

DEPARTMENT OF THE ARMY PERMIT

Permittee: Ventura Port District; Richard Parsons

Project Name: Ventura Harbor Maintenance Dredging (RGP 24) renewal

Permit Number: SPL-2011-01154-AJS

Issuing Office: Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To construct structures and/or conduct work in or affecting "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act of 1899, and to temporarily discharge fill into waters of the U.S. pursuant to Section 404 of the Clean Water Act of 1972, in association with the Ventura Harbor Maintenance Dredging (RGP 24) renewal Project as shown on the attached drawings.

Specifically, you are authorized to:

1. Maintenance dredge, to design depths, up to 100,000 cubic yards of material per year for five years from the inner harbor (Areas A-F) and deposit the dredged material in the surf zone at the Santa Clara River mouth during periods of a minimum 100 cubic feet per second flow and a minimum of 300 feet from where the channel enters the ocean (Plate 4), or in three depressions within the harbor (Plate 1), or in the 4,000 feet of nearshore area off McGrath State Beach and south of the Santa Clara River mouth (Plate 3).

Design depths are as follows: -18 feet MLLW in Area A; -18 feet MLLW in Area B; -18 feet MLLW in Area C; -15 feet MLLW in Area D; -12 feet MLLW in south Area D; -12 feet MLLW in Area E; and -28 feet MLLW in Area F, as shown on the figures referenced above and Plate 5.

If limited access to the mouth of the Arundell Barranca and/or the Olivas Park Storm Drain prevents hydraulic, floating clamshell, or hopper operations, maintenance dredge to design depths, up to 2,500 cubic yards of material per year for five years, from the mouth of the Arundell Barranca and/or the Olivas Park Storm Drain using a shore-based clamshell operation with upland disposal.

2. Outer Harbor Area: Maintenance dredge, to design depths, up to 600,000 cubic yards of material per year for five years from the Ventura Harbor entrance channel and offshore sand traps (Federal Project Dredging Areas, Plate 1) and dispose of the material within the surf zone along 10,000 feet of beach extending southward from the harbor's south jetty (Plate 2) and/or north of the harbor entrance in cells 1 and 2 of the Pierpont Groin Field (Plate 6) or in the 4,000 feet of nearshore area off McGrath State Beach and south of the Santa Clara River mouth (Plate 3).

Project Location: Within the Ventura Harbor (Pacific Ocean), in the city and county of Ventura, California (Lat: 34.24988°, Long: -119.26655°).

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on **January 25, 2023**. 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 permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.

2. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers Regulatory Division, 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.

3. Prior to each maintenance dredging event within the inner harbor, the Permittee shall conduct a pre-project *Caulerpa taxifolia* (Caulerpa) survey in accordance with the Caulerpa Control Protocol (<http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf>). The survey may be conducted concurrent with pre-project eelgrass survey described in Special Condition 5a. The results of that survey shall be furnished to the Corps of Regulatory Division, NOAA Fisheries, and the California Department of Fish and Wildlife (CDFW) at least 15 calendar days prior to initiation of work in navigable waters.

4. The Permittee shall discharge only clean construction materials suitable for use in the oceanic environment. The Permittee shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of in an appropriate upland site.

5a. Prior to each maintenance dredging event within the inner harbor, the Permittee shall conduct a pre-project eelgrass survey in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP) (http://swr.nmfs.noaa.gov/hcd/policies/EELPOLrev11_final.pdf). The pre-project eelgrass survey shall be conducted no more than 60 days prior to the commencement of dredging. The Permittee shall provide the results of the pre-project eelgrass survey to the Corps, National Marine Fisheries Service (NMFS), and California Department of Fish and Game at least 15 days prior to initiation of proposed work.

5b. If the pre-project survey demonstrates eelgrass presence within the project vicinity, a post-project eelgrass survey shall be conducted in accordance with the SCEMP. The post-project eelgrass survey shall be conducted and submitted to the Corps and NMFS within 30 calendar days of project completion.

5c. Any impacts identified by these eelgrass surveys shall be mitigated per sections 3-12 of the SCEMP. Based upon the pre- and post-project eelgrass survey results and in accordance with the SCEMP, the Corps will determine the need and/or amount of eelgrass mitigation required to offset adverse impacts to such habitat. The Corps will transmit its determination to the Permittee in writing. Within 60 calendar days of receiving the Corps determination specifying the need and amount of mitigation, the Permittee shall submit a draft mitigation plan to the Corps for review and

approval. The mitigation plan shall be prepared in accordance with the SCEMP. The Permittee shall fully implement the final mitigation plan as approved by the Corps.

Dredging Operations

6. 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.

7. Dredging authorized in this permit shall be limited to the areas defined in Plates 1 and 5 only. No more 600,000 cubic yards of material per year within the entrance channel and offshore sand traps, and 100,000 cubic yards of material per year from within the inner harbor. No dredging is authorized in any other location under this permit. This permit does not authorize the placement or removal of buoys.

8. For this permit, the maximum dredging design depth (also known as the project depth or grade) shall be as follows: -18 feet below mean lower low water (MLLW) in Area A; -18 feet MLLW in Area B; -18 feet MLLW in Area C; -15 feet MLLW in Area D; -12 feet MLLW in south Area D; -12 feet MLLW in Area E; and -28 feet MLLW in Area F, with a maximum allowable over-dredge depth two feet below these depths. No dredging shall occur deeper than the maximum allowable depth at each area dredging design depth plus over-dredge depth) or outside the project boundaries.

9. The Permittee is prohibited from dredging and disposing material in navigable waters of the U.S. that has not been tested and determined by the Corps Regulatory Division, in consultation with the Environmental Protection Agency Region IX (EPA), to be both clean and suitable for disposal in ocean waters. The Permittee shall submit to the Corps Regulatory Division and EPA 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 EPA. Re-testing of previously tested or dredged areas is required after three years from the date of sediment sampling. 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 and physically suitable for disposal in ocean waters according to the provisions of the Inland Testing Manual 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.

10. 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 Regulatory Division and EPA, with the following information:

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 all dredged sediment including all material unsuitable for disposal.

ii) Dredging operations for material suitable for disposal to be dredged from the project area.

iii) Disposal methods to be used for disposal.

iv) 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 thirty (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 should 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 within thirty (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.

G) The Permittee shall not commence dredging operations unless and until the Permittee receives a Notice to Proceed, in writing, from the Corps Regulatory Division.

11. To ensure navigational safety, the permittee shall provide appropriate notifications to the U.S. Coast Guard as described below:

Commander, 11th Coast Guard District (dpw)
TEL: (510) 437-2980
E-mail: d11LNM@uscg.mil
Website: <http://www.uscg.mil/dp/lnmrequest.asp>

U.S. Coast Guard, Sector LA-LB (COTP)
TEL: (310) 521-3860
E-mail: john.p.hennigan@uscg.mil

A copy of each notification to the USCG shall be sent to the Corps' Los Angeles District Office for our file.

A) The Permittee shall notify the U.S. Coast Guard, Commander, 11th Coast Guard District (dpw) and the U.S. Coast Guard, Sector LA-LB Captain of the Port (COTP) (contact information shown above), not less than 14 calendar days prior to commencing work and as project information changes. The notification shall be provided by e-mail with at least the following information, transmitted as an attached Word or PDF file:

- i) Project description including the type of operation (i.e. dredging, diving, construction, etc).
- ii) Location of operation, including Latitude / Longitude (NAD 83).
- iii) Work start and completion dates and the expected duration of operations. The Coast Guard needs to be notified if these dates change.
- iv) Vessels involved in the operation (name, size and type).
- v) VHF-FM radio frequencies monitored by vessels on scene.
- vi) Point of contact and 24 -hour phone number.
- vii) Potential hazards to navigation.
- viii) Chart number for the area of operation.

ix) Recommend the following language be used in the LNM: "Mariners are urged to transit at their slowest safe speed to minimize wake, and proceed with caution after passing arrangements have been made."

B) 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 (contact information provided above). 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. Should any federal AtoN be affected by this project, the permittee shall contact the U.S. Coast Guard AtoN office at (510) 437-2982.

C) Should the Permittee determine the work requires the temporary 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 (contact information provided above). 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.

D) 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.

E) The permittee shall contact the USCG Marine Safety Office and the Corps' Los Angeles District Office at least twenty-four (24) hours in advance of any anticipated dredging activity which may restrict navigation within any channel or endanger any bridge.

F) 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 USCG 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.

G) 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.

12. The permittee shall have an inspector present on the dredging vessel at all times during dredging operations or in the alternative able to attest to the location of the dredging vessel at all times during the dredging operations. The inspector shall ensure that all permit conditions are obeyed during dredging operations. When the individual dredging project is completed, the inspector shall report

on permit compliance and indicate whether any permit violations occurred. If any permit violations occurred, the inspector shall provide a complete written explanation of each violation.

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

14. When using a hopper dredge, water flowing through the weirs shall not exceed 10 minutes during dredging operations. The level that a hopper dredge can be filled shall not exceed the load line to prevent any dredged material or water from spilling over the sides at the dredging site or during transit from the dredging site to the disposal site. No hopper dredge shall be filled above this predetermined level. Before each hopper dredge is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.

15. 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 to prevent any dredged material or water from spilling over the sides at the dredging site. No disposal barge or scow shall be filled above this predetermined level. Before each disposal barge or scow is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.

16. 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 31.

17. The Permittee shall notify the Corps Regulatory Division 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 five calendar days prior to such completion.

18. Within 30 calendar days of completion of the project authorized by this permit, the Permittee shall conduct a post-project survey indicating changes to structures and other features in navigable waters. The Permittee shall forward a copy of the survey to the Corps 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.

Disposal Operations

19. For this permit, the term disposal operations for a complete individual dredging project is defined as: the hydraulic pumping of dredged material from the dredging site and the placement of dredged material by pipeline at an approved disposal area and/or the transportation of dredged material from the dredging site to the nearshore disposal site, proper disposal of the dredged

material at the disposal site, and transportation of the hopper dredge or disposal barge or scow back to the dredging site.

20. Disposal of material under this permit is authorized only at the locations approximated on attached Plates 2-4 and 6 or at an appropriate upland location such that runoff from dewatering does not flow into any waters of the United States.

21. Disposal of material dredged from the inner harbor shall be conducted below the mean high water line along the 2,500 feet of beach at the mouth of the Santa Clara River with the actual discharge point being at least 300 feet away from the location at which the river flows into the ocean or in the 4,000 feet of nearshore area located approximately 1,000 feet south of the mouth of the Santa Clara River or in three low spots within the harbor depicted on the attached drawings (Plates 2-6). The material to be dredged from the inner harbor and disposed within the river mouth deposition area shall be discharged only during out-going tides or when the river flow, as measures in the vicinity of the Victoria Bridge, is 100 cubic feet per second or greater. The material to be disposed in the low spots within the harbor shall be discharged using a hydraulic pipeline placed in the bottom portion of the pits to minimize turbidity. However, if the permittee can demonstrate that this method would be infeasible, the permittee may request the Corps consider a different method of disposal within the low spots. A different method shall not be utilized without prior approval of the Corps.

22. If a hopper or clamshell dredge is used the permittee shall dispose the dredged material in the designated nearshore disposal area. The approximate location of the nearshore area is indicated on Plate 3. Prior to the disposal of any material in the nearshore disposal area, the corners shall be surveyed by the permittee and approved by the Corps. The permittee shall be responsible for marking the corners of the disposal area with approved buoys and making periodic inspections of the buoy locations. The dredge material shall be deposited in such a way as to create a berm approximately parallel to the shoreline. The mound shall be located in the center of the disposal site, between -15 and -30 feet MLLW contours. Disposal in the nearshore disposal area shall advance only when operational technique, under keel clearance or equipment considerations, will permit safe operations.

23. The permittee shall use a short to medium range electronic positioning system (EPS) or global positioning system (GPS) throughout disposal operations at the nearshore disposal site. The EPS or GPS must have a minimum accuracy and precision of +/- 16.5 feet (5 meters). The permittee shall ensure that the EPS or GPS shall be activated at least 1,000 feet from the disposal site when traveling, and shall not be deactivated until at least 1,000 feet from the site on the return trip. The permittee shall plot the continuous course of each disposal trip once inside the designated site. The permittee shall use latitude and longitude or UTM coordinates for all plots. The plot shall show: the continuous course of the hopper dredge and/or disposal barge or scow and the time and position of the hopper dredge or disposal barge or scow when disposal commenced and ceased.

24. Beach replenishment at all disposal areas shall not occur twenty-four (24) hours before the predicted start of the first grunion run after March 31 to September 1 of any given year, unless such discharge is approved in writing by the Corps after consultation with the U.S. Fish and Wildlife

Service, National Marine Fisheries Service, and the California Department of Fish and Wildlife. If disposal cannot be completed prior to the first predicted grunion run after March 31, a contingency plan shall be implemented as described below:

A) The zone of operations and impact shall not exceed 500 feet in width and shall be fixed for each dredging episode by the Corps in consultation with the U.S. Fish and Wildlife Service, California Department of Fish and Game, and the National Marine Fisheries Service.

B) Primary and alternate discharge pipes shall be located perpendicular to the shoreline and shall extend seaward beyond the mean-higher-high tide line.

C) As the material deposited within the zone of operations accumulates, the discharge pipe shall be extended seaward. Lateral movement of the outfall shall only be permitted when seaward extension of the pipeline is no longer feasible; however, the discharge point may only be moved within the zone of operations and in such a location that dredged material remains within the 500 foot zone of operations.

D) Slotted or perforated pipe shall be used in the final length of the discharge line to insure maintenance of the sand mount upon which the line lays.

E) If upon inspection it is determined by the Corps that adverse impacts to grunion spawning are occurring as a result of the contingency plan, reasonable alternative disposal methods and/or remedial measures shall be evaluated by the Corps and implemented by the permittee at the Corps' direction.

25. The disposal pipeline shall not cross or disturb sand dunes.

26. The permittee shall not remove the onshore pipeline if:

A) The onshore pipeline is in the vicinity of the California least tern nesting area from April 15 to September 1 and,

B) The onshore pipeline is not set back more than 25 feet from the mean high water line 24 hours before the start of the first predicted grunion run of March 31 to September 1.

27. A qualified specialist on Western snowy plover shall be retained to monitor the installation and removal of the discharge pipeline for impacts to this species. The monitor shall be present beginning two weeks prior to construction, throughout the dredge operation, and for two weeks after completion of dredging operations. A report on the monitoring shall be submitted to the Corps at the conclusion of these activities.

28. The deposition of dredged material in the least tern nesting area is prohibited.

29. Disposal operations within designated critical habitat of the Western snowy plover shall be limited to the period from October 15 to March 31 to avoid adverse effects to nesting Western

snowy plovers and California least terns. To further ensure that the operations will have no effect on plover, the permittee shall limit the number of vehicle trips across the river mouth, or on the beach south of the estuary, to installation, emergency maintenance, and pipeline removal activities. The permittee shall also limit beach re-contouring to the footprint of the pipeline.

30. The captain of the hopper dredge shall insure compliance with all disposal operation general and special conditions defined in this permit. If the captain detects any violation, s/he shall report the violation to the permittee immediately. The permittee shall contact the Corps' Los Angeles District Office at (213) 452-3413 and EPA Region IX at (415) 744-1962 to report the violation within twenty-four (24) hours. The captain of the dredge covered by this permit shall monitor VHF-16 while conducting disposal operations.

Post-Dredging Completion Report

31. The Permittee shall submit a post-dredging completion report to the Corps Regulatory Division and NMFS (attention Bryant Chesney, Habitat Conservation Division, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802-4213) within 30 calendar days after completion of each dredging project to document compliance with all general and special conditions defined in this permit. The report shall include all information collected by the Permittee, the dredging operations inspector and the disposal operations inspector or the 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) Actual start date and completion date of dredging and disposal operations.
- C) Total cubic yards disposed at each disposal site.
- D) Total area affected by dredging and disposal operations
- E) Mode of dredging.
- F) Mode of transportation.
- G) Frequency of disposal and plots of all trips to the nearshore disposal site.
- H) Tug boat or other disposal vessel logs documenting contact with the USCG before each trip to each disposal site.
- I) Percent sand, silt and clay in dredged material.
- J) 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.

K) 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.

Inspections

32. Upon request, the Permittee and its contractor(s) shall allow inspectors from the Corps Regulatory Division, EPA, and(or) the USCG to inspect all phases of the dredging and disposal operations.

33. 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, EPA, and(or) the USCG the following: dredging and disposal operations inspectors' logs, the vessel track plots and all disposal vessel logs or records, any analyses of the characteristics of dredged material, or any other documents related to dredging and disposal operations.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

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.


- 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

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




Oscar Pena
General Manager



DATE

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



Antal Szijj
Team Lead
Regulatory Division
Ventura Field Office



DATE

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFEREE

DATE

