

DEPARTMENT OF THE ARMY PERMIT

Permittee: Los Angeles Harbor Department; David Walsh, Chief Harbor Engineer

Project Name: Port of Los Angeles Regional General Permit for Maintenance Dredging (RGP 29)

Permit Number: SPL-2016-00708-TS

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 Project Description and terms and conditions of this permit as specified below.

Project Description:

Under RGP 29, the Los Angeles Harbor Department (LAHD) proposes to conduct maintenance dredging at existing berths and public marinas in the Port of Los Angeles for the purpose of maintaining existing design depths plus a two-foot overdredge depth. In addition, the LAHD proposes to replace existing rock if such rock has been dislodged or fallen from the sloped areas adjacent to a berth; addition of new rock is not proposed. The LAHD would conduct the proposed activities over a five-year period. Specifically, the LAHD proposes to dredge approximately 150,000 cubic yards (cy) of sediment per year from various berths within the Port of Los Angeles, not to exceed approximately 750,000 cy over the five-year period. Dredged material would be disposed of at the LA-2 ocean disposal site, or the Berths 243-245 confined disposal facility (CDF). Beneficial reuse of dredged material as fill at other [to be determined] disposal sites may be authorized under the RGP pending the results of sediment testing. Prior to each dredging and disposal project, a site-specific sampling and analysis plan (SAP) would be submitted, sediment would be tested in accordance with the Corps and U.S. EPA Inland Testing Manual (1998) and/or Ocean Disposal Testing Manual (1991) protocols, and sediment test results would be reviewed by the Southern California Dredged Material Management Team/Contaminated Sediments Task Force (DMMT/CSTF). Each dredging project is anticipated to take place over a one to four week period per location, and may occur at any time during the year. The LAHD anticipates completing three to five dredging projects per year, although more than five dredging projects could be completed provided the annual dredging limit of 150,000 cy is not exceeded. See attached drawings.

Project Location: Dredging and rock replacement would take place in the Port of Los Angeles, Los Angeles Harbor, in the city and county of Los Angeles, California. Site specific coordinates of work locations would be submitted with each dredging and disposal Operations Plan as required by Special Condition No. 3 (below). The EPA offshore disposal site (LA-2) is located at: latitude 33° 37' 06" / longitude -118 ° 17' 24". The Berths 243-245 CDF is located within the Port along the Main Channel. See attached drawings.

PERMIT CONDITIONS

General Conditions

1. The time limit for completing the authorized activity ends five (5) years from the date of the Corps signature. If you find that you require 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. A conditioned water quality certification or waiver thereof has been issued for your project. You must comply with the conditions specified in the water quality certification as special conditions to this permit unless the Corps has issued a waiver determination. For your convenience, a copy of the certification is attached if it contains such conditions unless the Corps has issued a waiver determination.
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 furnish the Corps Regulatory Division and the U.S. Fish and Wildlife Service (ATTN: Carlsbad Field Office) an annual list of potential maintenance dredging projects, including approximate schedule and duration, prior to the California Least Tern nesting season each year. After the nesting season, the Permittee will provide a list and schedule of actual maintenance dredging projects conducted during the nesting season for that year.
2. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:
 - A) Date(s) work within waters of the U.S. was initiated and completed;
 - B) Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
 - C) Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified;
 - D) One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
 - E) Signed Certification of Compliance (attached as part of this permit package).
3. The Permittee is prohibited from conducting dredging operations and disposing material in navigable waters of the United States that has not been tested and determined by the Corps Regulatory Division, in consultation with the U.S. Environmental Protection Agency (EPA), to be suitable for disposal in ocean waters. Sampling and testing of previously tested sediment or previously dredged areas is required after three years from the date of initial sediment sampling and testing unless the Corps deems that conditions warrant another testing duration be formulated with EPA consultation. This time limit is subject to change at the discretion of the Corps Regulatory Division if any event causes previously determined suitable material to become potentially unsuitable. The applicant must demonstrate the proposed dredged materials are chemically and physically suitable for disposal in ocean waters according to the provisions of the Inland Testing Manual (ITM) or Ocean Disposal Manual (ODM) and the Corps Regional Guidance Letter (RGL) 06-02, 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 at a Corps approved upland disposal location. The applicant shall submit to the Corps Regulatory Division and EPA a draft Sampling and Analysis Plan (SAP). Sampling may not commence until the final SAP is approved, in writing, by the Corps Regulatory Division, in consultation with EPA. Further the SAP Results (SAPR) must also be reviewed and approved and the Permittee must receive a written authorization to proceed pursuant to Special Condition No. 5 and 16.

4. At least 15 calendar days before initiation of any dredging operations authorized by this permit, the Permittee shall submit 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, dredging equipment and electronic positioning systems or navigation equipment to 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.

C) A schedule describing when the dredging project is planned to begin and end.

D) A pre-construction dredging bathymetric 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, including 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.

ii) Areas shallower than the dredging design depth shall be shaded green, areas between the dredging design depth and overdredge depth shall be shaded yellow, and areas below overdredge depth that will not be dredged shall be shaded blue.

iii) 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.

E) A debris management plan to prevent unauthorized disposal of large debris or other unsuitable materials. The debris management plan shall include: sources and expected types of debris if known, debris separation and retrieval methods and equipment to be used, debris disposal location(s), and debris disposal methods (e.g., recycling, landfill, hazardous/toxic/radioactive materials/munitions disposal sites, etc.).

F) Beach Nourishment:

i) A schedule describing when the beach nourishment project would begin and end.

ii) A debris management plan to prevent disposal of debris at beach nourishment location(s). The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

iii) The Permittee shall delineate the perimeter of the beach nourishment area during beach nourishment operations, and monitor the area to protect the public from construction hazards and equipment.

iv) Grunion monitoring: A pre-construction biological survey should be conducted to evaluate presence of, and beach suitability for, California grunion (*Leuresthes tenuis*). In the event beach nourishment operations could affect California grunion, and/or would occur between March 1 and August 31 (the grunion spawning season), the Permittee shall not begin operations, or suspend operations, and notify the Corps Regulatory Division and NOAA Fisheries within 24 hours. If there are grunion present, or the beach is suitable for grunion, and the Corps requests determines an avoidance plan is needed, the Permittee shall submit a Grunion Avoidance and Monitoring Plan to the Corps for review and approval prior to conducting or resuming any activities that could affect California grunion. After approval of the plan, the Corps may authorize the Permittee to proceed under the approved plan.

5. The Permittee shall not commence dredging or disposal operations unless and until the Permittee receives a Notice to Proceed, in writing (letter or email), from the Corps Regulatory Division.
6. The Permittee and its contractors and subcontractors shall maintain a copy of this permit at the work site, and on all vessels used to dredge, transport and dispose of dredged material authorized under this permit.
7. 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 U.S. Coast Guard Vessel Traffic Control Service. All such vessels, hopper dredges or disposal barges or scows, shall have the proper day shapes (mast head signals which indicate vessel operational status), operating marine band radio, and other appropriate navigational aids.
8. The Permittee's contractor(s) and the captain of any vessel covered by this permit shall monitor VHF-FM channels 13 and 16 while conducting dredging operations.
9. Upon request, the Permittee and its contractor(s) shall allow inspectors from the Corps Regulatory Division (may include other Corps Divisions), EPA, and/or the U.S. Coast Guard to inspect all phases of the dredging and disposal operations. 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 EPA, 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.
10. During disposal and dredging operations the permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.
11. If non-compliance of the permit occurs, the Permittee shall report the details of the permit non-compliance 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 any permit non-compliance of any permit condition must be reported to the Permittee immediately who must then report to the Corps Regulatory Division.

12. When using a hopper dredge, water/slurry flowing through the weirs shall not exceed 10 minutes during dredging operations (to prevent overflow/overload). When using a hopper dredge, the fill level of the hopper dredge 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. If a dredging or disposal operation does not require a hopper dredge than disregard this special condition.
13. When using a disposal barge or scow, no water shall be allowed to flow over the sides throughout the dredging and disposal operations. The fill level of the disposal barge or scow shall not exceed the load line to prevent any dredged material or water from spilling over the sides during all operations. No disposal barge or scow shall be filled above this predetermined level or load line (vessel frame/plating). Before each disposal barge or scow is transported to the disposal site, the Permittees dredging site inspector shall certify that it is filled correctly.
14. The Permittee shall use an electronic positioning system to navigate throughout all dredging, hauling, disposal, and discharge operations. The electronic positioning system shall have a minimum accuracy and precision of +/- 10 feet (or 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.
15. The Permittee shall submit a post-construction/project completion report to the Corps Regulatory Division within 30 calendar days after completion of each dredging event to document compliance with all general and special conditions 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. One post-construction report (instead of separate reports) should be submitted for all activities conducted under the permit. The report must describe whether or not all general and special conditions were met. The report shall include:
 - A) Project Name and Corps file number (i.e., SPL-2016-00708-TS).
 - B) Start date (month/day/year) and completion date of dredging and disposal operations.
 - C) The disposition and total cubic yards of all material disposed or discharged at each site or location.
 - D) Dredging method (e.g., hopper dredge, suction dredge, clamshell, dragline, etc.).
 - E) Mode of transportation.
 - F) Frequency of disposal and plots of all trips to the disposal or discharge site(s).
 - G) Tug boat or other disposal vessel logs documenting contact with the U.S. Coast Guard before each trip to the disposal or discharge site(s).

H) A detailed post-dredging bathymetry survey drawing of the dredging area. The survey drawing shall show areas above the dredging design depth shaded green, areas between the dredging design depth and overdredge depth shaded yellow, areas below overdredged depth that were not dredged or areas that were deeper than the overdredge depth before the project began as indicated on the pre-dredging survey shaded blue, and areas dredged below the overdredge depth or outside the project boundaries shaded red. The methods used to record the post-construction dredging survey drawing shall be the same methods used in the pre-construction dredging survey drawing. The survey drawing shall be signed by the Permittee certifying that the data are accurate.

I) A description of any navigation problems and corrective measures implemented.

J) Copies of all completed Scow Certification Checklists for ocean disposal.

16. For dredge material that has been tested pursuant to the ODM or ITM as described in Special Condition No. 3, following evaluation of the dredge material test results by the Southern California Dredged Material Management Team/Contaminated Sediments Task Force (DMMT/CSTF), and provided the dredge material has been deemed "suitable" for ocean disposal, the Corps shall obtain EPA's written concurrence and Site Use Conditions for disposal of suitable dredged material at LA-2 prior to initiation of dredging. The EPA's concurrence and Site Use Conditions will be furnished to the Los Angeles Harbor Department as an attachment to the Corps site-specific Notice to Proceed with dredging and disposal activities. The Special Conditions of this Department of the Army permit will remain in full force and effect and are not superceded by the EPA Site Use Conditions.
17. This Corps permit does not authorize you to take any threatened or endangered species, in particular the California least tern (*Sterna antillarum browni*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g. ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you must comply). The U.S. Fish and Wildlife Service and the NOAA Fisheries are the appropriate authorities to determine compliance with the ESA.
18. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Regulatory Division Staff (Theresa Stevens, Ph.D. at 805-585-2146) and Corps' Archeology Staff (Danielle Storey at 213-452-3855 OR Meg McDonald at 213-452-3849) within 24 hours. The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.
19. Incidents where any individuals of fish, whale, abalone, sea turtle, coral, or marine plant species listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of work in navigable waters of the United States authorized by this permit shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Los Angeles District of the U.S. Army Corps of Engineers at

805-585-2146. The finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

20. This permit is contingent upon the issuance of a Coastal Zone Management Act (CZMA) consistency certification from the California Coastal Commission and a Section 401 Water Quality Certification (WQC) from the Los Angeles Regional Water Quality Control Board (RWQCB). The Permittee shall abide by the terms and conditions of the CZMA consistency certification and Clean Water Act Section 401 WQC. The Permittee shall submit the CZMA consistency certification and Section 401 WQC to the Corps Regulatory Division (preferably via email) within two weeks of receipt from the issuing state agency. The Permittee shall not proceed with construction until receiving an e-mail or other written notification from Corps Regulatory Division acknowledging the CZMA consistency certification and Clean Water Act 401 WQC has been received, reviewed, and determined to be acceptable. If the RWQCB fails to act on a request for certification within 60 days after receipt of a complete application, please notify the Corps so we may consider whether a waiver of water quality certification is warranted pursuant to 33 CFR 325.2(b)(1)(ii). If the California Coastal Commission fails to act on a request for concurrence with your certification within six months after receipt, please notify the Corps so we may consider whether to presume a concurrence pursuant to 33 CFR 325.2(b)(2)(ii).

National Marine Fisheries Service Conservation Recommendations

21. A pre-construction survey of the project area for *Caulerpa taxifolia* (Caulerpa) should be conducted in accordance with the Caulerpa Control Protocol (see http://www.westcoast.fisheries.noaa.gov/publications/habitat/caulerpa_taxifolia/caulerpa_control_protocol_4_.pdf) not earlier than 90 calendar days prior to planned construction and not later than 30 calendar days prior to construction. The results of that survey should be furnished to the USACE, NMFS, and the California Department of Fish and Wildlife (CDFW) at least 15 calendar days prior to initiation of work in navigable waters. In the event that Caulerpa is detected within the project area, the LAHD should 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 USACE, in consultation with NMFS and CDFW.
22. Prior to maintenance dredging that affects areas shallower than -20 feet mean lower low water, a pre-project eelgrass survey should be conducted in accordance with the California Eelgrass Mitigation Policy (CEMP) (http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final%20CEMP%20October%202014/cemp_oct_2014_final.pdf). If the pre-project survey demonstrates eelgrass presence within the project vicinity, a post-project survey should be conducted and impacts to eelgrass mitigated in accordance with CEMP.

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.

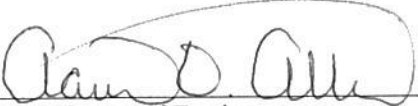
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


PERMITTEE [SIGNATURE]

5-2-17
DATE [month day, year]

David M. Walsh Chief Harbor Engineer, Port of Los Angeles
PERMITTEE [PRINT NAME and AFFILIATION]

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

 8 May 2017
U.S. Army Corps of Engineers DATE
[SIGNATURE]

Aaron O. Allen, Chief, North Coast Branch
U.S. Army Corps of Engineers
[PRINT NAME and TITLE]

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 [PRINT NAME and SIGN] DATE