



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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**APPLICATION FOR PERMIT/
NOTICE OF AVAILABILITY
FOR A DRAFT ENVIRONMENTAL IMPACT STATEMENT /
PUBLIC HEARING**

Public Notice/Application No.: SPL-2013-00113-TS

Project: Berths 212-224 Yusen Terminals, Inc. [YTI] Container Terminal Project

Comment Period: May 2, 2014 through June 16, 2014

Project Manager: Theresa Stevens, Ph.D.; 805-585-2146; theresa.stevens@usace.army.mil

Applicant

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Location

The project is located on Terminal Island at Berths 212-224 in the Port of Los Angeles, Los Angeles Harbor, in the City and County of Los Angeles, California (33.7561 °N, -118.2536 ° W). Specifically, the YTI terminal is located on the north side of Terminal Island along the Cerritos Channel and near the East Basin. The LA-2 offshore disposal site is located in San Pedro Bay at 33° 37' 06" N latitude / -118° 17' 24" W longitude.

Activity

For more information see pages 2-10 of this notice and attached exhibits.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that support the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. The proposed project is being evaluated under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), Section 103 of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1413) and the Corps implementing regulations (33 CFR parts 320-332).

Written comments to the Corps will be received until **June 16, 2014**, and should be mailed to the addresses below:

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
Ventura Field Office
Attn: SPL-2013-00113-TS
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Alternatively, comments can be sent electronically to: **theresa.stevens@usace.army.mil**

Parties interested in being added to the Corps' electronic mail notification list can register at: www.spl.usace.army.mil/regulatory/register.html. This list will be used in the future to notify the public about availability of future public notices for this action.

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible, and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state, and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Federal Action:

Interested parties are hereby notified that an 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 Los Angeles Harbor Department, Port of Los Angeles (LAHD or Port) for a permit, in accordance with Section 10 of the Rivers and Harbors Act (RHA) and Section 103 of the Marine Protection, Research and Sanctuaries Act, to conduct work and erect structures to upgrade an existing container terminal and transport dredged material for the purpose of ocean disposal. The project would increase the depth at the project site as a result of dredging, construct wharf improvements, replace crane rail infrastructure in adjacent uplands, and replace or modify existing cranes with larger cranes. In addition, the LAHD is proposing to dispose of unsuitable dredged material at the Corps-approved Berths 243-245 Confined Disposal Facility (CDF) and dispose of suitable material offshore at LA-2, or dispose of all material in an approved upland location.

The primary federal action is the proposed issuance of permits authorizing work (dredging and wharf improvements) and structures (wharf improvements including pile driving, and cranes) in, over or under navigable waters of the United States (U.S.). For the Corps, approval of a permit under Section 10 of the RHA for activities associated with the proposed Project or project alternatives is an action that might result in significant effects on the environment. This environmental impact statement (EIS) would be used by the Corps as part of their decision-making and permit approval process. The Corps and the LAHD independently determined under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively, potentially significant environmental impacts associated with the proposed action and an EIS under NEPA and an environmental impact report (EIR) under CEQA are required.

The Corps may ultimately make a determination to permit or deny the proposed project, or permit modified version of the proposed Project. On April 5, 2013, the Corps published a Notice of Intent to Prepare an EIS (NOI) in the Federal Register. On May 2, 2014, the U.S. EPA published a Notice of Availability (NOA) of the Draft EIS for the proposed project in the Federal Register. Interested parties are invited to provide their views on the Draft EIS to the Corps. Public comments on the Corps' EIS and this public notice will be received until **June 16, 2014**.

Public Hearing

The U.S. Army Corps of Engineers and the LAHD will jointly hold a public hearing to receive public comments and to assess public concerns regarding the Draft EIS/EIR and project on **May 20, 2014**, starting at 6:00 PM (doors open at 5:30 PM) in the Board Room of the Harbor Administration Building, located at 425 South Palos Verdes Street, San Pedro, CA 90733.

State Action:

The LAHD is proposing terminal improvements at the YTI container terminal at Berths 212-224. The primary purpose of the Draft EIR is to identify the significant environmental effects of the proposed Project so the decision-makers can consider them as part of the proposed project approval process. Also, the LAHD would use the EIR to support permit applications and other actions required to implement the selected Berths 212-224 project or a project alternative.

Pursuant to CEQA, the LAHD will serve as Lead Agency for the preparation of an EIR for its consideration and development approvals within its jurisdiction. The Port prepared a Notice of Completion, in accordance with the City of Los Angeles Guidelines for the Implementation of the CEQA (1970, Article 1), State CEQA Guidelines (Title 14, California Code of Regulations), and the California Public Resources Code (Section 21000, et seq.). Interested parties are invited to provide their views on the Draft EIR to the LAHD. Public comments on the draft EIR will be received until **June 16, 2014**.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the

needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the USEPA Guidelines (40 CFR part 230) as required by section 404 (b)(1) of the Clean Water Act and Section 103 of the Marine Protection, Research and Sanctuaries Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is required for the proposed action. Digital copies of the Draft EIS/EIR are available upon request, and are available electronically at the Port of Los Angeles web site (<http://www.portoflosangeles.org/>) and at the following locations:

- Port of Los Angeles Administration Building, 425 S. Palos Verdes Street, San Pedro, CA 90731
- Los Angeles City Library, San Pedro Branch, 921 Gaffey Street, San Pedro, CA 90731
- Los Angeles City Library, Wilmington Branch, 1300 N. Avalon, Wilmington, CA 90744
- Los Angeles Public Library, Central Branch, 630 W. 5th Street, Los Angeles, CA 90071

Water Quality- The applicant is required to obtain water quality certification, under section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. The Corps requires that any applicant for a Corps permit provide proof of water quality certification to the U.S. Army Corps of Engineers prior to permit issuance.

Coastal Zone Management- The applicant is required to certify the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan.

Essential Fish Habitat- Several elements of the proposed project would take place in the marine environment which is defined as EFH pursuant to the Magnuson-Stevens Fisheries Conservation and Management Act. Specifically, the proposed project would take place in an area designated as EFH for species managed pursuant to the Coastal Pelagics Fishery Management Plan (FMP) and Pacific Groundfish Fishery Plan. The proposed Project activities are not included in the list of activities for which the National Marine Fisheries Service (NMFS) and U.S. Army Corps of Engineers Los Angeles District have determined would have minimal individual and cumulative impacts on EFH, and therefore, consultation with NMFS is required. With this public notice, the Corps

hereby requests the Service initiate EFH consultation pursuant to the Magnuson-Stevens Fishery Conservation and Management Act.

The proposed project would permanently and temporarily impact areas designated as EFH through dredging, wharf improvements (sheet pile and king pile installation), and transport and disposal of dredged material offshore at LA-2. Temporary impacts would take place over the approximately 22 month-long construction period and may involve substantial noise, disturbance associated with greater activity at the site, potential discharges of debris or construction materials, as well as turbidity and benthic disturbances associated with the proposed dredging to create additional depth for deep draft vessels. An EFH assessment is included in the Draft EIS/EIR Biological Resources chapter.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. Further, investigations conducted for the Draft EIS did not identify any listed or eligible cultural or historic resources that would be affected by the proposed project. Consultation with tribal representatives and the State Historic Preservation Officer will be initiated concurrent with the Draft EIS. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- California least tern (*Sterna antillarum browni*), a federally-listed endangered migratory bird species, is known to nest on an existing 15-acre area on Pier 400 in the Outer Harbor. California least terns are also known to forage throughout shallow water areas of the Port, including the shallow water habitat area in the Inner Cabrillo bay area, Pier 300 Shallow Water Habitat Area/Seaplane Lagoon. No designated critical habitat for California least terns or any other federally listed endangered or threatened species occurs within Los Angeles Harbor/Port of Los Angeles. During the proposed construction activities, California least tern foraging may be affected by increased noise and activity, and turbidity associated with the proposed project. However, dredging and pile driving activities may increase turbidity but would not be able to avoid the California least tern nesting season due to the amount of dredging and pile driving proposed, and the time needed to complete work in water. Based on detailed biological information in the Draft EIS, preliminary determinations indicate the proposed activity may affect but would not adversely affect the California least tern. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time. With this public notice, the Corps hereby requests the Service's concurrence the proposed project may affect but would not adversely affect the California least tern during construction.

Proposed Activity for Which a Permit is Required: The following proposed activities require authorization from the U.S. Army Corps of Engineers Regulatory Division.

1. Extend the height and reach of up to six existing cranes.
2. Replace up to four existing non-operating cranes with new cranes.
3. Dredge approximately 27,000 cubic yards (cy) of sediment and install sheet piles and king piles at Berths 214-216 and 217-220.
4. Dispose of dredged material at the Berths 243-245 CDF, offshore at LA-2 or at an approved upland location.

Additional Project Information:

The proposed actions are being evaluated under Section 10 of the Rivers and Harbors Act and Section 103 of the Marine Protection, Research and Sanctuaries Act. The proposed project does not include new discharges of fill material, therefore a Section 404 permit is not required. Disposal of

dredged material at the CDF for the purpose of creating a landfill was previously authorized by the Corps under Section 404 (Corps permit No. SPL-2008-00662-AOA). Disposal of dredged material at the LA-2 offshore disposal site is being evaluated in the Draft EIS/EIR and will require approval by the U.S. EPA. As such, use of the CDF does not require additional Section 404 authorization by the Corps, and the overall project purpose which is typically used by the Corps to evaluate compliance of the proposed project alternative with the Section 404(b)(1) Guidelines does not apply. Sediment to be dredged was sampled and tested in accordance with the U.S. EPA and Corps' Ocean Disposal Manual (1991) and Inland Testing Manual (1998); the test results are utilized by the U.S. EPA and Corps to make factual determinations on the suitability of dredged material for ocean disposal. Sediment test results indicate most of the dredged material is suitable for ocean disposal. Alternatives to the proposed Project are being evaluated in the EIS as required by NEPA, 33 CFR 320.4, and 33 CFR 325 Appendix B.

NEPA and CEQA require preparation of an EIS or EIR, respectively, for actions that could significantly affect the environment. Actions subject to NEPA and CEQA requirements include projects sponsored by a governmental agency and the approval of projects over which the governmental agency has discretionary authority.

The purpose of the proposed project described in the Draft EIS/EIR is to optimize container handling efficiency at the YTI Terminal. The purpose of the Draft EIS/EIR is to identify the significant impacts of the proposed project and the project alternatives, to inform decision makers and the public of reasonable alternatives to the proposed project (that would avoid or minimize significant impacts or enhance the quality of the human environment), and to indicate the manner in which significant effects can be avoided or mitigated.

Existing Site Development and Infrastructure:

The YTI terminal consists of a cargo ship unloading area (the wharf and backlands), a large container and chassis parking/storage yard, a container and equipment wash area, a maintenance and repair area, a power shop area, a marine tower area, a fuel dispensing area, a gear room area, various supply storage areas, a warehouse and consolidation area, a crane maintenance area, and an administration building area. Most of the terminal yard is paved with asphalt, but some areas around buildings and on equipment runways are paved with concrete.

The YTI terminal extends from Berth 212 through Berth 224. There are three existing berths at the terminal: Berths 212–213, Berths 214–216, and Berths 217–220. The Berth 217–220 area is not currently operating but the other two are. In addition no vessel berthing or container movement operations occur dockside between Berths 221-224. The YTI terminal is berth limited which limits the annual throughput under existing and proposed project conditions. The terminal will be backland limited aft the project is completed. The depth at all three berths is approximately -45 feet MLLW. There are 14 wharf cranes located at the YTI terminal, but only 10 are currently operating. The existing landside crane rail that accommodates 100-foot gauge cranes extends along the wharf from Berth 212 through Berth 216. The existing crane rail along the wharf from Berth 217 through Berth 220 only supports 50-foot gauge cranes. Two of the non-operating cranes are YTI-owned 100-foot gauge cranes are stored on temporary 100-foot gauge crane rails at Berths 217-220. These two cranes cannot operate on the temporary crane rails because it lacks the structural integrity to support operating cranes. The other two non-operating cranes are 50 foot gauge cranes owned by the LAHD and are too small to be used on vessels that currently call at the YTI terminal and they can only service vessels that are 13 containers wide or smaller.

In 2012, the YTI terminal moved 996,109 twenty-foot equivalent units (TEU¹), which was a result of 168 vessel calls. The majority of vessels calling at the YTI terminal were 6,000- and 2,000-TEU-capacity vessels. No vessels over 8,000-TEUs called on the YTI terminal in 2012. The terminal handled a maximum of three vessels in a peak day. At current optimal throughput capacity, the YTI terminal could handle up to 1,692,000 TEUs annually (the NEPA baseline).

The Terminal Island Container Transfer Facility (TICTF) opened in 1997 and currently serves the YTI Terminal. YTI shares the TICTF with the adjacent Evergreen container terminal. The YTI-dedicated portion of the TICTF features four loading tracks, each approximately 2,300 feet long, and capable of handling a total of 28 five-platform double stack rail cars. There are also five adjacent storage tracks, each approximately 2,300 feet, and capable of handling a total of 35 five-platform double stack rail cars.

Project Description:

Dredging and Wharf Upgrades:

Berths 214-216:

Approximately 21,000 cubic yards (cy) of dredging to increase the depth from -45 to -53 feet Mean Lower Low Water (MLLW) (with an additional two feet of overdredge depth, for a total depth of -55 feet MLLW).

Approximately 1,400 linear feet of sheet piles and king piles would be installed to accommodate the dredging activities and to support and stabilize the existing wharf structure. The king piles would be installed to a base depth of approximately 35 feet below the mudline and the base of the sheet piles would be approximately 15 feet below mudline. The tops of the king piles and sheet piles would extend slightly above the mudline.

Berths 217–220:

Approximately 6,000 cy of dredging to increase the depth from -45 to -47 feet MLLW (with an additional two feet of overdredge depth, for a total depth of -49 feet MLLW).

Approximately 1,200 linear feet of sheet piles would be installed to approximately 15 feet below the mudline to accommodate the dredging activities and to support and stabilize the existing wharf structure.

Cranes:

Currently there are 14 cranes (10 operating) at the terminal. Under the proposed project there would be up to 14 operating cranes and two non-operating cranes. The proposed project includes raising and increasing the over-water reach of some of the existing cranes and replacing some existing cranes with super post Panamax cranes². The four existing largest super post Panamax cranes (cranes 5–8) would remain and would not be modified. Up to six existing cranes (1–4 and 9–10) would be raised, and the booms would be extended to match the size of the four largest cranes (197 feet) to

¹ A TEU is a standard measurement used in the maritime industry for measuring containers of varying lengths. It is based on the volume of a 20-foot-long intermodal container, a standard-sized metal box that is transferred between different modes of transportation, such as ships, trains, and trucks. Because the dimensions of containers vary, TEU is used to standardize capacity and applies conversion factors to account for the varied sizes of containers being handled on vessels and at the terminals.

² Super post Panamax refers to the largest modern container cranes that are used for vessels of about 22 or more containers wide (too large/wide to pass through the Panama Canal), and can weigh 1600–2000 metric tons.

accommodate loading and unloading of 22-container-wide cargo vessels. Up to four new super post Panamax cranes would be added at Berths 217-220.

The existing non-operating cranes 11 and 12 would be moved to the far end of Berths 217-220 and would be stored for non-use. Additionally, non-operating cranes P18 and P19 would be relocated off site.

Wharf Crane Rail Extension:

The existing 100-foot gauge landside crane rail at Berths 212–216 would be extended by approximately 1,500 feet to accommodate existing and new 100-foot gauge cranes at Berths 217–220.

Backland Improvements:

Backland improvements would occur on approximately 160 acres of the 181-acre terminal and would consist of ground repairs and maintenance activities involving slurry sealing, deep cold planning, asphalt concrete overlay, construction of approximately 5,600 linear feet of concrete runways for cranes, restriping, and possible removal/relocation/modification of underground conduits and pipes, as needed to accommodate the repairs.

TICTF Improvement:

Expansion of the TICTF on-dock rail would include the addition of a single 3,200-linear-foot rail loading track, including two turnouts, and reconstruction of a portion of the backlands to accommodate the rail expansion. This improvement would also include grading, paving, lighting, drainage, utility relocation/modifications, striping, relocation of an existing fence, and third party utility modifications, relocations, or removals, as needed.

Construction Schedule:

The proposed project would be constructed in two phases over approximately 22 months, with Phase I expected to take approximately 12 months beginning in mid 2015, and Phase II expected to take approximately 10 months beginning in mid 2016. During construction, the existing terminal would remain in operation.

Operations:

Under the proposed project and at optimal throughput capacity, the improved YTI Terminal could handle approximately 1,913,000 TEUs and 206 ship calls per year by 2026. YTI may operate the terminal at lower TEU volumes than those described; however, an estimate of throughput based on optimal terminal capacity ensures a conservative analysis in that all reasonably foreseeable proposed project operations are evaluated.

The Draft EIR/EIS describes alternatives not carried forward for evaluation and also evaluates the environmental impact associated with three alternatives to the proposed project including:

1. The No Project Alternative (Alternative 1)
2. The No Federal Action Alternative (Alternative 2)
3. Reduced Project: Berth 217-220 only (Alternative 3)

The Draft EIS/EIR evaluates proposed throughput capacity, ship calls, and truck and rail trips for each alternative for the various analysis years. For example, proposed project improvements would increase the physical and operational capacity of the YTI terminal when compared to the No Federal Action Alternative in year 2026; however, actual throughput capacity would depend on economic conditions and market demand over the life of the project. By analyzing the physical and operational

capacity, the Draft EIS/EIR assumes a realistic annual and peak day scenario to ensure all potential environmental impacts are disclosed.

Proposed Mitigation – Impacts and mitigation associated with dredged material disposal at the CDF have been previously evaluated in accordance with the section 404(b)(1) Guidelines (40 CFR 230) and authorized by the Corps under section 404 of the Clean Water Act (Corps Permit No. SPL-2008-00662-AOA). The LA-2 offshore dredged material disposal site was approved by the U.S. Environmental Protection Agency in 1991 and its capacity was increased in 2005. No additional mitigation for impacts to waters of the U.S. have been proposed by the applicant. If a Corps permit is approved, the Corps' special conditions may be modified as a result of comments received in response to this public notice and the Draft EIS, the applicant's response to those comments, the Corps' public interest review pursuant to 33 CFR 320.4, and/or the requirements of the dredged material test results.

Avoidance: No discharges of fill material in waters of the U.S. are proposed. Dredging, ocean disposal of dredged material, wharf improvements and crane installation would affect the condition and capacity of navigable waters of the U.S.; only the No Project and No Federal Action alternatives would avoid impacts to waters of the U.S.

Minimization: Short-term impacts would be minimized by implementing Best Management Practices (BMPs) during construction. Long-term impacts would be mitigated by implementing measures described in the Draft EIS/EIR (e.g., "soft-start" methods during pile driving to reduce noise impacts on aquatic species, implement the vessel speed reduction program for ships calling at the YTI terminal to reduce marine mammal strikes off-shore, develop and implement spill control response plans to protect water quality, and implement applicable CAAP measures). Alternative 3 would minimize impacts to waters of the U.S.

Compensation: Impacts associated with completion of the in-water elements of the project may require mitigation as a result of consultation with NMFS associated with impacts to EFH. In addition, the Los Angeles Regional Water Quality Control Board Waste Discharge Requirements and/or section 401 water quality certification may include measures to reduce project impacts on water quality during project execution.

Proposed Special Conditions

The Corps will require standard special conditions related to navigational impacts, work (dredging), disposal of dredged material, and structural development in, over and under navigable waters of the U.S., as well as standard cultural resources, mitigation monitoring, and BMPs. Additional permit conditions and mitigation requirements will be developed in response to this public notice and EIS comments, the Corps' public interest review findings, and as required by resource agency consultation.

For additional information please call Theresa Stevens, Ph.D. of my staff at 805-585-2146 or via e-mail at theresa.stevens@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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