11
Alternative 2:
Environmental Enhancement and Ocean Disposal

Figure 2

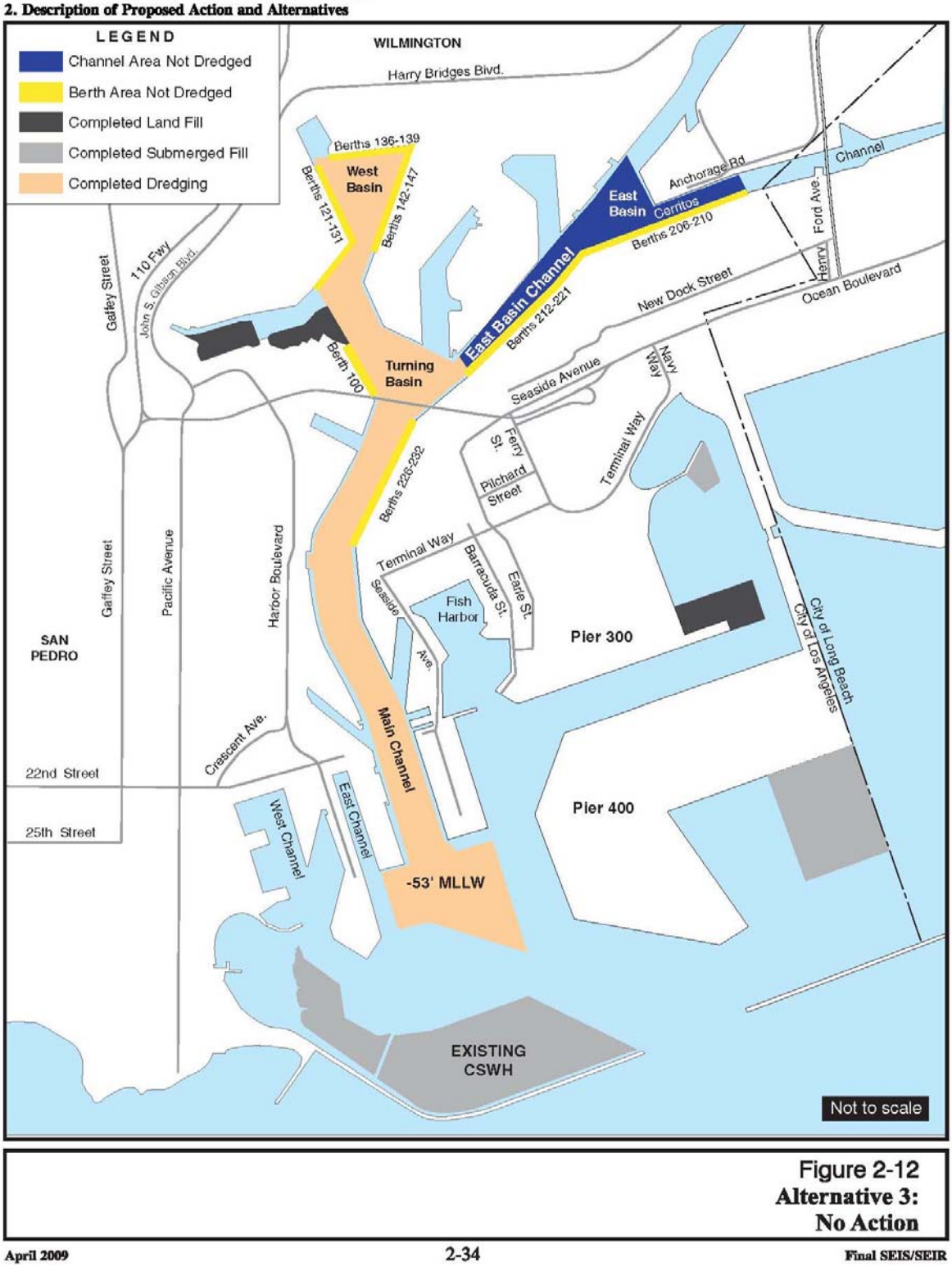
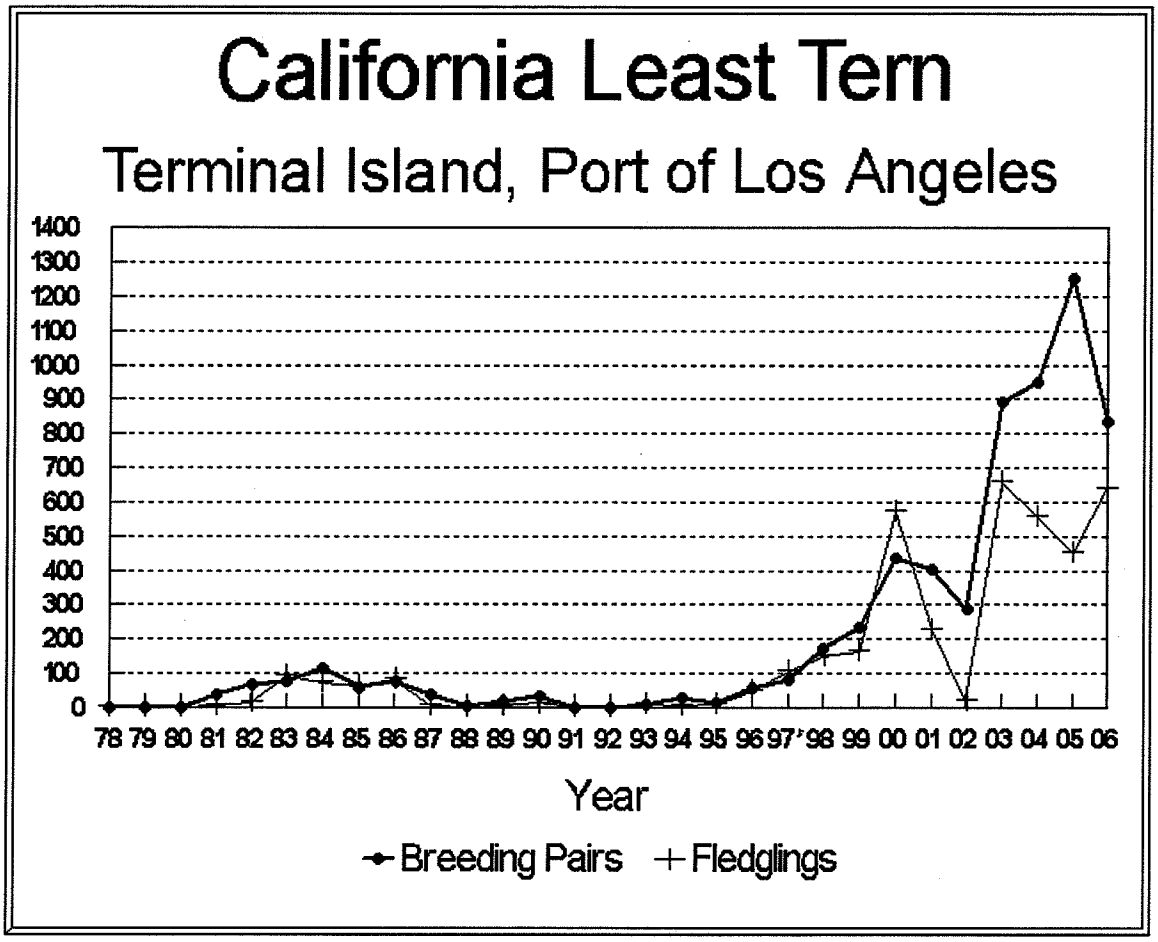
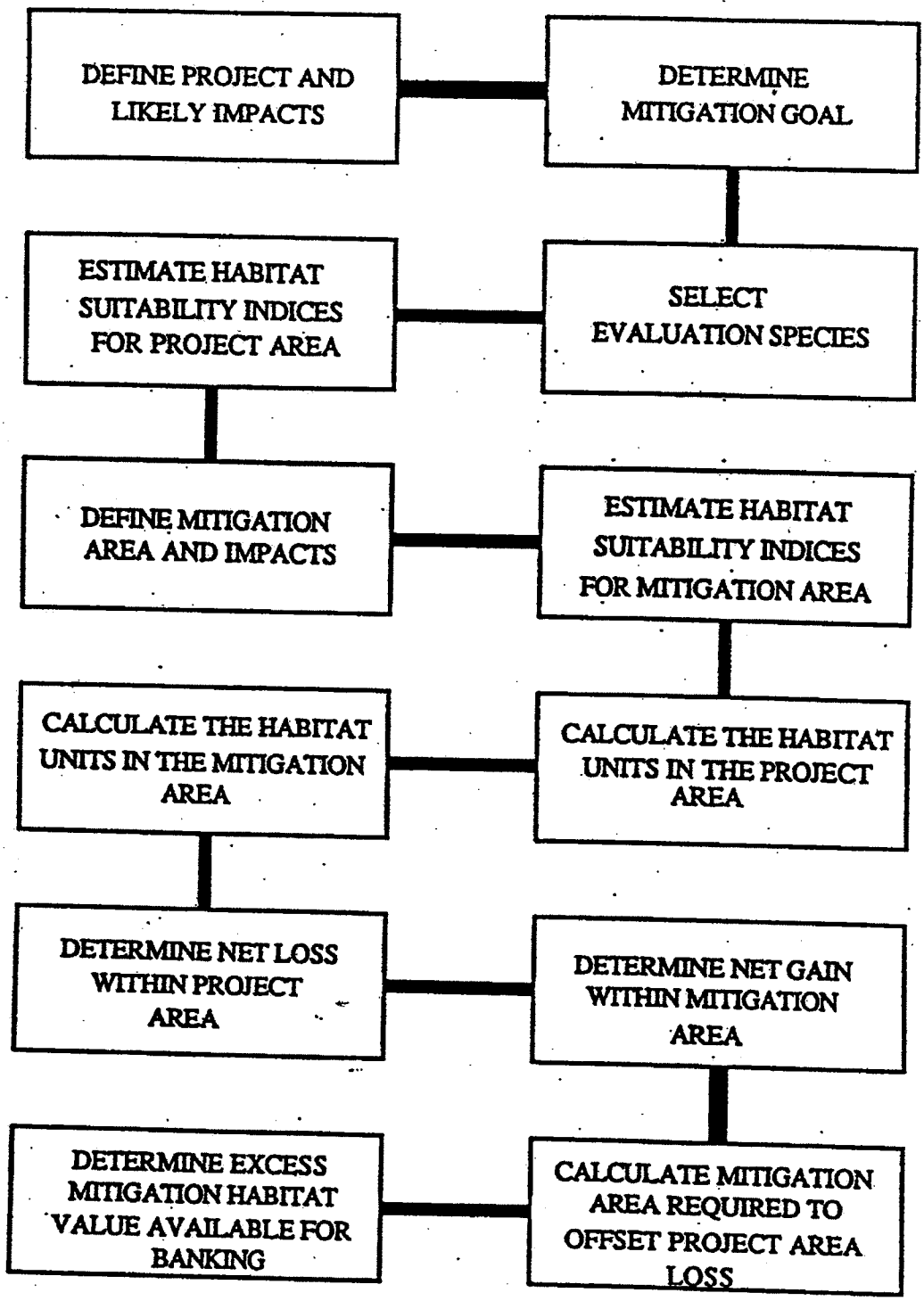

PORT OF LOS ANGELES CHANNEL DEEPENING PROJECT
2. Description of Proposed Action and Alternatives
LEGEND
Channel Area Not Dredged
Berth Area Not Dredged
Completed Land Fill
Completed Submerged Fill
Completed Dredging
WILMINGTON
Harry Bridges Blvd.
Berths 136-139
West Basin
Berths 121-131
Berths 142-147
East Basin
Anchorage Rd
Channel
Ford Ave.
Cerritos
Berths 206-210
Henry
110 Fwy
John S. Gibson Blvd.
Gaffey Street
East Basin Channel
New Dock Street
Ocean Boulevard
Berths 212-221
Berth 100
Turning Basin
Seaside Avenue
Navy Way
Ferry St.
Terminal Way
Pilchard Street
Berths 226-232
Terminal Way
Barracuda St.
Earle St.
Seaside Ave.
Fish Harbor
Pier 300
SAN PEDRO
Gaffey Street
Pacific Avenue
Harbor Boulevard
City of Long Beach
City of Los Angeles
Crescent Ave.
Main Channel
22nd Street
25th Street
West Channel
East Channel
-53' MLLW
Pier 400
EXISTING CSWH
Not to scale
Figure 2-12
Alternative 3:
No Action
April 2009
2-34
Final SEIS/SEIR

Figure 3



California least tern nesting history in the Port of Los Angeles 1978-2006.

Figure 4



HABITAT EVALUATION PROCESS FLOW DIAGRAM

Figure 5

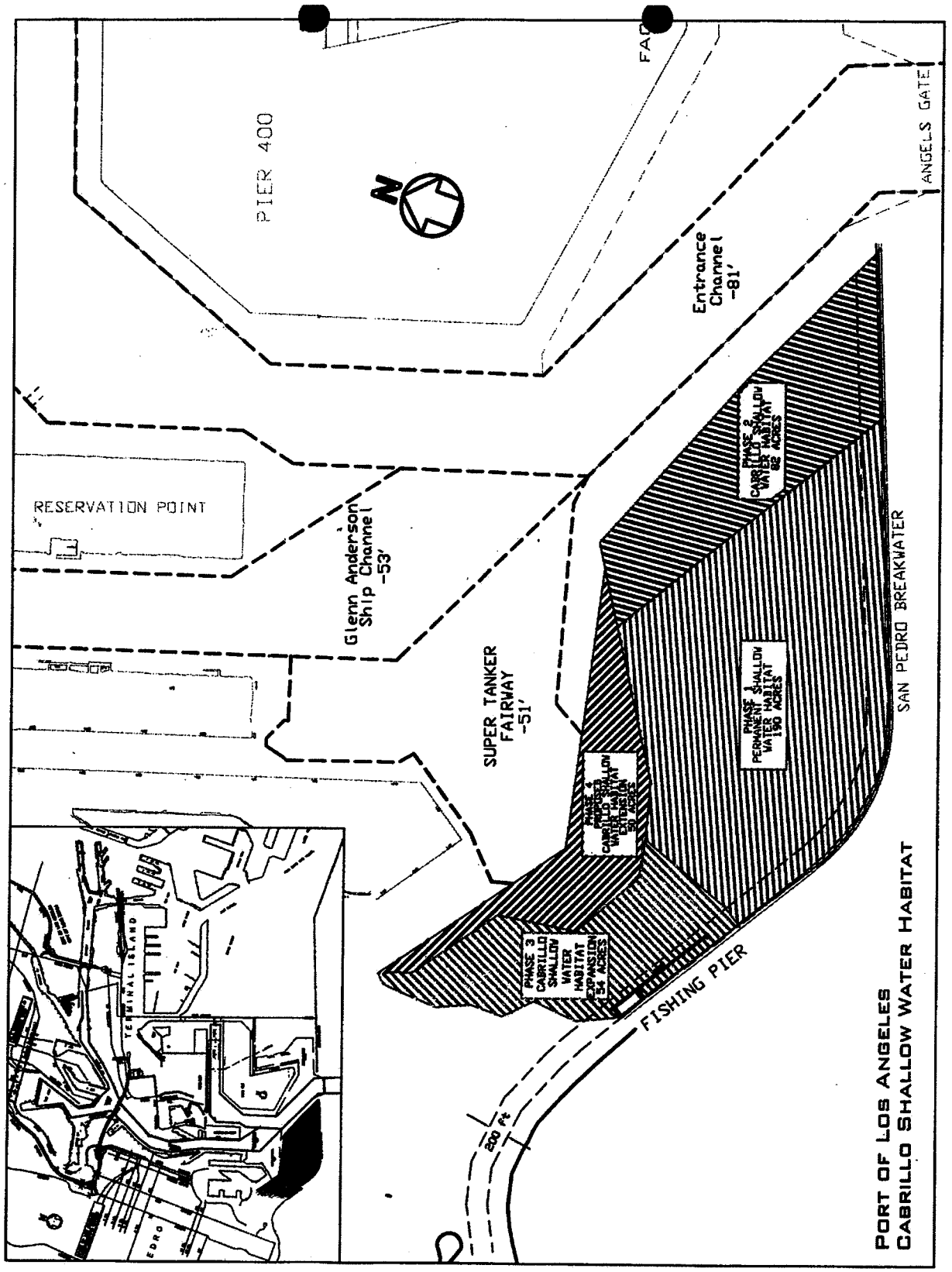

PIER 400
N
FA
ANGELS GATE
Entrance Channel -81'
RESERVATION POINT
Glenn Anderson Ship Channel -53'
SUPER TANKER FAIRWAY -51'
PHASE 2 CABRILLO SHALLOW WATER HABITAT 62 ACRES
PHASE 1 PERMANENT SHALLOW WATER HABITAT 190 ACRES
PHASE 4 PROPOSED CABRILLO SHALLOW WATER HABITAT EXPANSION 50 ACRES
PHASE 3 CABRILLO SHALLOW WATER HABITAT EXPANSION 54 ACRES
SAN PEDRO BREAKWATER
FISHING PIER
250 Ft
TERMINAL ISLAND
PORT OF LOS ANGELES
CABRILLO SHALLOW WATER HABITAT

Figure 6

APPENDIX

"Loni Adams"
<ladams@dfg.ca.gov>
10/16/2008 05:58 PM

To <Christine_Medak@fws.gov>
cc <Megan.T.Wong@usace.army.mil>
bcc
Subject LA Channel Deepening Supplemental DEIR/DEIS and Draft Coordination Act Report

History: This message has been replied to.

Dear Ms. Medak:

I am sending you this e-mail in response to your request to the Department of Fish and Game (Department) for concurrence regarding the subject project. The Department has reviewed the subject documents and does not have any objections to the project or the draft CAR as proposed. This position is predicated on the successful completion of all mitigation measures and monitoring requirements as they relate to impacts from dredging and the Cabrillo shallow water habitat expansion. If you have any questions please contact me at 858-627-3985.

Loni Adams
Environmental Scientist
Department of Fish and Game
Marine Region
4949 Viewridge Ave.
San Diego, CA 92123

Office: 858-627-3985
Cell: 858-750-8803
Fax: 858-467-4299

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF

March 19, 2009

Office of the Chief
Planning Division

Mr. Jim Bartel
Field Supervisor
U.S. Fish and Wildlife Service
Attention: Ms. Chris Medak
6010 Hidden Valley Road
Carlsbad, California 92009

Dear Mr. Bartel:

The U.S. Army Corps of Engineers, Los Angeles District, (Corps) has reviewed the U.S. Fish and Wildlife Service (Service) Draft Coordination Act Report (CAR), dated May 2008, for the Port of Los Angeles Channel Deepening Project, Los Angeles, California. The Corps does not have any comment in the mitigation/conservation measures provided by the Service on the Draft CAR. Based on public review of the Draft Supplemental Environmental Impact Statement/Environmental Impact Report (EIS/EIR), however, the eelgrass habitat area has been eliminated as a disposal site. The Corps and Port of Los Angeles have coordinated with Ms. Chris Medak, of your staff, on elimination of the eelgrass habitat area. An electronic copy of the updated project description was provided to Ms. Medak, and is hereby enclosed for inclusion in the Final CAR.

As coordinated with Ms. Medak, the Corps would appreciate the Service for provision of the Final CAR by Friday, March 27, 2009. The Corps appreciates the input and continuing support Ms. Medak has provided during preparation of the Draft and Final Supplemental EIS/EIR. Should you have any questions, please contact Ms. Joy Jaiswal, Chief of Ecosystem Planning Section, at (213) 452-3851, or Ms. Megan Wong, Environmental Coordinator, at (213) 452-3859.

Sincerely,

for Josephine R. Axt, PhD
Chief, Planning Division

Enclosure