

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-2003-01142

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 U.S. Army Corps of Engineers (USACE or Corps) 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 construct permanent structures in and over navigable waters of the U.S., affecting approximately 20 acres in the vicinity of Berths 136-147 in the West Basin of the Port of Los Angeles (POLA), and to temporarily impact ocean waters associated with transporting and disposing of qualifying dredged material at the U.S. Environmental Protection Agency (USEPA)-approved LA-2 ocean disposal site, in association with the POLA Berths 136-147 (TraPac) Container Terminal Project.

Specifically, you are authorized to:

1. Dredge 260,500 cubic yards adjacent to Berths 145-147 and less than 30,000 cubic yards adjacent to Berths 136-139 (up to 290,000 cubic yards total) to facilitate wharf structural upgrades and achieve sufficient final berthing depth at these berths (approximately -53 Mean Lower Low Water [MLLW]).
2. Demolish and reconstruct portions of the existing concrete wharves at Berths 145-146, demolish the existing wharf at Berth 147 (approximately 1,100 feet, timber and concrete) and construct a new concrete-pile supported 705-foot concrete wharf at Berth 147 (remove approximately 360 concrete piles and 770 timber piles and install approximately 380 concrete piles). To protect the Berth 146 slope, install a 110-foot transverse sheet pile wall between the upgraded wharf at Berth 146 and the new concrete wharf at Berth 147. For additional slope protection at Berths 145 and 146, install steel sheetpile bulkhead along approximately 1,000 feet of the toe of the slope at Berths 145-146 and add rock on the seaward side of this bulkhead below the existing

- ground elevation. Install approximately 180,000 cy of rock riprap to reconstruct the slope supporting the new concrete wharf at Berth 147.
3. Remove and install concrete piles to seismically upgrade Berths 136-139 (approximately 1,480 feet; remove approximately 600 concrete piles and install approximately 670 concrete piles) and Berths 145-146 (approximately 1,022 feet; install approximately 300 concrete piles). For slope protection at Berths 136-139, install a steel sheetpile bulkhead along the toe of the slope over the entire length and add rock along the seaward side of the bulkhead below the existing ground elevation.
 4. Remove 6 gantry cranes and install 5 new gantry cranes (for a total of 12 gantry cranes onsite).
 5. Transport and dispose of clean/qualifying dredged material at the USEPA-approved LA-2 ocean disposal site (i.e., 131,200 cubic yards of the 260,500 cubic yards to be dredged in the vicinity of Berths 145-147; any applicant request for ocean disposal of material to be dredged in the vicinity of Berths 136-139 would require additional testing pursuant to USEPA/USACE testing protocols, determination by the USACE of what material qualifies for ocean disposal, subject to USEPA concurrence, and a separate USACE notice to proceed).

However, because the Berths 136-139 project activities are still being planned and designed, the permittee must submit additional information and receive a separate written notice to proceed (NTP) from the USACE prior to initiating Berths 136-139 project activities (see Special Condition 1 below). The permittee may proceed with all Berths 144-147 project activities consistent with this permit, including all of the stated general and special conditions.

Project Location: The project is located along and adjacent to Berths 136-139 and Berths 144-147 in the West Basin of the Port of Los Angeles, 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 **March 12, 2017**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if

the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. 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 Berths 136-139 project activities until receiving a separate written notice to proceed (NTP) from the Corps. To receive this written NTP, at least 30 days prior to the planned start date, the permittee shall submit a written request to the Corps with specific information pertaining to the Berths 136-139 project activities, including: final plans/drawings and specifications; a brief narrative of any changes in the Berths 136-139 project activities compared to what was identified and evaluated in the EIS/EIR and the April 2008 replacement/amended application for a Department of the Army permit; and if there have been changes, written confirmation from the Los Angeles Regional Water Quality Control Board and the Los Angeles Board of Harbor Commissioners these activities are consistent with the project Waste Discharge Requirements (such as issuance of amended Waste Discharge Requirements), which the Los Angeles Regional Water Quality Control Board specified also fulfills the requirement for a Clean Water Act Section 401 Water Quality Certification, and the California Coastal Commission-approved Port Master Plan, respectively. .

2. 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.

3. 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.

4. While discharges of fill in waters of the U.S. are authorized (e.g., addition of rock, steel sheetpiles/bulkhead), this permit does not authorize any permanent loss of surface waters from discharges of fill, such as the originally proposed 10-acre landfill in the Northwest Slip.

5. 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.

6. A pre-construction survey of the project area for *Caulerpa taxifolia* (Caulerpa) shall be conducted in accordance with the Caulerpa Control Protocol (see

<http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf>) not earlier than 90 calendar days prior to planned construction and not later than 30 calendar days prior to construction in a particular portion of the West Basin (i.e., it is expected separate Caulerpa surveys will be conducted prior to work being initiated at Berths 145-147 and, later, at Berths 136-139). The results of each survey shall be furnished to the Corps, National Marine Fisheries Service (NMFS), and the California Department of Fish and Game (CDFG) at least 15 calendar days prior to initiation of work in waters of the U.S. In the event that Caulerpa is detected within any portion of 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 NMFS and CDFG.

7. 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 activities 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.

8. 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. Separate notifications shall be required for the Berths 145-147 and the Berths 136-139 project activities.

9. 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., 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
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) 732-2020

FAX: (310) 732-2029

10. 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.

11. 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.

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

13. Within 30 calendar days of completion of the activities authorized by this permit, 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. (Because Berths 145-47 and Berths 136-139 project activities are expected to occur during different years, two post-project surveys shall be prepared and provided: one within 30 days of completing the Berths 145-147 project activities; and the second within 30 days of completing the Berths 136-139 project activities.)

14. 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.

15. 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 barge or scow.

16. Dredging authorized in this permit shall be limited to the areas defined in Drawings 1-2342 DR-1 to DR-5 and XX-1 to XX-14 only (the drawings for the dredging associated with the Berths

136-139 will be separately referenced in the NTP if one is issued by the Corps). The permittee is authorized to dredge no more than 260,500 cubic yards of material from the vicinity of Berths 145-147 and less than 30,000 cubic yards of material from the vicinity of Berths 136-139. Per Special Condition 1, however, no Berths 136-139 project activities, including dredging, may proceed until the permittee requests and receives a separate NTP for those project activities from the Corps. No dredging is authorized in any other location under this permit. This permit does not authorize the placement or removal of buoys.

17. For this permit, consistent with the drawings cited in Special Condition 16, the maximum dredging design/project depth shall be -57 feet mean lower low water (MLLW) at Berths 145 and Berths 136-139 and -65 feet MLLW at Berths 146-147, with a maximum allowable over-dredge depth of 2 feet below the project/design depth at each location. At the completion of wharf slope reconstruction and protection activities, a final berthing depth of -53 MLLW shall be achieved at all berths, matching the depth elsewhere in the West Basin. In no case shall dredging occur deeper than -67 feet below MLLW (maximum dredging design depth of -65 MLLW with 2 foot over-dredge depth) or outside the project boundaries.

18. The permittee is prohibited from dredging and disposing of material in navigable waters of the U.S. that has not been tested and determined by the Corps, 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. 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 Inland Testing Manual (for upland disposal or other disposal not in the ocean) or Ocean Disposal Manual, as appropriate. 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, an in-harbor CDF. The permittee shall submit to the Corps and USEPA a draft sampling and analysis plan (SAP). Sampling may not commence until the SAP is approved, in writing, by the Corps, in consultation with USEPA. (Note that this condition has been satisfied for the proposed dredging in the vicinity of Berths 145-147, assuming the dredging at this location occurs within 3 years of the issue date of this permit, but it has not been satisfied for dredging in the vicinity of Berths 136-139 if the permittee proposes any ocean disposal of that future dredged material. However, in the April 2008 replacement application/amendment for a Department of the Army permit, the permittee proposed to dispose of all material dredged in the vicinity of Berths 136-139 at the Anchorage Road Upland Soil Storage Site, which would not necessitate this testing.)

19. At least 15 calendar days before initiation of any dredging operations authorized by this permit, the permittee shall send a dredging and disposal operations plan to the Corps and USEPA, with the following information (what follows specifically addresses Berths 145-147 but shall also apply to dredging operations associated with Berths 136-139 and shall, therefore, require separate notification to the Corps and USEPA):

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 site.

B) A list of all vessels, major dredging equipment, and electronic positioning systems or navigation equipment that will be used for dredging and 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 disposal operations authorized by this permit. Description of the dredging and disposal operations should include, at a minimum, the following:

i) Dredging and disposal procedures for 129,300 cubic yards of dredged material in the vicinity of Berths 145-147 determined by the Corps and USEPA Region IX to be unsuitable for ocean disposal.

ii) Dredging and disposal procedures for all 260,500 cubic yards to be dredged from the vicinity of Berths 145-147.

iii) A schedule showing when the dredging project is planned to begin and end.

E) 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 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.

20. The permittee shall not commence dredging operations unless and until the permittee receives a written NTP from the Corps.

21. The permittee shall ensure that the captain of any hopper dredge, tug, or other vessel used in the dredging and 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.

22. The permittee shall maintain a copy of this permit on all vessels used to dredge, transport, and dispose of dredged material authorized under this permit.
23. 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.
24. 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 45.
25. Upon request, the permittee and its contractor(s) shall allow inspectors from the Corps, USEPA, LARWQCB, and/or the U.S. Coast Guard to inspect all phases of the dredging and disposal operations.
26. 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, LARWQCB, and/or the U.S. Coast Guard 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.
27. For this permit, the term disposal operations shall mean: (1) the transport of dredged material from the dredging site (vicinity of Berths 145-147 and Berths 136-139) to in-harbor berths for offloading and trucking to an upland disposal site (such as Anchorage Road Upland Soil Storage Site), to the USEPA-designated LA-2 ocean disposal site located approximately 8.5 nm south of the Port of Los Angeles (see Special Condition 28), and/or, if available, to an in-harbor CDF; (2) the proper disposal of dredged material at an appropriate upland disposal site (such as Anchorage Road Upland Soil Storage Site), the USEPA-designated LA-2 ocean disposal site, and/or an in-harbor CDF; and (3) the transport of the hopper dredge or disposal barge or scow back to the dredging site.
28. The applicable USEPA-designated ocean disposal site is demarcated as a circle with the center coordinates and radius 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.
29. As concurred with by USEPA, no more than 131,200 cubic yards of dredged material excavated in the vicinity of Berths 145-147 are authorized for disposal at the LA-2 ocean disposal site.
30. No material dredged in the vicinity of Berths 136-139 shall be authorized for disposal at the LA-2 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

determines and USEPA concurs the material qualifies for ocean disposal at the LA-2 site, the Corps may authorize such material disposal at the LA-2 site in the NTP with other proposed Berths 136-139 project activities pursuant to Special Condition 1.

31. Prior to commencing any ocean disposal operations, the permittee shall submit a Scow Certification Checklist to USEPA and the Corps 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 ocean disposal site.

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 or 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 ocean disposal site. The permittee shall transport dredged material to the LA-2 ocean disposal site 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. During transit from the dredging site to the disposal site, the level that a hopper dredge can be filled shall not exceed the load line (Plimsoll line) to prevent any dredged material or water from spilling over the sides. No hopper dredge shall be filled above this predetermined level during transit. Before each hopper dredge is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.

35. When using a 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 (Plimsoll line) 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 disposal site. No disposal barge or scow shall be filled above this predetermined level. Before each disposal barge or scow is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.

36. When dredged material is discharged by the permittee at the LA-2 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 28.

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

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

39. 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 ocean disposal site boundary, and at a maximum 15-second interval while inside the LA-2 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 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.

40. 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, the permittee, the prime dredging contractor, and any independent inspector. The Internet site shall be provided to the Corps 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 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 ocean disposal site, and regarding any apparent substantial leakage/spillage or other loss of material en route to the LA-2 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 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, the permittee, and the prime dredging contractor.

41. If the primary disposal tracking system fails during transit to the LA-2 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 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.

42. 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 within 24 hours of discovering such a situation. An operational e-mail alert system, as described in Special Condition 40 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.

43. 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 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), 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.

44. Following the completion of ocean disposal operations, the permittee shall submit to USEPA and the Corps 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 ocean disposal site, at in-harbor CDF site(s) (if available and used), and at an appropriate upland disposal site (such as Anchorage Road Upland Soil Storage Site) for the project, 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. (Note this is only anticipated for material dredged in the vicinity of Berths 145-147, but it would also apply for any ocean disposal operations involving material dredged in the vicinity of Berths 136-139, which would require a separate completion letter.)

45. The permittee shall submit a post-dredging completion report to the Corps within 30 calendar days after completion of each dredging project (Berths 145-147 and Berths 136-139 are separate dredging projects and will require separate reports) 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 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 the LA-2, Anchorage Road Upland Soil Storage Site/other approved upland disposal site, and in-harbor CDF (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 ocean disposal site.
- H) Tug boat or other disposal vessel logs documenting contact with the U.S. Coast Guard before each trip to the LA-2 ocean disposal site.
- 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-dredge 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) 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.

46. All vessels, vehicles, equipment, and material used in construction-related activities in or on waters of the U.S., navigable waters of the U.S., or ocean waters, or used to complete construction in or over waters of the U.S., navigable waters of the U.S., or ocean waters, shall employ or otherwise be operated or used in compliance with all mitigation measures identified in the project's Mitigation Monitoring and Reporting Plan consistent with the project's certified Environmental Impact Report.

47. 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 reported fish kills, pile driving shall be halted and the USACE and NMFS shall be notified via the Port of Los Angeles's Environmental Management Division. The biological monitor shall also note (surface scan only) whether marine mammals are present within 100 meters of the pile driving and, if any are observed, temporarily halt pile driving until the observed mammals move beyond this distance.

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.

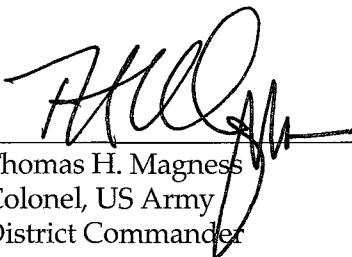
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



PERMITTEE
Antonio V. Gioiello, Chief Harbor Engineer

3/12/09
DATE

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



Thomas H. Magness
Colonel, US Army
District Commander

3/12/09
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

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

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

Permit Number: SPL-2003-01142
Name of Permittee: Los Angeles Harbor Department (Antonio V. Gioiello, Chief Harbor Engineer)
Date of Issuance: March 12, 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
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-2003-01142
Name of Permittee: Los Angeles Harbor Department (Antonio V. Gioiello, Chief Harbor Engineer)
Date of Issuance: March 12, 2009

Date work in waters of the U.S. completed: _____
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 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-2003-01142
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, California 93001