

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee: Port of Los Angeles
Permit Number: 200401242-JLB
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: You are hereby granted a Regional General Permit (RGP) for routine wharf maintenance work, including like-for-like repair or replacement of piles, fenders, 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, only. Maintenance projects involving a discharge of fill (such as jet driving) would require separate authorization, as well as 401 certification from the Regional Board. Projects involving an increase in shading or permanent impacts to waters of the U.S. would also require separate authorization. No dredging is authorized pursuant to the proposed RGP.

Project Location: The Port of Los Angeles in San Pedro, Los Angeles County, California

Permit 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.
2. The applicant is authorized to perform routine wharf maintenance activities, involving only like-for-like maintenance and replacement/repair work of existing wharf components. No dredging, discharge of fill, or increases in shading impacts are authorized.
3. No jet driving for purposes of piling replacements is authorized by this RGP. Projects involving jet driving require separate authorization and 401 water quality certification from the Regional Board.

4. No capitol improvement projects, expansions, or modifications resulting in a change of the existing use of the facility are authorized by this RGP.
5. No dredging is authorized by this RGP.
6. No creosote treated pilings shall be placed within the Port of Los Angeles
7. 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. Therefore, the permittee shall employ all standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive erosion do not enter waters of the United States during project construction. Upon completion of work, any excess material or debris shall be removed from the work area and disposed of in an appropriate upland site.
8. The permittee shall discharge only clean construction materials suitable for use in the oceanic environment
9. Should any federal aids to navigation (AtoN) be affected by projects authorized under this RGP, the permittee shall contact the US Coast Guard AtoN office at (510) 437-2982.
10. If the work requires that private aids to navigation be established, the permittee or contractor should contact Mr. Brian Aldrich of the US Coast Guard at (510) 437-2983.
11. The applicant will provide an annual summary of work done pursuant to this RGP to the Corps of Engineers by December 31st of each year.

General Conditions:

1. The time limit for completing the authorized activity ends on September 23, 2008. 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. For your convenience, a copy of the certification is attached if it contains such conditions.
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.
7. 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, 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.
8. A copy of the post-survey drawings shall be sent to the following address:
Gerald E. Weaton
Regional Manager, West Coast and Pacific Ocean
NOAA
Room 5082
DOD Center Monterey Bay
Seaside, CA 93955-6711

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

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

David J. Castanon
Acting Chief, Regulatory Branch

DATE

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.

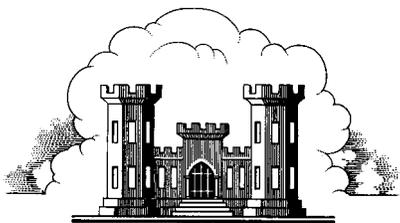
TRANSFEREE

DATE

CASTANON
CESPL-CO-R

HENDERSON
CESPL-CO-R

BURNAM
CESPL-CO-R



*LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS*

CERTIFICATION OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT

Permit Number: 200401242-JLB

Name of Permittee: Port of Los Angeles

Date of Issuance:

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

Regulatory Branch - Los Angeles District Office
ATTN: CESPL-CO-R-200401242-JLB
P.O. Box 532711
Los Angeles, California 90053-2325

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