SCANNED V08-3253

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

RECEIVED
JUL 30 2008
ENGINEERING DIVISION
HARBOR DEPARTMENT

July 28, 2008

REPLY TO
ATTENTION OF:
Office of the Chief
Regulatory Division

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:

Reference is made to your request (File No. SPL-2008-00676-SDM) dated July 2, 2008 to perform maintenance dredging at the toe of the slope to -45 feet Mean Lower Low Water (MLLW) at Berths 214-216. Under the provisions of Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), you are hereby authorized to conduct the work described below in the Los Angeles Harbor, near the communities of San Pedro and Wilmington in the City of Los Angeles, Los Angeles County, California, as shown on the enclosed drawings.

Specifically, you are authorized to:

1. Perform maintenance dredging over an approximately 2.4-acre area adjacent to Berths 214-216 to restore the original design depth of -45 MLLW to ensure safe berthing operations for ships calling at the YTI Terminal. Shoaling near the face of the wharf has reduced depths in some areas to approximately -42 MLLW. The dredging of approximately 6,235 cubic yards of silt, clay, and sand would be accomplished with a clamshell dredge between local Station 52+00 and Station 62+50 along the wharf face seaward to a maximum of 100 feet (quantity includes 2 feet of overdredge) with the dredged material to be placed on an intra-Port transport barge
2. Clamshell transfer of all dredged material from the barge to trucks at the Berth 201 Barge-To-Truck Dredge Transfer Area or at another suitable upland transfer/storage site
3. Dispose of the dredged material at Anchorage Road Upland Soil Storage Site or other suitable upland storage/disposal site appropriately sited, configured, and/or designed so

that no water associated with the dredged material would return to the Los Angeles Harbor or other water of the United States.

The owner or authorized responsible official must sign and date all copies of this Letter of Permission (LOP) indicating that he/she agrees to the work as described and will comply with all conditions. One of the signed copies of this Letter of Permission must be returned to the Corps of Engineers (a pre-addressed envelope is enclosed). In addition, please use the two attached postcards to notify this office as to the dates of commencement (within 10 days prior to the start of construction) and completion of the activity (within 10 days following the end of construction).

Furthermore, you are hereby advised that the Corps of Engineers has established an Administrative Appeal Process which is fully described in 33 CFR Part 331. The complete appeal process is diagrammed in the enclosed Appendix B.

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, Regulatory Division

PERMITTEE

8/3/08
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 LOP will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ _____

TRANSFEREE DATE

Enclosures

PERMIT CONDITIONS

General Conditions:

1. The time limit for completing the authorized activity ends on **July 28, 2010**. 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. 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.

Furthermore, you must comply with the following non-discretionary Special Conditions:

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.

2. No earthwork or structural work is authorized by this Letter of Permission.

3. A pre-construction survey for *Caulerpa taxifolia* (*Caulerpa*) of the project area 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, National Marine Fisheries Service, 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, in consultation with National Marine Fisheries Service and CDFG.

4. 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 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.

5. The permittee shall notify the Corps of the date of commencement of operations not less than 14 calendar days prior to commencing work, and shall notify the Corps of the date of completion of operations at least 5 calendar days prior to such completion (use attached postcards).

6. 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 (i.e., maintenance dredging with intra-Port transport for upland disposal).
B) Location of operation, including Latitude / Longitude (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 and Phone Numbers:

Commander, 11th Coast Guard District (oan)
Coast Guard Island, Building 50-3
Alameda, CA 94501-5100
ATTN: Local Notice to Mariners
TEL: (510) 437-2986
FAX: (510) 437-3423
FAX: (310) 732-2029

U.S. Coast Guard
Marine Safety Office / Group LA-LB
1001 South Seaside Ave., Bldg 20
San Pedro, CA 90731
Attn: Waterways Management
TEL: (310) 732-2020

7. 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(s) are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps and the U.S. Coast Guard.

8. 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.

9. Upon notification to the U.S. Coast Guard as specified in Special Condition 8, 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.

10. 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. 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.

11. For this permit, the term dredging operations shall mean: navigation of the dredging vessel at the dredging site, excavation of dredged material within the project boundaries, and placement of dredged material into a hopper dredge or disposal/transfer barge or scow.

12. Dredging authorized in this permit shall be limited to the areas defined in Port of Los Angeles Drawings 5-7287-1 and 5-7287-2. No more than 6,235 cubic yards of material is authorized for dredging up to 100 feet seaward of Berths 214-216 by the permittee (from local Station 52+00 to Station 62+50). No dredging is authorized in any other location under this permit.

13. For maintenance dredging under this permit, the maximum dredging design depth (also known as the project depth or grade) shall be the current authorized design depth of the berths

(i.e., –45 feet MLLW), with a maximum allowable over-dredge depth of –2 feet below the design grade. No dredging shall occur deeper than –2 feet below the design grade or outside the project boundaries.

14. The permittee is prohibited from disposing of any of the dredged material in waters of the U.S. Disposal in this case would include sidecasting or otherwise redistributing dredged/ excavated material in waters of the U.S.

15. The permittee shall maintain a copy of this permit on all vessels used to dredge or transport dredged material authorized under this permit.

16. The permittee shall ensure that the captain of any dredge, tug, or other vessel used in the dredging or transfer operations, is a licensed operator under USCG regulations and follows the Inland and Ocean Rules of Navigation or the USCG Vessel Traffic Control Service. All such vessels, dredges or disposal barges or scows, shall have the proper day shapes, operating marine band radio, and other appropriate navigational aids.

17. The permittee's contractor(s) and the captain of any dredge covered by this permit shall monitor VHF-FM channels 13 and 16 while conducting dredging operations.

18. Upon request, the permittee and its contractor(s) shall allow inspectors from the Corps, USEPA, and(or) the USCG to inspect all phases of the dredging, transfer, and disposal operations.

19. Upon request, the permittee and its contractor(s) retained to perform work authorized by the permit or to monitor compliance with this permit shall make available to inspectors from the Corps, USEPA, and(or) the USCG the following: dredging and disposal operations inspectors' logs, the vessel track plots and all disposal vessel logs or records, any analyses of the characteristics of dredged material, or any other documents related to dredging and disposal operations.

20. If a violation of any permit condition occurs, the violation shall be reported by the permittee to the Corps within twenty-four (24) hours. If the permittee retains any contractors to perform any activity authorized by this permit, the permittee shall instruct all such contractors that notice of any violations must be reported to the permittee immediately.

21. When using a transfer/disposal barge or scow, no water shall be allowed to flow over the sides. The level that a disposal barge or scow can be filled shall not exceed the load line to prevent any dredged material or water from spilling over the sides at the dredging site. No disposal barge or scow shall be filled above this predetermined level. Before each disposal barge or scow is transported to the transfer/disposal site, the dredging site inspector shall certify that it is filled correctly.

22. The permittee shall use an electronic positioning system to navigate at the dredging site. The electronic positioning system shall have a minimum accuracy and precision of +/- 10 feet (3 meters). If the electronic positioning system fails or navigation problems are detected, all dredging operations shall cease until the failure or navigation problems are corrected. Any navigation problems and corrective measures shall be described in the post-dredging completion report per Special Condition 23.

23. The permittee shall submit a post-dredging completion report to the Corps within 30 calendar days after completion of the dredging project to document compliance with all general and special conditions defined in this permit. The report shall include all information collected by the permittee, the dredging operations inspector, and the disposal operations inspector or the transfer/disposal vessel captain as required by the special conditions of this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail. The report shall further include the following information:

A) Permit and project number.
B) Start date and completion date of dredging and disposal operations.
C) Total cubic yards disposed at Anchorage Road Upland Soil Storage Site or other suitable upland disposal site.
D) Mode of dredging.
E) Mode of transportation.
F) Form of dredged material.
G) Percent sand, silt and clay in dredged material.
H) A certified report from the dredging site inspector indicating all general and special permit conditions were met. Any violations of the permit shall be explained in detail.
I) A detailed post-dredging hydrographic survey of the dredging area. The survey shall show areas above the dredging design depth shaded green, areas between the dredging design depth and over-dredge depth shaded yellow, areas below over-dredged depth that were not dredged or areas that were deeper than the over-dredge depth before the project began as indicated on the pre-dredging survey shaded blue, and areas dredged below the over-dredge depth or outside the project boundaries shaded red. The methods used to prepare the post-dredging survey shall be the same methods used in the pre-dredging condition survey. The survey shall be signed by the permittee certifying that the data are accurate.
J) The post-dredging report shall be signed by a duly authorized representative of the permittee. The permittee's representative shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to **Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).**

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.

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

NOTIFICATION OF COMMENCEMENT OF WORK FOR DEPARTMENT OF THE ARMY PERMIT

Permit Number: *SPL-2008-00676-SDM*
Name of Permittee: *Port of Los Angeles, Engineering Division (Antonio V. Gioiello)*
Date of Issuance: *July 28, 2008*

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: Spencer.D.MacNeil@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, Los Angeles District
Regulatory Division
ATTN: CESPL-RG-SPL-2008-00676-SDM
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, California 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-2008-00676-SDM*
Name of Permittee: *Port of Los Angeles, Engineering Division (Antonio V. Gioiello)*
Date of Issuance: *July 28, 2008*

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: Spencer.D.MacNeil@usace.army.mil

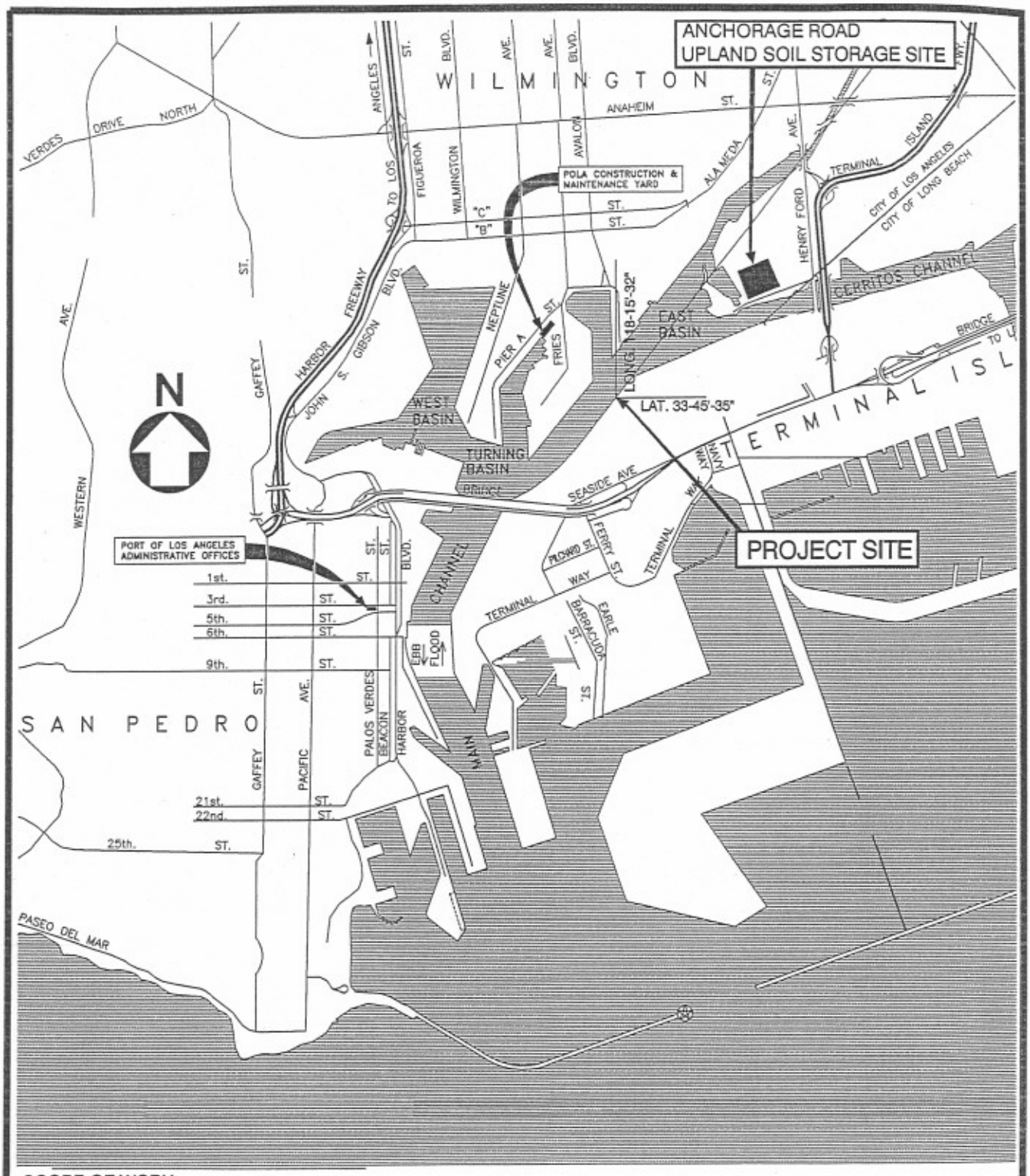
OR

(2) FAX this certification, after signing, to: (805) 585-2154

OR

(3) MAIL to the following address:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: CESPL-RG-SPL-2008-00676-SDM
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, California 93001



SCOPE OF WORK:

1. PERFORM MAINTENANCE DREDGING TO -45 FEET AT BERTHS 214-216. DREDGE APPROXIMATELY 6,235 CUBIC YARDS OF DREDGE MATERIAL
2. DISPOSE DREDGE MATERIAL AT ANCHORAGE ROAD UPLAND SOIL STORAGE SITE.
3. THE PORT OF LOS ANGELES WILL COMPLY WITH BMP'S/ MITIGATION MEASURES FROM THE PREVIOUS 5 YEAR MAINTENANCE DREDGE PERMIT (PERMIT # 200201530 - JLB).

SCALE: AS-SHOWN	DATE:	RECOMMENDED FOR APPROVAL	APPLICATION FOR ARMY CORPS PERMIT
DRAWN: W.J.	7/08	CHIEF OF DESIGN	BERTH 214-216 MAINTENANCE DREDGING
CHECKED: H.C.	7/08		
DESIGNED: H. CISNEROS		ASSISTANT CHIEF HARBOR ENGINEER	APPROVED: CHIEF HARBOR ENGINEER
ENGR/ARCH: A. LIM			THE PORT OF LOS ANGELES ENGINEERING DIVISION 425 S. PALOS VERDES STREET SAN PEDRO CA 90731-3309
			DRAWING NUMBER 5-7287-1

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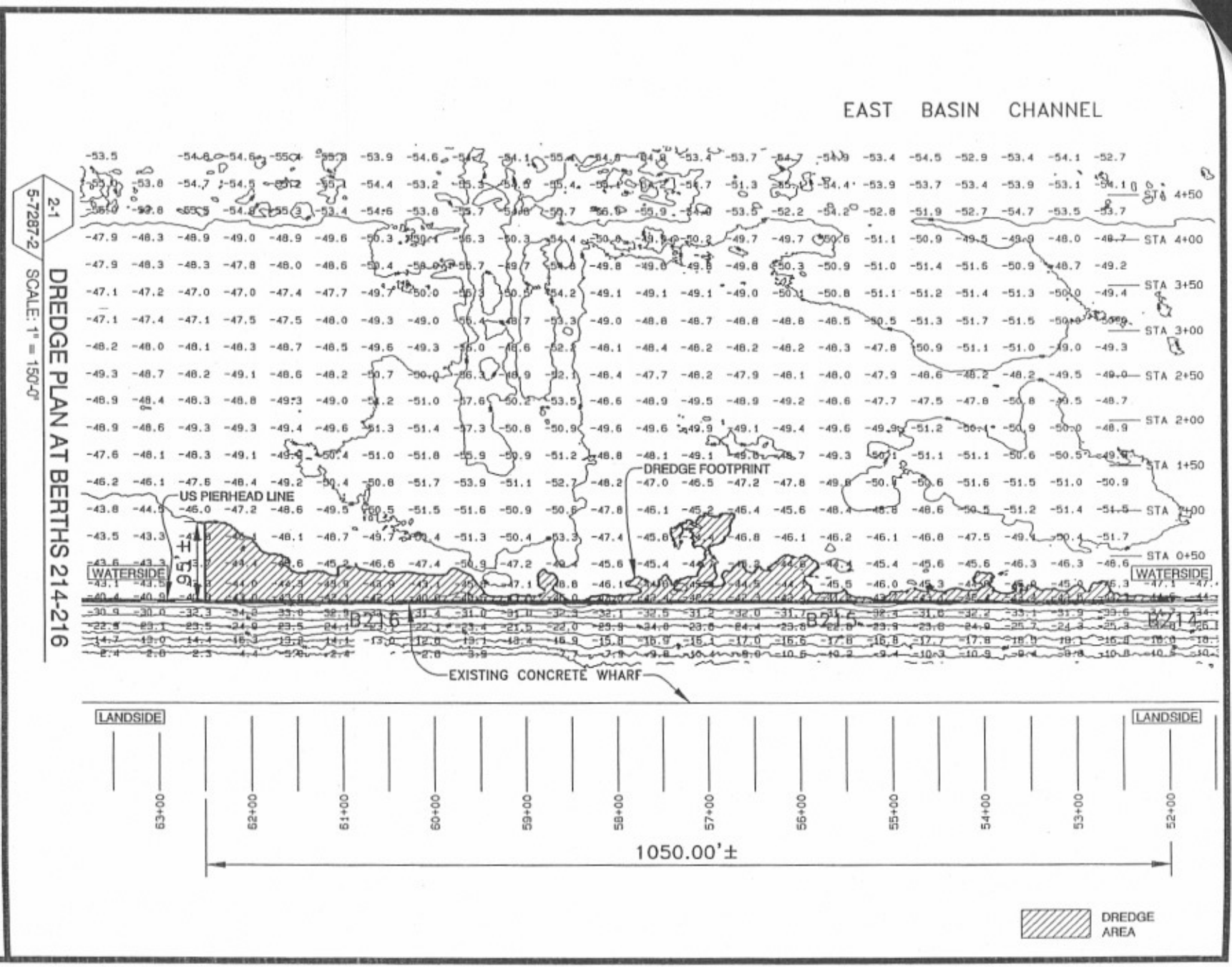


2-1
5-7287-2

DREDGE PLAN AT BERTHS 214-216

SCALE: 1" = 150'-0"

SCALE:	AS-SHOWN
DRAWN: H. C.	DATE: 7/08
CHECKED: H. C.	7/08
DESIGNED: H. CISNEROS	
ENGR/ARCH	
A. LIM	

RECOMMENDED FOR APPROVAL

CHIEF OF DESIGN

ASSISTANT CHIEF HARBOR ENGINEER

APPROVED

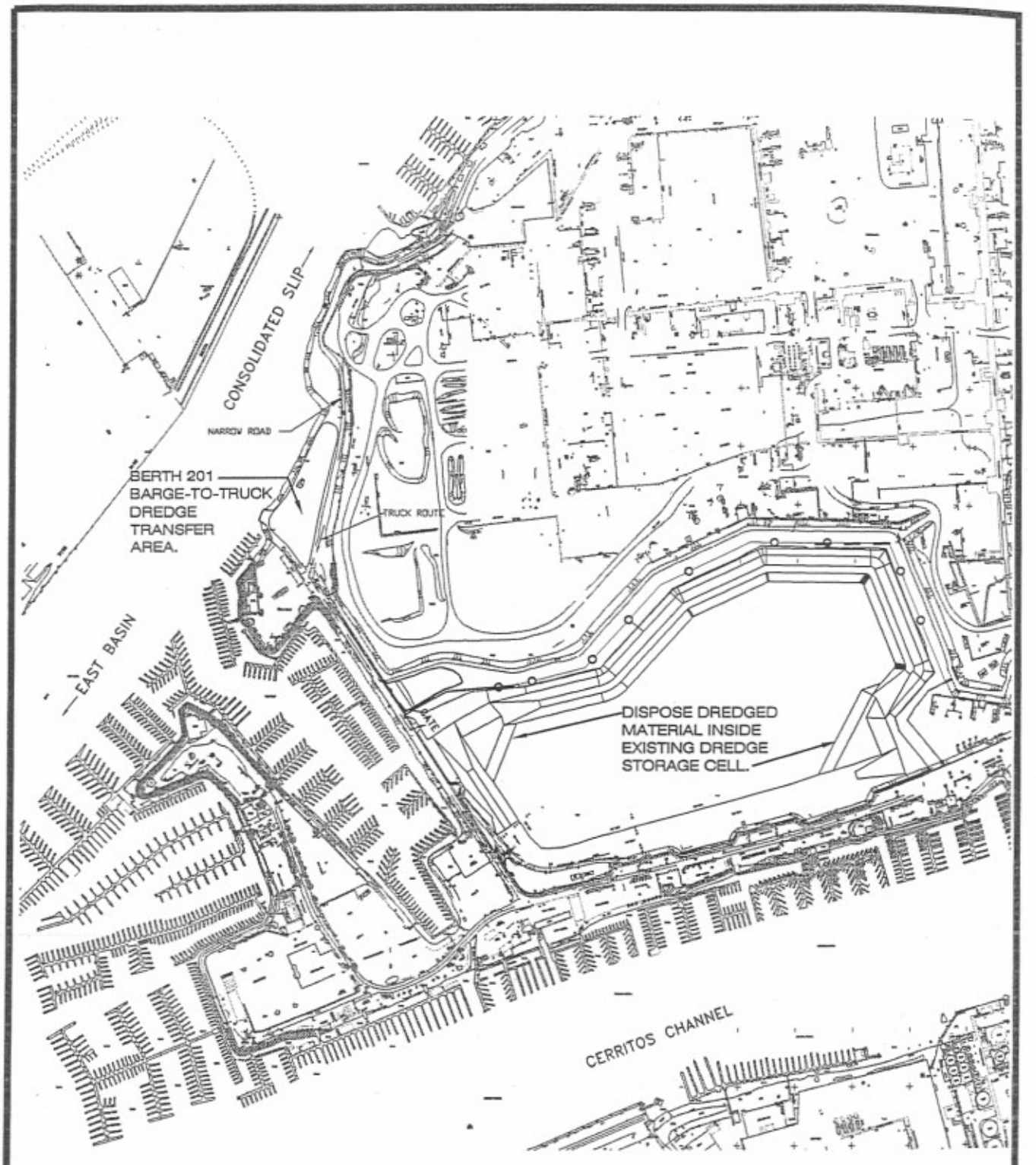
CHIEF HARBOR ENGINEER

APPLICATION FOR ARMY CORPS PERMIT

BERTHS 214-216 MAINTENANCE DREDGING

THE PORT OF LOS ANGELES
ENGINEERING DIVISION
425 S. PALOS VERDES STREET SAN PEDRO CA 90731-3396

DRAWING NUMBER
5-7287-2



3-1
5-7287-3

ANCHORAGE ROAD UPLAND SOIL STORAGE SITE

SCALE: 1" = 400'-0"

SCALE: AS-SHOWN	DATE:	RECOMMENDED FOR APPROVAL	APPLICATION FOR ARMY CORPS PERMIT
DRAWN: H. C.	7/08	CHIEF OF DESIGN	BERTHS 214-216 MAINTENANCE DREDGING
CHECKED: H. C.	7/08		
DESIGNED: H. CISNEROS		ASSISTANT CHIEF HARBOR ENGINEER	
ENGR/ARCH: A. LIM		APPROVED: CHIEF HARBOR ENGINEER	THE PORT OF LOS ANGELES ENGINEERING DIVISION 425 S. PALOS VERDES STREET SAN PEDRO CA 90731-3309
			DRAWING NUMBER 5-7287-3

POLAPR05_VER.1_12/96