

Chapter 8 Public Involvement

8.1 Agency Coordination

The USACE is the lead agency for NEPA, and the City of Los Angeles, acting by and through Los Angeles Board of Harbor Commissioners, is the lead/responsible agency for CEQA. This Draft EIS is prepared as a joint document in compliance with the current USACE NEPA implementing regulation and procedures (including 33 CFR §§ 333.36 and 333.37, which directs to the fullest extent practicable combining/preparing joint environmental documents to reduce duplication and paperwork), and CEQA regulations.

The proposed action (a Department of the Army permit) was coordinated with the concerned resource and regulatory agencies during preparation of the Draft EIS to ensure that the proposed action/alternative complies with the requirements of applicable laws and regulations. Pursuant to specific legislative mandates and to assist in the preparation of this document, formal and informal coordination has been initiated with various agencies. That coordination is summarized in the following paragraphs.

8.1.1 ESA Preliminary Consultation

Preliminary consultation with the USFWS and NMFS was conducted relatively early in the planning phase. The USFWS no longer prepares species lists, instead deferring to an online system that generates an online species request via an agency's ECOS portal.

As described in detail in Section 3.3 of Appendix 1, Draft EIR, there is no nesting, breeding or designated critical habitat for any federally listed species in the vicinity of the project area, specifically California least tern (*Sterna antillarum browni*) and green sea turtle (*Chelonia mydas*). California least terns nest in the Port of Los Angeles at a designated nesting area on Pier 400, but that site is three miles away from the project site. There have been a few observations of California least tern in the West Basin, which is a highly industrialized area within the Port, but individuals passing through the West Basin during construction of the Proposed Project could easily forage in other portions of the West Basin or in higher-quality foraging habitat elsewhere in the Los Angeles Harbor.

Green sea turtles are not known to occur in the West Basin area. However, stranding data obtained from National Marine Fisheries Service (NMFS) reported a dead/decaying individual was reported from the Inner Harbor East Basin near Berth 194 in August 2017. Other green sea turtle observations within the Port include one observation of a live subadult in the Cabrillo Beach pier area in October 2018. As a result of these observations, the Corps determined there would be no effect on either species and consultation with the U.S. Fish and Wildlife Service and NMFS pursuant to Section 7 of the Endangered Species Act is not required.

37 **8.1.2 Fish and Wildlife Coordination Act**

38 Coordination with the USFWS, in accordance with the Fish and Wildlife Coordination
39 Act (16 U.S.C. 661-666c), commenced with the publication of the NOI and associated
40 Special Public Notice in 2014, and will continue with the release of this Draft EIS. The
41 USACE's Public Notice will notify state and federal wildlife protection agencies of the
42 proposed action and will summarize potential effects of that action on wildlife.

43 **8.1.3 Southern California Dredged Material Management** 44 **Team**

45 The Proposed Project has undergone preliminary coordination with the Southern
46 California Dredged Material Management Team (SC-DMMT). The SC-DMMT is a
47 multi-agency management team set up jointly by the USACE and the USEPA. The SC-
48 DMMT has expanded to include participation by the various Regional Water Quality
49 Control Boards and the California Coastal Commission. Membership includes the
50 USFWS and CDFW. Preliminary plans for the proposed project, including
51 placement/disposal options, have been discussed at monthly meetings of the SC-DMMT.
52 These informal discussions were meant to keep SC-DMMT member agencies apprised
53 of the status of the proposed project, including identification of alternatives, and plans to
54 conduct a full sediment sampling and analysis program during the project's preliminary
55 engineering design phase.

56 **8.1.4 South Coast Air Quality Management District**

57 LAHD staff has been consulting with the South Coast Air Quality Management District
58 (SCAQMD) on measures to ensure that the proposed project is in conformance with the
59 State Implementation Plan (SIP), as required by federal regulation. Refer to Section 1.4
60 for details.

61 **8.1.5 Regional Water Quality Control Board**

62 To satisfy requirements of the Federal Clean Water Act (CWA), the LAHD would submit
63 a draft Section 401 water quality certification application and appropriate technical
64 documentation to the Los Angeles Regional Water Quality Control Board (RWQCB),
65 tasked with implementing the CWA within the region, for their review for CWA Section
66 401 water quality certification, pursuant to 33 CFG §336.1(a)(1). Upon review of the
67 submittal, the RWQCB would issue a Section 401-water quality certification. The
68 USACE will continue to coordinate with the RWQCB throughout the CWA process and
69 construction activities.

70 **8.1.6 California Coastal Commission**

71 As an administrative entity within the coastal zone, LAHD is responsible, under Chapter
72 8 of the California Coastal Act, for establishing land uses in the harbor district that are
73 consistent with the federal Coastal Zone Management Act (CZMA; 16 U.S.C. §1455(d),
74 and regulations at 15 12 C.F.R. §930 et seq.) and for issuing Coastal Development
75 Permits for projects taking place in the harbor district. Land use planning is accomplished
76 through the Port's Port Master Plan (analogous to a city's Local Coastal Program). The
77 Port Master Plan is approved by the California Coastal Commission (CCC), the
78 regulatory and planning entity that implements the California Coastal Act (the Coastal

79 Act, in turn, represents the State of California’s implementation of the CZMA). It is the
80 responsibility of the USACE to determine if a proposed federal activity affects the coastal
81 use of resources in a manner that is not consistent with the approved Port Master Plan.

82 The USACE and LAHD will continue coordinating with CCC throughout the NEPA
83 process and construction activities. As part of the process, the LAHD is preparing a
84 Coastal Consistency Determination.

85 **8.2 Public Involvement**

86 Public involvement is a process by which interested and affected individuals,
87 organizations, agencies, and government entities are consulted and included in the
88 decision-making process of a planning effort. In providing public service, the Federal role
89 in water resources planning is to respond to what the public perceives as problems and
90 opportunities and to formulate and select alternative plans that reflect public preferences.
91 In addition, the National Environmental Policy Act (PL 91-190), among other Federal
92 laws and regulations, mandates public involvement. Federal planning policies, USACE
93 practice, and regulations have consistently required and encouraged this practice. All this
94 must occur, however, with the awareness that the USACE cannot relinquish its legislated
95 decision-making responsibility.

96 Public participation through the NEPA/CEQA review process is through both a formal
97 public scoping period and a public and agency review period. To announce the start of
98 the report scoping, a special public notice was issued to local residents, Federal, State,
99 and Local agencies, and interested groups in April 2014. The recipients were invited to
100 provide input to the EIS/EIR, including the scoping of environmental issues that should
101 be addressed throughout the EIS/EIR. The Notice of Intent (NOI) was published in the
102 Federal Register on April 11, 2014, and a Special Public Notice of the NOI/NOP of the
103 Draft EIS/EIR and Public Scoping Meeting for the Berths 121-131 [then Yang Ming]
104 Container Terminal Redevelopment Project was published concurrently. The public
105 scoping meeting occurred on May 8, 2014, in San Pedro, California, where the public
106 were given the opportunity to comment. No public comments were received during the
107 scoping meeting. A 45-day public review of the special public notice occurred April 11,
108 2014, through May 25, 2014.

109 Seven comment letters were received. The USEPA recommended that the Draft EIS
110 disclose the mix of vessel calls between the Proposed Project and the No Federal Action
111 Alternative in terms of IMO Tier 3 engines and supported those aspects of the Proposed
112 Project that facilitate calls by Tier-3-compliant vessels. USEPA also requested disclosure
113 of the mode split between rail and truck for the Proposed Project and alternatives, the
114 compliance of trucks with the ports’ Clean Truck Program, consideration of additional
115 mitigation measures for trucks, use of cleanest available construction equipment and
116 trucks, consideration of zero- and near-zero-emissions terminal equipment and
117 infrastructure, mitigation of health impacts, deployment of advanced logistics
118 management technology, and coordination of dredged material management with the
119 regional sediment management team. The Federal Emergency Management Agency
120 requested that the Proposed Project comply with NFIP floodplain management building
121 requirements. The Native American Heritage Commission recommended that the DEIR
122 include mitigation to protect any discovered archaeological resources and provided a list
123 of Native American contacts for consultation regarding cultural resources. The California
124 Department of Transportation recommended that a traffic study be prepared in advance of
125 the Draft EIR and reviewed mitigation requirements. The Los Angeles Unified School

126 District listed LAUSD campuses within a 1-mile radius of the Proposed Project and
127 expressed concern over potential impacts on those schools. Ms. Joyce Dillard requested
128 information on several subjects, including water quality, wetlands and wildlife, air
129 quality, greenhouse gases, and hazardous materials. Mr. Tommy Rosas' letter stated that
130 comments would be provided later, but those comments appear not to have been
131 provided.

132 Copies of the 2014 NOI/NOP and all letters received in response to the NOI are
133 provided in Appendix 2.

134 Since the close of the NOI scoping period USACE has continued to have discussions
135 with state, federal, and local agencies regarding a number of the Proposed Project's
136 environmental issues, including sediment testing and disposal options.