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

REPLY TO
ATTENTION OF:

August 2, 2007

Office of the Chief
Regulatory Division

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT AUTHORIZATION

Tony Gioiello, Chief Harbor Engineer
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, California 90731

Dear Mr. Gioiello:

This correspondence is in reply to your June 26, 2007 letter (No. 2003-1083-SDM) concerning our permit authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the River Harbor Act (33 U.S.C. 403) over your proposal to temporarily impact less than 0.1 acre of waters of the U.S., to install and operate during an approximately 3-month period an electric pump and associated intake and discharge pipes below the high tide line on the southern edge of Inner Cabrillo Beach, along Los Angeles Harbor, in the community of San Pedro, Los Angeles County, California.

The Corps of Engineers has determined your proposed activity complies with the terms and conditions of Nationwide Permit Number 33: *Temporary Construction, Access, and Dewatering* (Sections 10 and 404), as described in enclosure 1.

Furthermore, you must comply with the following non-discretionary Special Conditions:

1. The permittee shall implement and maintain Best Management Practices (BMP) throughout project construction and operation, including those on the BMP list enclosed with your June 26, 2007 letter request (i.e., stake shoreline perimeter of eelgrass bed; perform periodic eelgrass/least tern monitoring; bury intake/discharge pipelines; face the diffuser on the discharge pipeline toward shoreline; do not allow construction equipment in the eelgrass area; and monitor the project site daily).

2. The permittee shall ensure all staging and storage occur outside of waters of the U.S. (i.e., above +7.0 MLLW at this location) and at a sufficient distance and manner that no fill or spoil material, debris, trash, lubricant, or fuel can be conveyed to waters of the U.S.

3. Prior to initiating construction, the permittee shall provide a brief/tailgate-style training session with the construction contractors and personnel to review all permit terms and conditions and to ensure they are made aware of the sensitive biological resources in or adjacent to the project area. The latter shall include a biologist-led discussion of the sensitive biological resources present or with potential to occur in or adjacent to the project area, including showing all project contractors and personnel photographs of each biological resource (including eelgrass, California least tern, and California brown pelican).

4. Throughout project construction and operation, the permittee shall maintain onsite a copy of all permits, including all terms and conditions, and photographs of each biological resource present or with potential to occur in or adjacent to the project area. The permittee shall ensure all project contractors and personnel have reviewed and understand all permit terms and conditions and are aware of all sensitive biological resources present or with potential to occur in or adjacent to the project area; this includes any individuals who were unable to participate in the brief/tailgate-style training session or were added later during project construction or operation.

5. At the conclusion of project operation (an approximate 3-month period), the permittee shall restore the project area to pre-project elevations and conditions. No permanent impact or change to the project area is authorized by this Nationwide Permit verification letter. Any fill or structure not removed would require separate Corps authorization.

6. In addition to the pre-project eelgrass survey recently completed, the permittee shall complete a post-project eelgrass survey to determine whether construction/operation of the pumping device and associated structures impacted eelgrass habitat. All eelgrass surveys shall be conducted in accordance with the Southern California Eelgrass Mitigation Policy (http://swr.nmfs.noaa.gov/hcd/policies/EELPOLrev11_final.pdf). Any impacts identified by the surveys shall be mitigated by the permittee in accordance with the above-mentioned policy.

7. Prior to completing project construction and operation (an approximate 3-month period), the permittee shall develop a conceptual analysis of the impacts associated with the intake/discharge of seawater in the project vicinity. If the permittee determines that the circulation system should become a permanent solution to the bacterial problems, a more rigorous analysis will likely be recommended by the National Marine Fisheries Service (NMFS). If such an analysis identifies impacts to Essential Fish Habitat, NMFS may recommend compensatory mitigation similar to that recommended for coastal power plant projects, though likely much smaller in scope.

This letter of verification is valid through August 2, 2009. All nationwide permits expire on March 18, 2012. It is incumbent upon you to remain informed of changes to the nationwide permits. If the Corps of Engineers modifies, reissues, or revokes any nationwide permit at an earlier date, we will issue a public notice announcing the changes.

A nationwide permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: http://per2.nwp.usace.army.mil/survey.html.

Thank you for participating in our regulatory program. If you have any questions, please contact me at (805) 585-2152 or spencer.d.macneil@usace.army.mil.

Sincerely,

Aaron O. Allen, Ph.D.
Chief, North Coast Branch

Enclosure

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT

Permit Number: 2003-1083-SDM

Name of Permittee: Port of Los Angeles

Date of Issuance: August 2, 2007

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S Army Corps of Engineers
Regulatory Division
ATTN: CESPL-R-N-2003-1083-SDM
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this nationwide permit you may be subject to permit suspension, modification, or revocation procedures as contained in 33 CFR 330.5 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit condition(s).

_____ _____

Signature of Permittee Date