



**DEPARTMENT OF THE ARMY**  
**SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
**1455 MARKET STREET**  
**SAN FRANCISCO, CALIFORNIA 94103-1398**

**DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT 21**  
**FOR CHEVRON LONG WHARF PILE REPLACEMENTS**

**PERMITTEE:** Mr. Dave Feiglstok, Chevron Products Company

**PERMIT NO.:** 2012-00156S

**ISSUING OFFICE:** San Francisco District

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below:

**PROJECT DESCRIPTION:** This Regional General Permit (RGP) authorizes the Chevron Products Company to annually replace existing timber fender piles and existing concrete piles at the Richmond Refinery Long Wharf over a period of five years. The piles will be replaced on a one-for-one basis at various berths at the Long Wharf. At all berths except Berth 2, existing timber piles will be replaced with piles of composite construction consisting of a fiberglass structural shell with a concrete core. A high-density polyethylene (HDPE) sheath will be placed outside of the structural fiberglass to protect it from abrasion. The existing timber piles are 14 inches in diameter, and the replacement composite piles will be 12 inches in diameter. At Berth 2, existing timber piles will be replaced in-kind with 14-inch diameter timber piles.

To install the replacement composite and timber piles, a vibratory hammer will be attached to the end of the new pile. The weight of the pile and attached equipment will generally sink the new pile into position within a few feet of the target depth. Then, if needed, the vibratory hammer will be used to vibrate the pile into place, generally within a few minutes. When required, a vibratory hammer will be used to loosen and remove the existing timber piles. If the pile breaks while being removed due to its poor condition, a sling will be used to hold the pile and pull it out of the mud.

In addition to the replacement of timber fender piles, it is possible that one or two 24-inch square concrete piles may need to be replaced in any given year. These concrete piles will be replaced on a one-for-one basis with similarly sized piles. The concrete piles will be driven with an impact pile driving hammer. Damaged concrete piles in need of replacement will be pulled from the mud using a sling and barge mounted crane. Over the 5-year period, up to two concrete piles may be replaced per year, for a total of ten piles.

All replacement piles will be installed to the same depth as the existing piles, approximately 30 feet into the substrate. The replacement piles will be either 65 or 85 feet long, depending on water depth. All pile removal and installation work will be completed from a barge. Over the 5-year period, an average of 35-50 piles per year will be replaced. All work authorized by this RGP will be conducted between June 1 and November 30. The total number of days of work is estimated to be between 10 and 20 days per year.

**PROJECT LOCATION:** City of Richmond, Contra Costa County, California

**PERMIT CONDITIONS:**

**GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends on May 10, 2022. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. For your convenience, a copy of the water quality certification or waiver is attached (enclosure 1). If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. You understand and agree that, if future operations by the United States require the removal, relocation or other alteration of the structure or work authorized herein, 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, you 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.

**SPECIAL CONDITIONS:**

1. All work shall be implemented as described in the April 6, 2015, submittal titled "Chevron Long Wharf Pile Replacements, Request for Five Year Authorization."
2. NMFS concurred with the determination that the project was not likely to adversely affect Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), Central Valley spring-run Chinook salmon (*O. tshawytscha*), Central California Coast steelhead (*O. mykiss*), Central Valley steelhead (*O. mykiss*), North American green sturgeon (*Acipenser medirostris*), and designated critical habitat for these species. This concurrence was premised, in part, on avoidance and minimization measures outlined in enclosure 2. These measures are incorporated as special conditions to this authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
3. Incidents where any individuals of Chinook salmon, steelhead, or green sturgeon listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the San Francisco District of the U.S. Army Corps of Engineers at (415) 503-6795. The finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should

not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

4. You shall comply with all terms and conditions set forth by Permit No. M1987.015.17, issued by the San Francisco Bay Conservation and Development Commission on March 23, 2015 (enclosure 3). You shall consider such conditions to be an integral part of the RGP authorization for your project.
5. An annual post-construction report shall be submitted to the Corps no later than 60 days after pile removal and installation work is complete for each year during the five-year RGP period. The annual report shall document the number, location, and type of all piles removed and replaced, as well as the number of days worked and the start and end dates of construction. Drawings shall be included to identify the locations of the piles removed and replaced. Each report shall also include a brief summary of all work completed thus far under the RGP.

**FURTHER INFORMATION:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).
  - ( ) Section 404 of the Clean Water Act (33 U.S.C. Section 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. Section 1413).
2. Limits of this authorization:
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the

