

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

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

Permit Number: SPL-2005-01271-SDM

Issuing Office: Los Angeles District, Regulatory Division

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 discharge fill into waters of the U.S. and work and remove and construct structures in and over navigable waters of the U.S., affecting approximately 33 acres generally along the Main Channel from Vincent Thomas Bridge southward to Cabrillo Beach adjacent to the San Pedro Breakwater in the Port of Los Angeles (POLA), and to temporarily impact ocean waters by transport and disposal of qualifying dredged material at U.S. Environmental Protection Agency (USEPA)-approved ocean disposal sites (LA-2 or LA-3), in association with the POLA San Pedro Waterfront Project, as shown on the attached drawings.

Specifically, you are authorized to:

1. Dredge approximately 464,310 cubic yards (cy) of sediment (material occurring below +4.8 feet MLLW) to create three harbors (i.e., North Harbor, 7th Street Harbor, and Downtown Harbor) along the west side of the Main Channel;
2. Dredge approximately 3,330 cy in the vicinity of Berths 45-47 and 49-50, and discharge fill material (approximately 24,000 cy of rock) into approximately 3.0 acres (131,000 square feet) of waters of the U.S. to stabilize the slopes at Berths 45-47 and 49-50 associated with upgrading the wharves in the Outer Harbor to accommodate cruise ship operations;
3. Beneficially reuse qualifying excavated soil and dredged sediments at in-harbor sites, such as Cabrillo Beach (nourishment), and dispose of qualifying dredged material at USEPA-designated ocean sites (LA-2 or LA-3); and
4. Construct numerous new structures in or affecting approximately 33 acres of navigable

waters of the U.S. from approximately Vincent Thomas Bridge to Cabrillo Beach adjacent to the San Pedro Breakwater, including removal of approximately 134,000 square feet of over-water structures and approximately 760 piles and installation of approximately 1,110 piles and construction of approximately 256,000 square feet of promenade and floating docks and piers along the waterfront (primarily the west side of the Main Channel, and at Berth 240 on the east side on Terminal Island to develop a fueling station); removal of approximately 2,000 square feet of over-water structures, installation of approximately 510 piles, and construction of approximately 94,000 square feet of wharf deck and pier at Berths 45-47 and 49-50; removal of approximately 1,000 linear feet of bulkheads and construction of approximately 3,100 linear feet of sheet-pile bulkheads; and addition of approximately 70,000 square feet of rock protection along the edges of the new harbors (currently upland but will be below the high water line once the harbors are completed).

The first phase of the project, which includes the Downtown Harbor and 7th Street Harbor cuts and development and the relocation of Catalina Express, may proceed without a separate notice to proceed (NTP) from the USACE (except dredging at Downtown Harbor and 7th Street Harbor, see Special Condition 21 below). However, because the second phase of the project, which includes the North Harbor cut and improvements, installation of the pile-supported promenade, removal and construction of bulkheads, docks, piers, floats, and piles along the west side of the Main Channel (except as undertaken to develop Downtown Harbor and 7th Street Harbor) and at Berth 240, dredging in the vicinity of the Outer Harbor berths, Outer Harbor wharf upgrades, and potential disposal of dredged material at designated ocean sites (LA-2 or LA-3), might not occur for several years and could change as a result of additional planning and design, the permittee must submit additional information and receive a separate NTP from the USACE prior to initiating any second phase activities (see Special Condition 1 below).

Project Location: The project is generally located from Vincent Thomas Bridge along the Main Channel (on the west side except for the development of a fueling station at Berth 240 on Terminal Island) southward to Cabrillo Beach adjacent to the San Pedro Breakwater within POLA, in the City of Los Angeles, Los Angeles County, California.

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on **May 11, 2021**. 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. The permittee shall not initiate any of the project's second phase activities (includes the North Harbor cut and improvements, installation of the pile-supported promenade, removal and construction of bulkheads, docks, piers, floats, and piles along the west side of the Main Channel [except as undertaken to develop Downtown Harbor and 7th Street Harbor] and at Berth 240, dredging in the vicinity of the Outer Harbor berths, Outer Harbor wharf upgrades, and potential disposal of dredged material at designated ocean sites [LA-2 or LA-3]) until receiving a separate notice to proceed (NTP) from Corps Regulatory Division. To receive this written NTP, at least one (1) year prior to the planned start date of the second phase, the permittee shall submit a written request to Corps Regulatory Division with specific and detailed information pertaining to this phase's activities, including: plans/drawings (at least 60% design) and specifications; a brief narrative of any changes in project activities for the second phase components compared to what was identified and evaluated in the EIS/EIR and the March and April 2011 and March 2008 submittals amending the December 2006 application for a Department of the Army permit; and if ocean disposal of dredged material or in-water beneficial reuse of excavated or dredged material is proposed, a Sampling and Analysis Plan prepared in accordance with all applicable USEPA and Corps protocols and requirements (similarly, for proposed beach nourishment, material will have to be tested pursuant to the USACE/USEPA *Evaluation of Dredged Material Proposed For Discharge in Waters of the U.S. – Testing Manual*). Once complete information is received, the Corps Regulatory Division shall determine whether additional environmental documentation (such as a supplemental EIS) is required prior to completing the processing of the NTP request.
2. If a violation of any permit condition occurs, the permittee shall report the violation to the Corps Regulatory Division 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.

3. 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.
4. 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 in navigable waters of the U.S.
5. The permittee shall discharge only clean construction materials suitable for use in the marine environment. The permittee shall ensure that no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, or oil or petroleum products from construction shall be allowed to enter into or placed where it may be washed by rainfall or surface runoff into waters of the U.S. To ensure compliance with this Special Condition, standard Best Management Practices (BMPs) 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.
6. The permittee shall notify the Corps Regulatory Division of the date of commencement of construction not less than 14 calendar days prior to commencing work, and shall notify the Corps Regulatory Division of the date of completion of operations at least 5 calendar days prior to such completion. This requirement applies to each phase of the project assuming there are separate phases that will occur during distinct time periods (e.g., a distinct first phase and second phase have been identified and described for the project).
7. 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. As discussed in Special Condition 6, this requirement applies to each phase of the project assuming there are separate phases that will occur during distinct time periods (a distinct first phase and second phase have been identified and described for the project). The notification, either by letter, fax, or e-mail, shall include as a minimum the following information (for each phase):
 - A) Project description including the type of operation (e.g., dredging, rock discharges, 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
FAX: (510) 437-3423

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) 521-3860

8. 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. 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.

9. If the permittee determines 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 Regulatory Division 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 Regulatory Division and the U.S. Coast Guard.

10. Upon notification to the U.S. Coast Guard as specified in Special Condition 7 (for each project phase), the permittee shall forward a copy of the notification (for each project phase) 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.

11. Within 30 calendar days of completion of project activities (for each project phase), 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 Regulatory Division 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.

12. 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.

13. 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., to redevelop approximately 8 acres behind or adjacent to Berths 45-47 and Berths 49-50 as cruise ship terminals, and to construct the approximately 9 acre combined (Inner Harbor/Outer Harbor) parking structure in the Inner Harbor that depend 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 (29 September 2009).

14. The permittee shall ensure contractor(s) use sound-abatement techniques to reduce both noise and vibrations from pile-driving activities. Sound-abatement techniques shall include, but are not 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 40-60% energy levels) with no less than a 1-minute interval between each strike for a 5-minute period. Although it is expected that marine mammals will voluntarily move away from the area at the commencement of the vibratory or "soft start" of pile-driving activities, as a precautionary measure, pile-driving activities occurring within the Outer Harbor shall include establishment of a safety zone, and the area surrounding the operations shall be monitored by a qualified marine biologist for pinnipeds. As the disturbance threshold level sound is expected to extend at least 1,000 feet from the steel pile-driving operations, a safety zone shall be established around the steel pile-driving site and monitored for pinnipeds within a 1,200-foot-radius safety zone around the pile. As the steel pile-driving site will move with each new pile, the 1,200-foot-radius safety zone shall move accordingly. Observers onshore or by boat shall survey the safety zone to ensure that no marine mammals are seen within the zone before pile driving of a steel-pile segment begins. If marine mammals are found within the safety zone, pile driving of the segment shall be delayed until they move out of the area. If a marine mammal is seen above water and then dives below, the biologist shall instruct the contractor to wait at least 15 minutes, and if no marine mammals are seen by the biologist in that time, it may be assumed that the animal has moved beyond the safety zone. This 15-minute criterion is based on a study indicating that pinnipeds dive for a mean time of 0.50 minutes to 3.33 minutes; the 15-minute delay will allow a more than sufficient period of observation to be reasonably sure the animal has left the project vicinity. If pinnipeds enter the safety zone after pile driving of a segment has begun, pile driving will continue. The biologist shall monitor and record the species and number of individuals observed, and make note of their behavior patterns. If the animal appears distressed and, if it is operationally safe to do so, pile driving shall cease until the animal leaves the area. Pile driving cannot be terminated safely and without severe operational difficulties until reaching a designated depth. Therefore, if it is deemed operationally unsafe by the project engineer to discontinue pile-driving activities, and a pinniped is observed in the safety zone, pile-driving activities shall continue until the critical depth is reached (at which time pile driving will cease) or until the pinniped leaves the safety zone. Prior to the initiation of each new pile-driving episode, the area shall again be thoroughly surveyed by the biologist.

15. For this permit, the term dredging operations shall mean: navigation of the dredging vessel at the dredging site, excavation/cutting/removal of material from navigable waters of the U.S. within the project boundaries, and placement of dredged material into a hopper dredge or disposal barge or scow.

16. Dredging of sediment authorized in this permit shall be limited to the approximately 464,310 cubic yards at +4.8 feet MLLW and below in the three harbor cut areas (Downtown Harbor, 7th Street Harbor, and North Harbor) and the approximately 3,330 cubic yards of dredging along the berth toe at Berths 45-47 and 49-50 in the Outer Harbor, as shown on the attached Port of Los Angeles Engineering Division San Pedro Waterfront Figures 2-6 and 16-19. **However, the North**

Harbor cut and Outer Harbor berth activities, which are part of the second phase of the project, shall not proceed until the permittee requests and receives a separate Notice to Proceed (NTP) for those activities from the Corps Regulatory Division. No dredging is authorized in any other location under this permit.

17. For this permit, the maximum dredging design depth (also known as the project depth or grade) shall be -57 feet mean lower low water (MLLW) at the base or toe of the existing berth slopes at Berths 45-47 and 49-50, with a maximum allowable over-dredge depth of 2 feet below the project/design depth, to provide a final berthing depth down to -59 feet MLLW. Per Special Condition 16, the only other dredging activities authorized to occur under this permit are to construct the three harbors (North Harbor, Downtown Harbor, and 7th Street Harbor) along the west side of the Main Channel. No dredging shall occur deeper than -59 feet MLLW (dredging design depth plus 2 foot over-dredge depth) or outside the project boundaries.

18. The permittee is prohibited from dredging in navigable waters of the U.S and disposing of dredged material in ocean waters that has not been tested and determined by the Corps Regulatory Division, and with concurrence by the U.S. Environmental Protection Agency Region IX (USEPA), to be both clean and suitable for disposal in ocean waters. Re-testing of previously tested or dredged areas is required after 3 years from the date of permit issuance. This time limit is subject to shortening given the occurrence of any event that may cause previously determined clean material to become suspect, at the discretion of the Corps Regulatory Division. Prior to each dredging episode, the permittee must demonstrate that the proposed dredged materials are chemically, physically, and biologically suitable for disposal in ocean waters according to the provisions of the Ocean Disposal Manual. If the material does not meet the physical and chemical criteria for unconfined disposal in ocean waters, the dredged material shall be disposed in an upland disposal area, or, if available, reused at an in-harbor CDF. The permittee shall submit to the Corps Regulatory Division and USEPA a draft sampling and analysis plan (SAP). Sampling may not commence until the SAP is approved, in writing, by the Corps Regulatory Division, in consultation with USEPA. (Note this condition does not apply to the first phase of the project, because no ocean disposal has been proposed or approved. It does apply to the project's second phase activities, which include dredging in the vicinity of Berths 45-47 or Berths 49-50 and dredging for the North Harbor cut, assuming the permittee seeks ocean disposal of dredged material.)

19. The permittee is prohibited from discharging excavated or dredged material at Cabrillo Beach for the purpose of beach nourishment, unless the material to be reused has been tested and determined by the Corps Regulatory Division to be both clean and suitable for such beneficial reuse in waters of the U.S. Furthermore, discharges for beach nourishment shall not occur at Cabrillo Beach during the California least tern nesting Season (April - August) in any year. Re-testing of previously tested areas is required after 3 years from the date of permit issuance. This time limit is subject to shortening given the occurrence of any event that may cause previously determined clean material to become suspect, at the discretion of the Corps Regulatory Division. Prior to each excavation/dredging episode, the permittee must demonstrate that the proposed dredged materials are chemically, physically, and biologically suitable for discharge in waters of the U.S. (beach nourishment in this case) according to the provisions of the USACE/USEPA Inland Testing Manual. If the material does not meet the specific criteria for beneficial reuse at Cabrillo Beach, the material shall be beneficially reused or disposed of in an upland area, as appropriate, or, if available, reused at an in-harbor CDF (Special Condition 18 addresses potential

ocean disposal of dredged material). The permittee shall submit to the Corps Regulatory Division a draft SAP. Sampling may not commence until the SAP is approved, in writing, by the Corps Regulatory Division.

20. At least 15 calendar days before initiation of any dredging operations authorized by this permit, the permittee shall send a dredging and beneficial reuse/disposal operations plan to the Corps Regulatory Division and USEPA, with the following information (separate plans to the Corps Regulatory Division and USEPA are required for Downtown Harbor and 7th Street Harbor cut/dredging operations, and the second phase's North Harbor cut/dredge and Berths 45-47 and 49-50 dredging operations):

A) A list of the names, addresses, and telephone numbers of the permittee's project manager, the contractor's project manager, the dredging operations inspector, the disposal operations inspector, and the captain of each tug boat, hopper dredge, or other form of vehicle used to transport dredged material to the designated disposal or beneficial reuse site.

B) A list of all vessels, major dredging equipment, and electronic positioning systems or navigation equipment that will be used for dredging and beneficial reuse or disposal operations, including the capacity, load level, and acceptable operating sea conditions for each hopper dredge or disposal barge or scow to assure compliance with special conditions on dredging and disposal operations.

C) The results of a detailed analysis of all material to be dredged pursuant to an approved SAP.

D) A detailed description of the dredging and beneficial reuse or disposal operations authorized by this permit, including a schedule showing when dredging is planned to begin and end.

E) For dredging in the vicinity of Berths 45-47 and 49-50, a pre-dredging bathymetric condition survey (presented as a large format plan view drawing), taken within 30 days before the dredging begins, accurate to 0.5-foot with the exact location of all soundings clearly defined on the survey chart. The pre-dredge survey chart shall be prepared showing the following information:

i) The entire dredging area, the toe and top of all side-slopes, and typical cross sections of the dredging areas. To ensure that the entire area is surveyed, the pre-dredge condition survey shall cover an area at least 50 feet outside the top of the side-slope or the boundary of the dredging area, unless obstructions are encountered.

ii) The dredging design depth, over-dredge depth and the side-slope ratio.

iii) The total quantity of dredged material to be removed from the dredging areas and the side-slope areas.

iv) Areas shallower than the dredging design depth shall be shaded green, areas between the dredging design depth and over-dredge depth shall be shaded yellow, and areas below over-dredge depth that will not be dredged shall be shaded blue. If these areas are not clearly shown, the Corps Regulatory Division may request additional information.

v) The pre-dredging survey chart shall be signed by the permittee to certify that the data are accurate and that the survey was completed 30 days before the proposed dredging start date.

F) A debris management plan to prevent disposal of large debris at all disposal locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

21. The permittee shall not commence any dredging operations unless and until the permittee receives a written NTP from the Corps Regulatory Division. This requirement applies to every separate dredging event/phase.

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

23. The permittee shall maintain a copy of this permit on all vessels used to dredge, transport, and reuse or dispose of dredged material authorized under this permit.

24. 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.

25. 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 44.

26. Upon request, the permittee and its contractor(s) shall allow inspectors from the Corps Regulatory Division, USEPA, LARWQCB, and/or the U.S. Coast Guard to inspect all phases of the dredging and beneficial reuse or disposal operations.

27. 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 Regulatory Division, USEPA, LARWQCB, and/or the U.S. Coast Guard the following: dredging and beneficial reuse/disposal operations inspectors' logs, the vessel track plots and all beneficial reuse/disposal vessel logs or records, any analyses of the characteristics of dredged material, or any other documents related to dredging and beneficial reuse/disposal operations.

28. For this permit, the term beneficial reuse/disposal operations shall mean: (1) the transport of dredged material from the dredging sites (Downtown Harbor, 7th Street Harbor, North Harbor cuts, Berths 45-47 and Berths 49-50 toe dredging) to in-harbor berths for offloading and trucking to an upland beneficial reuse or disposal site (such as Berth 200 Railyard and China Shipping Terminal Phase III), to the USEPA-designated LA-2 and/or LA-3 ocean disposal site (see Special Condition 29); and/or, if available, to an in-harbor CDF and/or Cabrillo Beach for beach nourishment (material reuse); (2) the proper beneficial reuse or disposal of dredged material at an appropriate upland beneficial reuse or disposal site (such as Berth 200 Railyard or China Shipping Terminal Phase III), the USEPA-designated LA-2 and/or LA-3 ocean disposal site, and/or an in-harbor CDF, and/or beach nourishment at Cabrillo Beach; and (3) the transport of the hopper dredge or disposal barge or scow back to the dredging site.

29. The applicable USEPA-designated ocean disposal site is demarcated as a circle with the center coordinates and radii listed below:

LA-2: 33 degrees 37.10 minutes North Latitude, 118 degrees 17.40 minutes West Latitude (NAD 1983), circular site with radius of 3,000 feet.

LA-3: 33 degrees 31.00 minutes North Latitude, 117 degrees 53.50 minutes West Longitude (NAD 1983), circular site with radius of 3,000 feet.

30. No dredged material from the project area shall be authorized for disposal at the LA-2 or LA-3 ocean disposal site unless testing of the material pursuant to established Corps/USEPA protocols demonstrates this dredged material is acceptable for ocean disposal. If the Corps Regulatory Division determines and USEPA concurs the dredged material qualifies for ocean disposal at the LA-2 or LA-3 site, the Corps Regulatory Division may authorize such material disposal at the LA-2 and/or LA-3 site in the NTP with other project activities pursuant to Special Condition 1 (**no ocean disposal of dredged material is authorized under the first phase of the project**).

31. Prior to commencing any ocean disposal operations, the permittee shall submit a Scow Certification Checklist to USEPA and the Corps Regulatory Division for review and approval. The Scow Certification Checklist shall document: the amount of material dredged and loaded into each barge for disposal; the location from which the material in each barge was dredged; the weather report for and sea state conditions anticipated during the transit period; the time that each disposal vessel is expected to depart for, arrive at, and return from the LA-2 and/or LA-3 ocean disposal site(s).

32. The permittee shall notify the U.S. Coast Guard by radio on VHF-FM channel 16 or by telephone at least 4 hours before departing for each disposal site. The notification shall include:

- A) Name of permittee.
- B) Corps permit number.
- C) Name and identification of vessels (tug boat, hopper dredge, or disposal barge or scow) employed in the disposal operation.
- D) Loading location of the material to be disposed.
- E) Material to be disposed.
- F) Time of departure from the dredging site.
- G) Estimated time of arrival at the ocean disposal site and estimated time of departure from the ocean disposal site.
- H) Estimated time of arrival at dredging site after the disposal operation is completed.

33. The permittee shall ensure dredged material is not leaked or spilled from the disposal vessels during in-harbor transit or transit to the LA-2 and/or LA-3 ocean disposal site(s). The permittee shall transport dredged material to the LA-2 and/or LA-3 ocean disposal site(s) only when weather and sea state conditions will not interfere with safe transportation and will not create risk of spillage, leak, or other loss of dredged material during transit. No disposal vessel trips shall be initiated when the National Weather Service has issued a gale warning for local waters during the time period necessary to complete disposal operations.

34. The permittee shall not allow any water or dredged material placed in a hopper dredge or disposal barge or scow to flow over the sides of such vessels during dredging or disposal operations. The permittee shall determine the level that a disposal hopper dredge or barge or

scow can be filled to prevent any dredged material or water from spilling over the sides at the dredging site or during transit from the dredging site to the LA-2 or LA-3 ocean disposal site. This level shall be reported to the Los Angeles District's Regulatory Division before disposal operations commence. No hopper dredge or disposal barge or scow shall be filled above this predetermined level. Before each hopper dredge or disposal barge or scow is transported to the LA-2 or LA-3 ocean disposal site, the dredging site inspector shall certify that it is filled correctly.

35. When dredged material is discharged by the permittee at the LA-2 or LA-3 ocean disposal site, no portion of the vessel from which the materials are to be released (e.g., hopper dredge or towed barge) may be farther than 1,000 feet (305 meters) from the center of the disposal site (the surface disposal zone or SDZ) identified in Special Condition 29.

36. No more than one disposal vessel may be present within the LA-2 or LA-3 ocean disposal site SDZ at any time.

37. The captain of any tug boat or other vessel covered by this permit shall monitor VHF-FM channel 16 while conducting disposal/beneficial reuse operations.

38. The primary disposal tracking system for recording ocean disposal operations data shall be disposal vessel (e.g., scow) based. An appropriate Global Positioning System (GPS) shall be used to indicate the position of the disposal vessel with a minimum accuracy of 10 feet during all transportation and disposal operations. This primary disposal tracking system must indicate and automatically record both the position and the draft of the disposal vessel at a maximum 1-minute interval while outside the LA-2 or LA-3 ocean disposal site boundary, and at a maximum 15-second interval while inside the LA-2 or LA-3 ocean disposal site boundary. This system must also indicate and record the time and location of each disposal event (e.g., the discharge phase). Finally, the primary system must include a real-time display, in the wheelhouse or otherwise for the helmsman, of the position of the disposal vessel relative to the boundaries of the LA-2 or LA-3 ocean disposal site and its SDZ, superimposed on the appropriate National Oceanic Service navigational chart, so that the operator can confirm proper position within the SDZ before disposing the dredged material.

39. Data recorded from the primary disposal tracking system must be posted by a third-party contractor on a near-real time basis to a World Wide Web (Internet) site accessible at a minimum by USEPA, the Corps Regulatory Division, the permittee, the prime dredging contractor, and any independent inspector. The Internet site shall be provided to the Corps Regulatory Division and USEPA prior to commencement of disposal operations. The Internet site must be searchable by disposal trip number and date, and at a minimum for each disposal trip it must provide a visual display of: the disposal vessel transit route to the LA-2 or LA-3 ocean disposal site; the beginning and ending locations of the disposal event; and the disposal vessel draft throughout the transit. The requirement for posting this information on the Internet is independent from the hard-copy reporting requirements listed in Special Condition 43 below. The third-party system must also generate and distribute e-mail alerts regarding any degree of apparent dumping outside the SDZ of the LA-2 or LA-3 ocean disposal site, and regarding any apparent substantial leakage/spillage or other loss of material en route to the LA-2 or LA-3 ocean disposal site. Substantial leakage/spillage or other loss for this permit is defined as an apparent loss of draft of one foot or more between the time that the disposal vessel begins the trip to the LA-2 or LA-3 ocean disposal site and the time of actual disposal. E-mail alerts for any disposal trip must be sent within 24

hours of the end of that trip, at a minimum to USEPA, the Corps Regulatory Division, the permittee, and the prime dredging contractor.

40. If the primary disposal tracking system fails during transit to the LA-2 or LA-3 ocean disposal site, the navigation system on the towing vessel (tug, if any), meeting the minimum accuracy requirement listed above, may be used to complete the disposal trip by maneuvering the towing vessel so that, given the compass heading and tow cable length to the scow (layback), the estimated scow position would be within the SDZ of the LA-2 or LA-3 ocean disposal site. In such cases, the towing vessel's position, and the tow cable length and compass heading to the disposal vessel, must be recorded and reported. The permittee shall halt further disposal operations using a disposal vessel whose navigation tracking system fails until those primary disposal-tracking capabilities are restored.

41. The permittee shall report any anticipated, potential, or actual variances from compliance with the general and special conditions of this permit, to USEPA and the Corps Regulatory Division within 24 hours of discovering such a situation. An operational e-mail alert system, as described in Special Condition 39 above, will be considered as fulfilling this 24-hour notification requirement. In addition, the permittee shall prepare and submit a detailed report of any such compliance problems with the monthly hard-copy reports described below.

42. The permittee shall collect, for each ocean disposal trip, both automatically recorded electronic data and printouts from the primary disposal tracking system showing transit routes, disposal vessel draft readings, disposal coordinates, and the time and the position of the disposal vessel when dumping was commenced and completed. These daily records shall be compiled and provided in reports to both USEPA and the Corps Regulatory Division at a minimum for each month during which ocean disposal operations occur. These reports shall include the automatically recorded electronic navigation tracking and disposal vessel draft data on CD-ROM (or other media approved by USEPA and the Corps Regulatory Division), as well as hard copy reproductions of the Scow Certification Checklists and printouts listed above. The reports shall also include a cover letter describing any problems complying with the general and special conditions of this permit, the cause(s) of the problems, any steps taken to rectify the problems, and whether the problems occurred on subsequent disposal trips.

43. Following the completion of ocean disposal/beneficial reuse operations, the permittee shall submit to USEPA and the Corps Regulatory Division a completion letter summarizing the total number of disposal trips and the overall (in situ) volumes of material from the project disposed at the LA-2 and/or LA-3 ocean disposal site(s), at in-harbor CDF site(s), and/or at Cabrillo Beach for nourishment (if available and used), at an appropriate upland beneficial reuse site (e.g., Berth 200 Railyard, China Shipping Terminal Phase III), or approved upland disposal site, and whether any of this dredged material was excavated from outside the areas authorized for ocean disposal or was dredged deeper than authorized by this permit (Downtown Harbor, 7th Street Harbor, and North Harbor, Berths 45-47, and Berths 49-50 are expected to be separate disposal/beneficial reuse operations and will therefore require separate reports to USEPA and the Corps Regulatory Division).

44. The permittee shall submit a post-dredging completion report to Corps Regulatory Division within 30 calendar days after completion of each dredging project to document compliance with all general and special conditions defined in this permit (the harbor cuts, Berths 45-47, and Berths

49-50 will be separate dredging projects and will therefore require separate reports be prepared and submitted to Corps Regulatory Division). Each report shall include all information collected by the permittee, the dredging operations inspector, and the disposal/beneficial reuse operations inspector or the 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 LA-2 and/or LA-3 ocean disposal site(s), beneficially reused at Berth 200 Railyard, China Shipping Terminal Phase III, or other POLA site, disposed of at approved upland disposal site, disposed of at in-harbor CDF(s), and/or beneficially reused at Cabrillo Beach (if available and used).
- D) Mode of dredging.
- E) Mode of transportation.
- F) Form of dredged material.
- G) Frequency of disposal and plots of all trips to the LA-2 and/or LA-3 ocean disposal site(s).
- H) Tug boat or other disposal vessel logs documenting contact with the U.S. Coast Guard before each trip to the LA-2 and/or LA-3 ocean disposal site(s).
- I) Percent sand, silt, and clay in dredged material.
- J) 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.
- K) 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.
- L) Each 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.

45. The permittee shall conduct a pre-construction eelgrass survey during the growing season (March-October), which will be valid up to 60 days prior to construction activities. A post-construction survey shall also be conducted within 30 days following construction in order to determine the project's impact to eelgrass habitat. Given that impacts associated with any potential changes in hydrology and/or sedimentation patterns from placement of the rock jetty will not become immediately apparent in the 30-day post-construction survey, two additional annual monitoring surveys shall be conducted and submitted to the National Marine Fisheries Service and Corps Regulatory Division for review. These surveys and any necessary mitigation

shall be conducted in accordance with the Southern California Eelgrass Mitigation Policy ([http://swr.nmfs.noaa.gov/hcd/policies/EELPOLrevll final.pdf](http://swr.nmfs.noaa.gov/hcd/policies/EELPOLrevll%20final.pdf)). This Special Condition applies to the second phase of the project, which will directly affect the marine environment in the vicinity of eelgrass.

46. A pre-construction survey for Caulerpa of the project area shall be conducted by the permittee in accordance with the Caulerpa Control Protocol (see <http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf>) not earlier than 90 days prior to planned construction and not later than 30 days prior to construction (this requirement applies to each phase of the project i.e., that portion/those portions of the project area that would be affected by a particular phase must be surveyed 30-90 days prior to construction of that phase). The results of each survey shall be transmitted to the National Marine Fisheries Service and the California Department of Fish and Game at least 15 days prior to initiation of proposed work. In the event that Caulerpa is detected within the project area, no work shall be conducted until such time as the infestation has been isolated, treated, and the risk of spread is eliminated.

47. Prior to or concurrent with the implementation of the second phase of the project, the permittee shall begin full implementation of *Habitat Mitigation and Monitoring Plan Salinas de San Pedro Salt Marsh Port of Los Angeles San Pedro Waterfront Project, Prepared for: The Los Angeles Harbor Department*, dated May 2011, as potentially amended following completion of the review and approval of the applicable aspects of the project by the Los Angeles Regional Water Quality Control Board (as part of the section 401 Water Quality Certification) and/or California Coastal Commission (as part of the Port Master Plan Amendment). To avoid the California least tern nesting season (April – August), mitigation activities shall begin September-November (any given year) to allow sufficient time to complete them before the next nesting season begins. Prior to implementing the second phase of the project, the permittee shall submit to the Corps for approval a schedule for implementing the habitat mitigation and monitoring plan that documents compliance with the above requirements.

48. The permittee shall ensure the undertaking is implemented in accordance with all the stipulations in the executed *Memorandum of Agreement Between the U.S. Army Corps of Engineers and the California State Historic Preservation Officer Regarding the San Pedro Waterfront Redevelopment Project, Los Angeles County, CA*, including implementing the Historic Property Treatment Plan (MOA Appendix A). It also includes the unanticipated cultural resources discovery stipulation during construction (VI.B.), requiring immediate Corps notification and temporarily halting activities affecting such resources pending further Corps action.

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).

(X) 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
Antonio V. Gioiello, Chief Harbor Engineer

9/12/11

DATE

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

9-22-11

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.

TRANSFEEEE

DATE