LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

CITY OF LOS ANGELES
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ENGINEERING DIVISION
HARBOR DEPARTMENT

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SCANNED

DEPARTMENT OF THE ARMY PERMIT

REGIONAL GENERAL PERMIT NO. 65

Permittee: Los Angeles Harbor Department, Engineering Division (Antonio V. Gioiello, P.E., Chief Harbor Engineer)

Permit Number: SPL-2009-00746-TS (Regional General Permit No. 65)

Issuing Office: Los Angeles 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 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: Conduct routine wharf maintenance work in the Los Angeles Harbor, Port of Los Angeles, including in-kind repairs and replacements of piles, fenders, deck, or other wharf structural components, subject to the enclosed conditions. This RGP only applies to those activities covered under section 10 of the Rivers and Harbors Act. Maintenance projects involving a discharge of fill into waters of the U.S. (such as jet driving of piles) would require separate authorization pursuant to sections 404 and 401 of the Clean Water Act. Projects involving an increase in shading or permanent impacts to waters of the U.S. would also require separate Corps authorization. No dredging is authorized under this RGP.

Project Location: Los Angeles Harbor, Port of Los Angeles within the city and county of Los Angeles, California.

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on **November 1, 2017**. 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 from 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. 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 with the terms and conditions of your permit.

Special Conditions:

1. The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the United States as defined by 33 C.F.R. Part 329. Navigable waters of the U.S. include all open water within Los Angeles Harbor landward to +4.8 feet Mean Lower Low Water.

2. 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, the Permittee will be required, upon due notice from the Corps of Engineers Regulatory Division, 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.

3. Should any federal aids to navigation (ATON) be affected by projects authorized under this RGP, the Permittee shall contact the U.S. Coast Guard, Aids to Navigation Team (ANT LA-LB) office at (510) 521-3890.

4. If work in waters of the U.S. requires that private aids to navigation be established (temporary or permanent), the Permittee shall contact the U.S. Coast Guard Waterways Management Division at (510) 521-3860 or E-mail: john.p.hennigan@uscg.mil.

5. To ensure navigational safety, the Permittee shall provide appropriate notifications to the U.S. Coast Guard as described below:

   Commander, 11th Coast Guard District (dpw)
   TEL: (510) 437-2980
   E-mail: d11LNM@uscg.mil
   Website: http://www.uscg.mil/dp/lnmrequest.asp

   U.S. Coast Guard, Sector LA-LB (COTP)
   TEL: (310) 521-3860
   E-mail: john.p.hennigan@uscg.mil

   A) The Permittee shall notify the U.S. Coast Guard, Commander, 11th Coast Guard District (dpw) and the U.S. Coast Guard, Sector LA-LB (COTP) (contact information shown above), not less than 14 calendar days prior to commencing work and as project information changes. The notification shall be provided by e-mail with at least the following information, transmitted as an attached Word or PDF file:

   1) Project description including the type of operation (i.e. dredging, diving, construction, etc).
   2) Location of operation, including Latitude / Longitude (NAD 83).
   3) Work start and completion dates and the expected duration of operations. The Coast Guard needs to be notified if these dates change.
   4) Vessels involved in the operation (name, size and type).

5) VHF-FM radio frequencies monitored by vessels on scene.
6) Point of contact and 24 -hour phone number.
7) Potential hazards to navigation.
8) Chart number for the area of operation.
9) Recommend the following language be used in the LNM: "Mariners are urged to transit at their slowest safe speed to minimize wake, and proceed with caution after passing arrangements have been made."

B) 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 Regulatory Division, 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 Regulatory Division as well as the U.S. Coast Guard, Aids to Navigation office (contact information provided above). The Permittee and its contractor are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard.

C) Should the Permittee determine the work requires the temporary 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 Regulatory Division as well as the U.S. Coast Guard, Aids to Navigation office (contact information provided above). 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 Regulatory Division and the U.S. Coast Guard.

D) 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.

6. The Permittee is authorized to perform routine wharf maintenance activities, which is limited to in-kind maintenance and replacement/repair work of existing wharf components. No dredging, discharge of fill, permanent impacts to waters of the U.S., or increases in shading impacts are authorized; projects proposing such impacts require separate authorization from the Corps Regulatory Division.

7. In each case involving a repair or replacement activity subject to this RGP proposed at a wharf that is at least 50 years old, unless the proposed activity would be limited to wharf component(s) that have been replaced in the previous 50 years, the permittee shall

notify Corps Regulatory Division in writing at least one month prior to commencing the proposed activity to determine whether consultation with the State Historic Preservation Officer is necessary pursuant to section 106 of the National Historic Preservation Act. The permittee shall not commence with the proposed activity until Corps Regulatory Division issues a Notice to Proceed.

8. No jet driving for purposes of piling replacement is authorized under this RGP. Projects involving jet driving require separate Corps Regulatory Division authorization pursuant to section 404 of the Clean Water Act and a section 401 Water Quality Certification from the Los Angeles Regional Water Quality Control Board.

9. No capital improvement projects, expansions, or modifications resulting in a change of the existing use of the facility are authorized by this RGP.

10. If creosote-treated piles are to be removed, the permittee shall implement the following Best Management Practices to minimize the suspension of sediments and disturbance of the substrate when removing these piles:

    (A) if feasible, remove piles with a vibratory hammer, rather than direct pull or clamshell method;
    (B) remove the pile slowly to allow sediment to slough off at, or near, the mudline; and
    (C) the operator shall first hit or vibrate the pile to break the bond between the sediment and pile to minimize the potential for the pile to break, as well as to reduce the amount of sediment sloughing off the pile during removal.

11. Creosote-treated pilings shall not be placed within the Port of Los Angeles unless all of the following conditions are met:

    A) The project involves the repair of existing structures that were originally constructed using wood products;
    B) The creosote-treated pilings are wrapped in plastic;
    C) Measures are taken to prevent damage to plastic wrapping from boat use. Such measures may include installation of rub strips or bumpers;
    D) The plastic wrapping is sealed at all joints to prevent leakage; and
    E) The plastic material is expected to maintain its integrity for at least ten years, and plastic wrappings that develop holes or leaks must be repaired or replaced in a timely manner by the permittee.

12. The Permittee shall discharge only clean construction materials suitable for use in the oceanic environment. The Permittee shall ensure through implementation and maintenance of effective Best Management Practices 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 United States. 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 in an appropriate upland site.

13. A pre-construction survey of the project area for *Caulerpa taxifolia* (Caulerpa) shall be conducted in accordance with the Caulerpa Control Protocol (see http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf) not earlier than 90 calendar days prior to planned construction and not later than 30 calendar days prior to construction. The results of that survey shall be furnished to the Corps Regulatory Division, National Marine Fisheries Service (NMFS), and the California Department of Fish and Game (CDFG) at least 15 calendar days prior to initiation of work in navigable waters. In the event that Caulerpa is detected within the project area, the Permittee shall not commence work until such time as the infestation has been isolated, treated, and the risk of spread is eliminated as confirmed in writing by the Corps Regulatory Division, in consultation with NMFS and CDFG.

14. Prior to each maintenance event, a pre-project eelgrass survey should be conducted in accordance with the Southern California/California Eelgrass Mitigation Policy (SCEMP/CEMP) (http://swr.nmfs.noaa.gov/hcd/eelpol.htm), as applicable. This survey may be conducted concurrently with the survey requirements described in Special Condition No. 13. If the pre-project survey demonstrates eelgrass presence within the project vicinity, a post-project survey should be conducted and impacts to eelgrass mitigated in accordance with the Southern California/California Eelgrass Mitigation Policy (SCEMP/CEMP), as applicable.

15. By December 31st of each year, the applicant shall provide to the Corps Regulatory Division an annual summary of all work completed under this RGP. The annual summary shall include the following information broken down by individual project:

A) Project type;
B) Berth number(s) where work occurred;
C) Age of wharf/wharf component repaired or replaced;
D) Start date of work;
E) End date of work;
F) Quantity of piles/decking/etc. replaced or repaired (also include the composition of the piles replaced, and for creosote-treated piles, confirm whether the Best Management Practices specified in Special Condition 10 of this RGP were implemented during pile removal and whether all of the installed creosote-treated piles were wrapped in plastic consistent with Special Condition 11 of this RGP);

G) Project latitude and longitude coordinates in degrees/minutes/seconds format; and
H) Depths over which the work occurred (relative to Mean Lower Low Water).

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 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 circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

PERMITTEE

DATE 1/17/13

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

DAVID J. CASTANON
CHIEF, REGULATORY DIVISION

DATE 2-5-13

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFEREE

DATE

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

NOTIFICATION OF COMMENCEMENT OF WORK FOR DEPARTMENT OF THE ARMY PERMIT

Permit Number: *SPL-2009-00746-TS*
Name of Permittee: *Port of Los Angeles, Engineering Division; Antonio Gioiello*
Date of Issuance: _____, *2012*

Date work in waters of the U.S. will commence: _____
Estimated construction period (in weeks): _____
Name & phone of contractor (if any): _____

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 permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that I, and the contractor (if applicable), have read and agree to comply with the terms and conditions of the above referenced permit.

_____ _____
Signature of Permittee Date

At least ten (10) days prior to the commencement of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to: theresa.stevens@usace.army.mil
OR
(2) FAX this certification, after signing, to: 805-585-2154
OR
(3) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2009-00746-TS
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

NOTIFICATION OF COMPLETION OF WORK AND CERTIFICATION OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT

Permit Number: *SPL-2009-00746-TS*
Name of Permittee: *Port of Los Angeles, Engineering Division; Antonio Gioiello*
Date of Issuance: _____, *2012*

Date work in waters of the U.S. completed: _____
Construction period (in weeks): _____
Name & phone of contractor (if any): _____

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 permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit.

_____ _____
Signature of Permittee Date

Upon completion of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to: theresa.stevens@usace.army.mil
OR
(2) FAX this certification, after signing, to: 805-585-2154
OR
(3) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2009-00746-TS
2151 Alessandro Drive, Suite 110
Ventura, CA 93001