



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Acting Secretary for
Environmental Protection

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Edmund G. Brown J
Governor

Mr. Remco Buis
Carnival Corporation
231 Windsor Way
Long Beach, CA 90802

MODIFICATION OF CONDITIONAL CERTIFICATION FOR PROPOSED LONG BEACH CRUISE TERMINAL NEW DOLPHINS PROJECT (Corps' Project No. 2010-00758-PHT), PACIFIC OCEAN, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 10-117)

Dear Mr. Buis:

We are in receipt of the letter sent by Moffat and Nichol on your behalf dated November 29, 2010 requesting modification of your Conditional Section 401 Water Quality Certification (WQC) for the subject project issued on October 28, 2010.

As we understand, you are requesting that Item No. 16 of Attachment A, "Avoidance/Minimization Activities" to conduct eelgrass surveys be deleted.

In response to your request, Item 16 of Attachment A "Avoidance/Minimization Activities" shall be modified as below. Strikeout text is deleted.

16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Implement Best Management Practices to contain and minimize the spread of any construction-related turbidity plume resulting from the project, including, but not limited to sand bagging, runoff diversions, and silt curtains where applicable.
- Prohibit the discard of construction and trash debris into the intertidal zone or the near shore waters.
- Maintain all construction-related equipment and fuel pier operation equipment in good working order to minimize the potential for hazardous waste spills. Maintain current hazardous material spill prevention and cleanup plans on site.
- Pre-and-post construction surveys for ~~eelgrass~~ and invasive

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Mr. Remco Buis
Carnival Corporation

- 2 -

caulerpa taxifolia ("Caulerpa") will take place in accordance with the *Caulerpa* Control Protocol, as well as construction-period water quality monitoring to ensure that water quality is being maintained during the construction period.

- Installation of silt screens will take place in order to confine the work area and minimize turbidity.

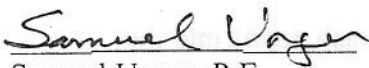
In addition, Item 15 of Attachment B shall be modified as below. Strikeout text is deleted.

15. Surveys shall be performed for *Caulerpa* and ~~eelgrass~~ within the project area. The Applicant shall comply with the National Marine Fisheries Service's Southern California ~~Eelgrass Mitigation Policy and the~~ *Caulerpa* Control Protocol.

I have determined that the proposed modifications do not constitute a significant change in the nature or scope of the activities described for the project in your original application. Therefore, no additional action by this agency pursuant to Section 401 of the Clean Water Act is necessary. This determination is limited to the proposed request contained in your notification to this Regional Board dated November 29, 2010 and described herein, and does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

Sincerely,


Samuel Unger, P.E.
Executive Officer

2-16-11

Date

Attached: Distribution List

California Environmental Protection Agency



DISTRIBUTUION LIST

Tonia McMahon
Moffatt & Nichol
3780 Kilroy Airport Way, Suite 600
Long Beach, CA 90802

Bill Orme (via electronic copy)
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Phuong Trinh (via electronic copy)
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Eric Raffini (via electronic copy)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Jim Bartel
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009

