



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, California 93001

July 1, 2009

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Division

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT AUTHORIZATION

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

Dear Mr. Gioiello:

This is in reply to your application (File No. SPL-2008-00782-SDM) dated October 14, 2008 for a Department of the Army Permit to impact navigable waters of the U.S. associated with the Port of Los Angeles' Berths 167-169 Shell Oil Terminal Mooring and Berthing System Rehabilitation Project. The proposed work would take place in Los Angeles Harbor, in the City of Los Angeles, Los Angeles County, California (see attached drawings).

Based on the information you have provided, the Corps of Engineers has determined that your proposed activity complies with the enclosed terms and conditions of Nationwide Permit (NWP) No. 3, as described in enclosure 1.

Specifically, you are authorized to:

1. remove mooring bits, cleats, and associated hardware from the existing timber wharf,
2. remove existing mooring bits and associated hardware from existing concrete dolphins on steel pipe piles,
3. remove quick release hooks, associated hardware, and associated electrical components,

4. remove and dispose of approximately 4,600 square feet of timber deck, 27 piles, and 120 fender piles in accordance with all local, State, and Federal regulations,
5. remove and properly dispose of or relocate 8 camels (5 timber, 3 composite),
6. repair 4 damaged timber piles,
7. repair timber decking in area of timber deck removal,
8. drive 8 new 54-inch-diameter steel piles,
9. install 8 new concrete dolphin caps to the 54-inch-diameter steel piles,
10. install 8 new rubber fenders to concrete dolphin caps,
11. install 8 new double quick release hooks to concrete dolphin caps,
12. install 1 new triple quick release hook to existing concrete mooring dolphin, and
13. provide electrical power to quick release hooks.

None of the material derived from the demolition activities shall be discharged into any waters of the U.S., such as the Pacific Ocean. All such material shall be reused, relocated, or disposed of in accordance with all applicable local, State, and Federal regulations. Furthermore, you must comply with the following non-discretionary Special Conditions:

1. The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the U.S. as defined by 33 C.F.R. Part 329.
2. No dredging or discharge of fill (e.g., rock, soil, etc.) into waters of the U.S. is authorized.
3. Placement of creosote-treated pilings is not authorized.
4. No other modifications or work shall occur to the wharf structure, except as permitted herein.
5. The permittee shall discharge only clean construction materials suitable for use in the oceanic environment. The permittee shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the U.S. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of at an appropriate upland site.
6. The permittee shall notify the Corps of the date of commencement of operations not less than 7 calendar days prior to commencing work, and shall notify the Corps of the date of completion of operations at least five calendar days prior to such completion.
7. The permittee shall notify the Commander, Eleventh Coast Guard District, and the Coast Guard Marine Safety Office / Group LA-LB, not less than 14 calendar days prior to commencing work and as project information changes. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information:
 - A) Project description including the type of operation (diving, construction, etc).

- B) Location of operation, including Latitude / Longitude coordinates (NAD 83).
- C) Work start and completion dates and the expected duration of operations.
- D) Vessels involved in the operation (name, size, and type).
- E) VHF-FM radio frequencies monitored by vessels on scene.
- F) Point of contact and 24 hour phone number.
- G) Potential hazards to navigation.
- H) Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (oan)	U.S. Coast Guard
Coast Guard Island, Building 50-3	Marine Safety Office / Group LA-LB
Alameda, CA 94501-5100	1001 South Seaside Ave., Bldg 20
ATTN: Local Notice to Mariners	San Pedro, CA 90731
TEL: (510) 437-2986	Attn: Waterways Management
FAX: (510) 437-3423	TEL: (310) 732-2020
	FAX: (310) 732-2029

8. The permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 C.F.R. chapter I, subchapter C, part 66. The permittee shall ensure its contractor notifies the Eleventh Coast Guard District in writing, with a copy to the Corps, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation that requires relocation or removal. Should any federal aids to navigation be affected by this project, the permittee shall submit a request, in writing, to the Corps as well as the U.S. Coast Guard, Aids to Navigation office. The permittee and its contractor are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps and the U.S. Coast Guard.

9. Should the permittee determine the work requires the placement and use of private aids to navigation in navigable waters of the U.S., the permittee shall submit a request in writing to the Corps as well as the U.S. Coast Guard, Aids to Navigation office. The permittee is prohibited from establishing private aids to navigation in navigable waters of the U.S. until authorized to do so by the Corps and the U.S. Coast Guard.

10. Upon notification to the U.S. Coast Guard as specified in Special Condition 7, the permittee shall forward a copy of the notification to the Coast Guard Captain of the Port (COTP). The COTP may modify the deployment of marine construction equipment or mooring systems to safeguard navigation during project construction. The permittee shall direct questions concerning lighting, equipment placement, and mooring to the appropriate COTP.

11. Within 30 calendar days of completion of the project authorized by this permit, the permittee shall conduct a post-project survey indicating changes to structures and other features in navigable waters of the U.S. The permittee shall forward a copy of the survey to the Corps and to the National Oceanic and Atmospheric

Service for chart updating: Gerald E. Wheaton, NOAA, Regional Manager, West Coast and Pacific Ocean, DOD Center Monterey Bay, Room 5082, Seaside, CA 93955-6711.

12. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters of the U.S., the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

13. Pursuant to *Essential Fish Habitat Assessment & Caulerpa Survey, Berthing Dolphin Improvements Project, Shell Mormon Island Marine Terminal, Wilmington, California*, dated December 2008, the permittee shall implement the following Best Management Practices (BMPs) to avoid and minimize adverse effects on water quality and nearby eelgrass:

- The project marine biologist shall meet with construction crews to show areas where eelgrass occurs and discuss BMPs
- Vessels shall avoid anchoring over eelgrass beds
- If turbid conditions are observed during construction, silt curtains shall be deployed when practicable to contain the spread of turbidity beyond the project area
- All debris and trash shall be disposed in appropriate trash containers on land or on construction barges by the end of each construction day
- Discharge of hazardous materials into the study area shall be prohibited.

14. During all pile-driving activities, the permittee shall implement the following to minimize potential noise impacts on marine mammals:

At the initiation of each pile-driving event and after breaks of more than 15 minutes, the pile driving shall employ a "soft-start" in which the hammer is operated at less than full capacity (i.e., approximately 40–60% energy levels) with no less than a 1-minute interval between each strike for a 5-minute period. In addition, the permittee shall hire a qualified biologist to monitor the area in the vicinity of the pile-driving activities for any fish kills during pile driving. If there are any observed or reported fish kills, pile driving shall be halted and the Corps Regulatory Division (POC: Spencer MacNeil) and National Marine Fisheries Service (POC: Bryant Chesney) shall be notified via the Port of Los Angeles' Environmental Management Division. The qualified biological monitor shall also note (surface scan only) whether marine mammals are present within 100 meters of the pile driving, and if any are observed, temporarily halt pile driving until the observed mammals move beyond this distance.

This letter of verification is valid through July 1, 2011. 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.

Thank you for participating in our regulatory program. If you have any questions, please contact me at (805) 585-2152 or via e-mail at Spencer.D.MacNeil@usace.army.mil.

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>.

Sincerely,

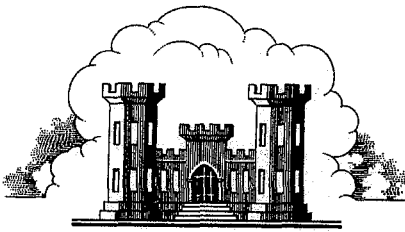
Spencer D. MacNeil, D.Env.
Senior Project Manager
North Coast Branch

Enclosure

CF: File Copy – SPL-2008-00782-SDM
Clipboard copy – Los Angeles

MACNEIL
CESPL-RG-N

SDM
7/1/2009



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT

Permit Number: *SPL-2008-00782-SDM*

Name of Permittee: *Port of Los Angeles, Engineering Division*
(Antonio Gioiello, Chief Harbor Engineer)

Date of Issuance: *July 1, 2009*

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:

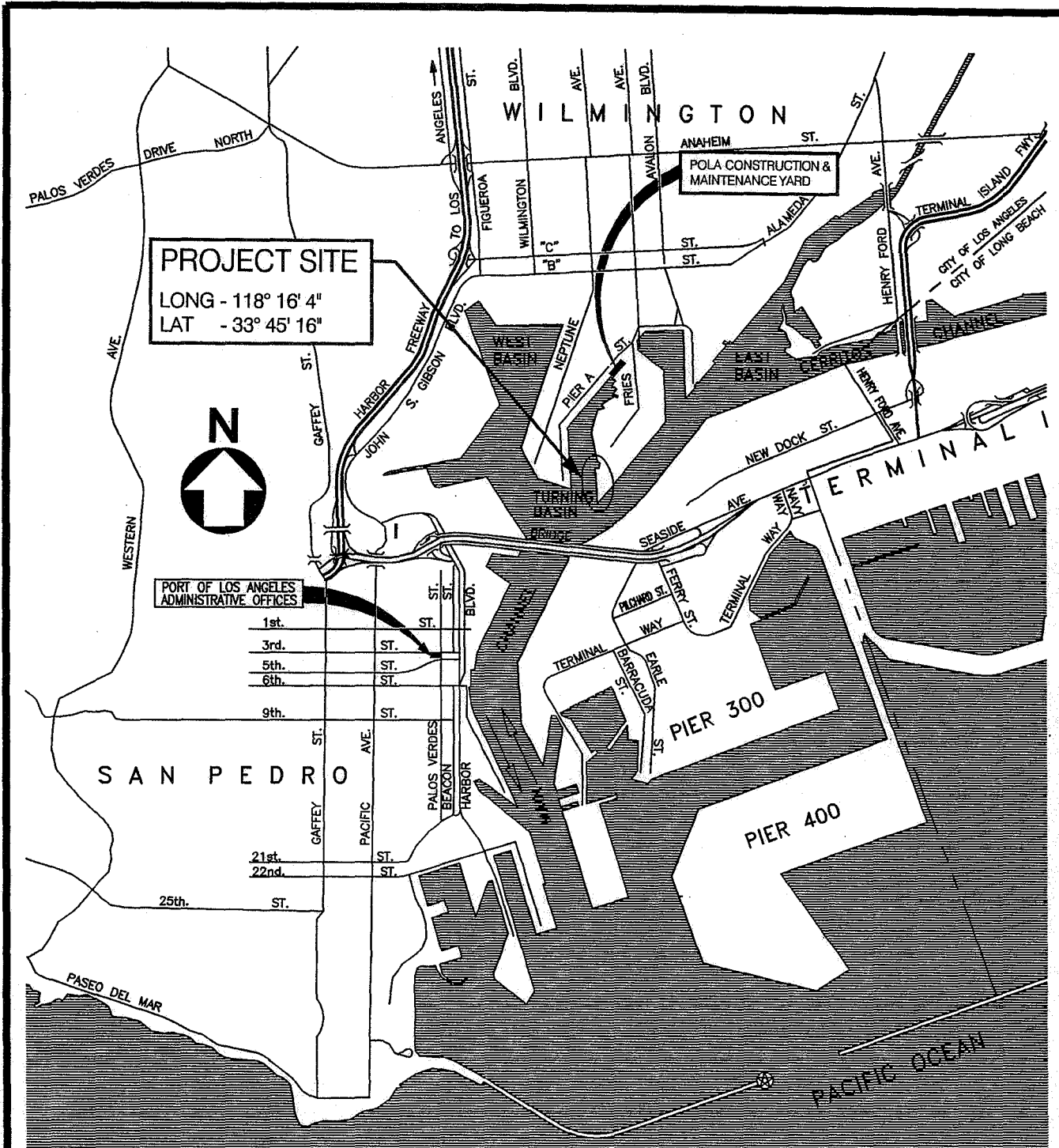
U.S Army Corps of Engineers, Los Angeles District
Regulatory Division, Los Angeles District
Ventura Field Office (ATTN: CESPL-RG-SPL-2008-00782-SDM)
2151 Alessandro Drive, Suite 110
Ventura, California 93001

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 C.F.R. Section 330.5 or enforcement procedures such as those contained in 33 C.F.R. Sections 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



GRAPHIC SCALE

VICINITY MAP

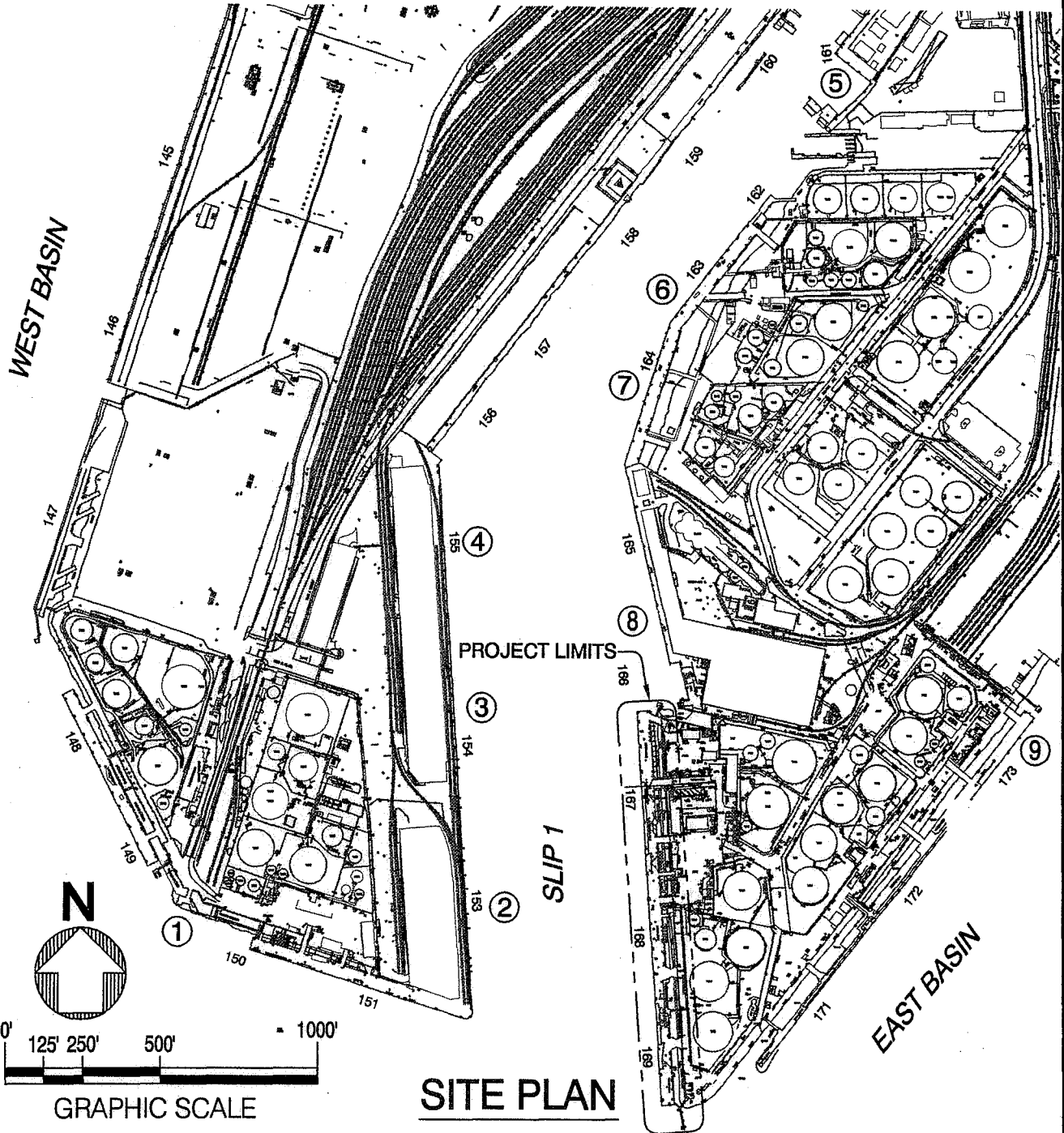
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SCALE: AS-SHOWN		DATE: 7/16/08		RECOMMENDED FOR APPROVAL		APPLICATION FOR ARMY CORPS PERMIT			
DRAWN: A.G.		CHECKED:		DESIGNED:					
ENGR/ARCH		ASSISTANT-CHIEF HARBOR ENGINEER		APPROVED		THE PORT OF LOS ANGELES ENGINEERING DIVISION <small>425 S. PALOS VERDES STREET SAN PEDRO CA 90731-3306</small>			

3/8/2008 11:29:27 AM

ADJACENT TENANTS

- ① B148-151: Conoco Phillips
- ② B153: Crescent Warehouse Co.
- ③ B154: Port of Los Angeles Real Estate Division
- ④ B155: Port of Los Angeles Real Estate Division
- ⑤ B161: Pola Construction & Maintenance
- ⑥ B163: NuStar Energy, LP
- ⑦ B164: Ultramar (Valero)
- ⑧ B165-166: U.S. Borax Inc.
- ⑨ B174-181: Pasha Properties Inc.



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SCALE: AS-SHOWN	DATE: 7/16/08	RECOMMENDED FOR APPROVAL
DRAWN: A.G.	CHECKED:	DESIGNED:
ENGR/ARCH	ASSISTANT CHIEF HARBOR ENGINEER	APPROVED
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

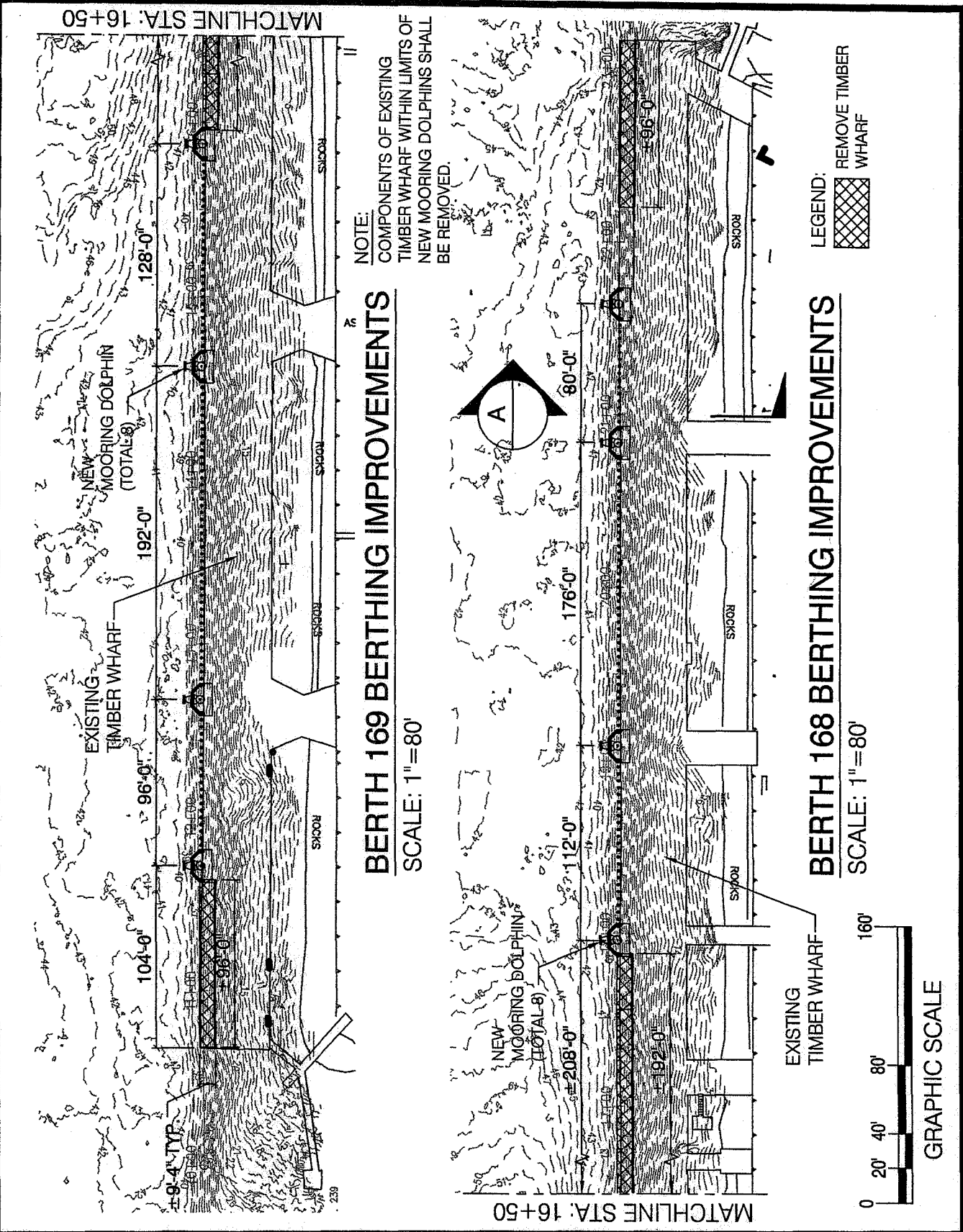
APPLICATION FOR ARMY CORPS PERMIT

BERTHING DOLPHIN IMPROVEMENTS (BERTHS 167-169)

**THE PORT OF LOS ANGELES
ENGINEERING DIVISION**
425 S. PALMS VERDES STREET ALHAMBRA CA 91731-3306

DRAWING NUMBER
5-7288 2

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BERTH 169 BERTHING IMPROVEMENTS

SCALE: 1"=80'

BERTH 168 BERTHING IMPROVEMENTS

SCALE: 1"=80'

SCALE: AS-SHOWN		DATE: 7/16/08		RECOMMENDED FOR APPROVAL		APPLICATION FOR ARMY CORPS PERMIT	
DRAWN: A.G.		CHECKED:		DESIGNED: <i>Roy Alwis</i>			
ENGR/ARCH: <i>Jim Hart</i>		ASSISTANT CHIEF HARBOR ENGINEER: <i>Cal</i>		APPROVED: <i>[Signature]</i>		CHIEF HARBOR ENGINEER	
						THE PORT OF LOS ANGELES ENGINEERING DIVISION 425 S. PALM VERDES STREET SAN PEDRO CA 90731-3300	
						DRAWING NUMBER 5-7288 4	