



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

November 1, 2011

Regulatory Division

Antonio V. Gioiello, Chief Harbor Engineer
Port of Los Angeles
425 South Palos Verdes Street
P.O. Box 151
San Pedro, California 90733-0151

Dear Mr. Gioiello:

Please find enclosed one copy of the final proffered permit and appeals form for Phase III of the Berths 97-109 China Shipping Container Terminal Project (Corps File No. SPL-2003-01029-SDM). The Phase III permit would authorize discharge of approximately 116,000 cubic yards of rock and approximately 24,000 cubic yards of clean fill into approximately 2.4 acre of waters of the U.S., and installation of approximately 215 concrete piles and construction of the 375-foot-long wharf deck over the newly installed piles.

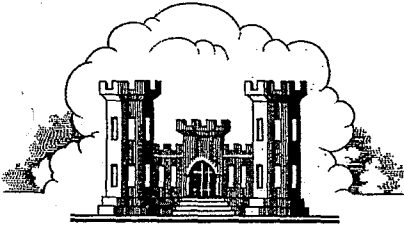
If you have any questions, please contact me at 213-452-3961, or your staff can contact Ms. Theresa Stevens, Ph.D., Senior Project Manager of our Regulatory Division at (805) 585-2146 or via e-mail at theresa.stevens@usace.army.mil.

"Building Strong and Taking Care of People!"

Sincerely,

R. Mark Toy, P.E.
Colonel, US Army
Commander and District Engineer

Enclosures



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee: Los Angeles Harbor Department/Port of Los Angeles
(Antonio V. Gioiello, Chief Harbor Engineer)

Permit Number: SPL-2003-01029-SDM

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: To permanently discharge rock and clean fill into 2.4 acres of waters of the U.S., and to temporarily work and construct permanent structures in and over approximately 5 acres of navigable waters of the U.S. associated with constructing an approximately 375-foot-long southern extension to the existing approximately 1,200-foot-long concrete wharf at Berth 100 under Phase III of the Port of Los Angeles (POLA) Berths 97-109 (China Shipping) Container Terminal Project (project), as shown on the attached drawings.

Specifically, you are authorized to:

1. Construct an approximately 375-foot-long southern extension to the existing Berth 100 concrete wharf, including the discharge of rock (116,000 cubic yards) and clean fill (24,000 cubic yards) into approximately 2.4 acres of waters of the U.S., the installation of approximately 215 concrete piles, and the construction of concrete wharf deck
2. Install 1 new A-frame crane on the new approximately 375-foot-long wharf extension at Berth 100
3. Redevelop 25 acres of land behind or adjacent to Berth 100 as backlands, currently used by Catalina Express Terminal, which would not be redeveloped without a Corps permit.

The in-water and over-water aspects of Phase I of this project were legally authorized and constructed pursuant to a 2002 Corps permit (Corps Case File No. 2001-01263-JLB), with Phase I beginning operations in June 2004. Only Phase III of the project is specifically authorized by this

Standard Individual Permit (Phase II is addressed by a separately proffered Standard Individual Permit).

Project Location: This project is located in the southwestern portion of the West Basin of POLA, in the City of Los Angeles, Los Angeles County, California, at Berths 97-109. The Berths 97-109 project area is more specifically located in the San Pedro District of POLA, and is roughly bordered by Vincent Thomas Bridge and Berth 95 to the south; Berths 121-131 [Yang Ming] Container Terminal to the north; Front Street and John S. Gibson Boulevard to the west; and the Turning Basin to the east (N33°45'-10", W118°16''30"). Phase III of the project specifically pertains to the approximately 375-foot-long near-shore area immediately south of the 1,200-foot-long concrete wharf at Berth 100.

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on **July 10, 2014**. 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.

Special Conditions:

1. If a violation of any permit condition occurs, the permittee shall report the violation to the Corps within 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.
2. The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the U.S. as defined by 33 C.F.R. Part 329.
3. This permit does not authorize the placement of creosote-treated pilings in navigable waters of the U.S. Only concrete or steel piles shall be used.
4. The permittee shall discharge only clean construction materials suitable for use in the oceanic environment. The permittee shall ensure that 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 U.S. To ensure compliance with this Special Condition, standard Best Management Practices shall be implemented and, as appropriate, maintained and monitored to ensure their efficacy throughout project construction. 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 construction 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.
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 (e.g., dredging, diving, wharf construction, etc).
 - B) Location of operation, including Latitude / Longitude coordinates (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:

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

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

FAX: (510) 437-3423

TEL: (310) 732-2020

FAX: (310) 732-2029

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 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 project 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 6, the permittee shall forward a copy of the notification to the U.S. 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 project activities, the permittee shall conduct a post-project survey indicating changes to structures and other features in navigable waters of the U.S. 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. 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 of the U.S., the permittee will be required, upon due notice from the Corps, 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.

12. All vessels, vehicles, equipment, and material used in construction-related activities in or over waters of the U.S., to complete construction in or over waters of the U.S., or to redevelop the 25 acres behind or adjacent to Berth 100 as backlands that depends on a Corps permit, shall employ or otherwise be operated or used in compliance with all mitigation measures identified in the project's Mitigation Monitoring and Reporting Program consistent with the project's certified Environmental Impact Report.

13. The permittee shall ensure the contractor(s) use sound abatement techniques to reduce noise and vibrations from pile-driving activities. Sound abatement techniques shall include, but not be

limited to, vibration or hydraulic insertion techniques, drilled or augured holes for cast-in-place piles, bubble curtain technology, and sound aprons where feasible. At the initiation of each pile-driving event and after breaks of more than 15 minutes, the pile driving shall also employ a "soft-start" in which the hammer is operated at less than full capacity (i.e., approximately 40 to 60 percent energy levels) with no less than a 1-minute interval between each strike for a 5-minute period. In addition, a qualified biologist hired by the permittee shall be required to monitor the area in the vicinity of pile-driving activities for any fish kills during pile driving. If there are any observed or reported fish kills, pile driving shall be halted and the USACE and National Marine Fisheries Service shall be notified via the Los Angeles Harbor Department's Environmental Management Division. The biological monitor shall also note (surface scan only) whether marine mammals are present within 100 meters/110 yards of the pile driving and, if any are observed, temporarily halt pile driving until the observed mammals move beyond this distance.

14. Prior to commencing any water-associated activities related to construction of the approximately 375-foot-long southern extension of the 1,200-foot-long concrete wharf at Berth 100, the permittee shall purchase mitigation credits sufficient to fully compensate for impacts to 2.4 acres of Inner Harbor aquatic habitat from the Bolsa Chica Mitigation Bank. No water-associated activities shall begin until the permittee provides written evidence to the Corps that sufficient mitigation credits have been purchased from the Bolsa Chica Mitigation Bank and the Corps notifies the permittee in writing that this requirement has been met.

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).

(X) 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.

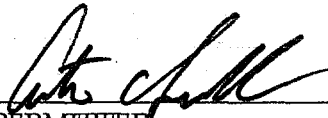
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

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 C.F.R. Section 325.7 or enforcement procedures such as those contained in 33 C.F.R. Sections 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 C.F.R. Section 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.

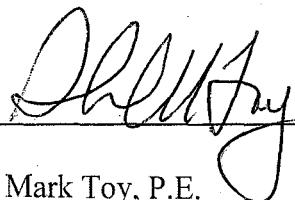


PERMITTEE
ANTONIO V. GIOIELLO
CHIEF HARBOR ENGINEER

9/28/11

DATE

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



R. Mark Toy, P.E.
Colonel, US Army
Commander and District Engineer

4 NOV 2011

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

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**NOTIFICATION OF COMMENCEMENT OF WORK
FOR
DEPARTMENT OF THE ARMY PERMIT**

Permit Number: SPL-2003-01029-SDM
Name of Permittee: Los Angeles Harbor Department/Port of Los Angeles
(Antonio V. Gioiello, Chief Harbor Engineer)
Date of Issuance: July 10, 2009

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, Ventura Field Office (CESPL-RG-2003-01029-SDM)
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-2003-01029-SDM
Name of Permittee: Los Angeles Harbor Department/Port of Los Angeles
(Antonio V. Gioiello, Chief Harbor Engineer)
Date of Issuance: July 10, 2009

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, Ventura Field Office (CESPL-RG-2003-01029-SDM)
2151 Alessandro Drive, Suite 110
Ventura, California 93001