DRAFT
DREDGED MATERIAL EVALUATION TECHNICAL REPORT FOR YTI CONTAINER TERMINAL IMPROVEMENTS PROJECT AT BERTHS 212–224, LOS ANGELES HARBOR

Submitted to:

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APP No. 130204-020 C

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1.0 INTRODUCTION

This report is submitted in support of the reconsideration of Order R4-2014-0228, Waste Discharge Requirements for Port of Los Angeles (Berths 212-224 Redevelopment) (File No. 14-097). This order, which pertains to dredging associated with the Yusen Terminals Inc. (YTI) Improvement Project in the Los Angeles Harbor, prohibits ocean disposal of 21,800 cubic yards of dredged material at the LA-2 Ocean Dredged Material Disposal Site (LA-2). The prohibition was not included in the Tentative Waste Discharge Requirements (WDRs), but was inserted as a staff recommendation on the day of the December 4, 2014, hearing by the Los Angeles Regional Water Quality Control Board (LARWQCB).

As described herein, the sediment in question was evaluated by the U.S. Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers (USACE) in accordance with protocols established under federal law. The sampling, analysis, and consideration of alternative disposal options were also peer-reviewed by the Los Angeles Regional Contaminated Sediments Task Force (CSTF). Before the CSTF agencies agreed that the LA-2 disposal site would be appropriate for these materials, all feasible alternatives to ocean disposal of the suitable YTI material were evaluated and ruled out, primarily by geotechnical considerations and lack of available fills.

Subsequent to the LARWQCB's Order, the USACE issued its Record of Decision on the Environmental Impact Statement (EIS) prepared for the project (Appendix B). The Record of Decision approved ocean disposal. In addition, the USACE, with concurrence from the USEPA, issued a provisional permit allowing ocean disposal. The Port therefore requests that the prohibition on ocean disposal be removed from Order R4-2014-0228.

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2.0 PROJECT DESCRIPTION

Order R4-2014-0228 applies to the YTI Terminal Improvement Project on Terminal Island in the Port (Figure 2-1). The improvements will allow YTI to realize the benefits of the Port's Main Channel Deepening Project, a 10-year, $370 million joint federal–local project that deepened the main navigational channel and turning basins to allow the Port to accommodate bigger, more modern vessels from around the world. Although the main navigation channel was dredged to a depth of -53 feet, that depth does not reach the YTI berths.

Physical improvements at the YTI Terminal include dredging at Berths 214–216 and Berths 217**-**220, installing sheet piles at Berths 214–216, adding and replacing/extending wharf gantry cranes, extending the 100-foot-gauge crane rail along the wharf deck to Berths 217–220, improving/repairing backlands across the entire site, and adding a new operational rail track adjacent to the existing on-dock rail yard. Dredging will increase the depth at Berths 217–220 from 45 feet to 47 feet and at Berths 214–216, from 45 feet to 53 feet. Approximately 6,000 cubic yards of sediment will be dredged from Berths 217-220 and approximately 21,000 cubic yards, from Berths 214–216 (Figure 2-1).

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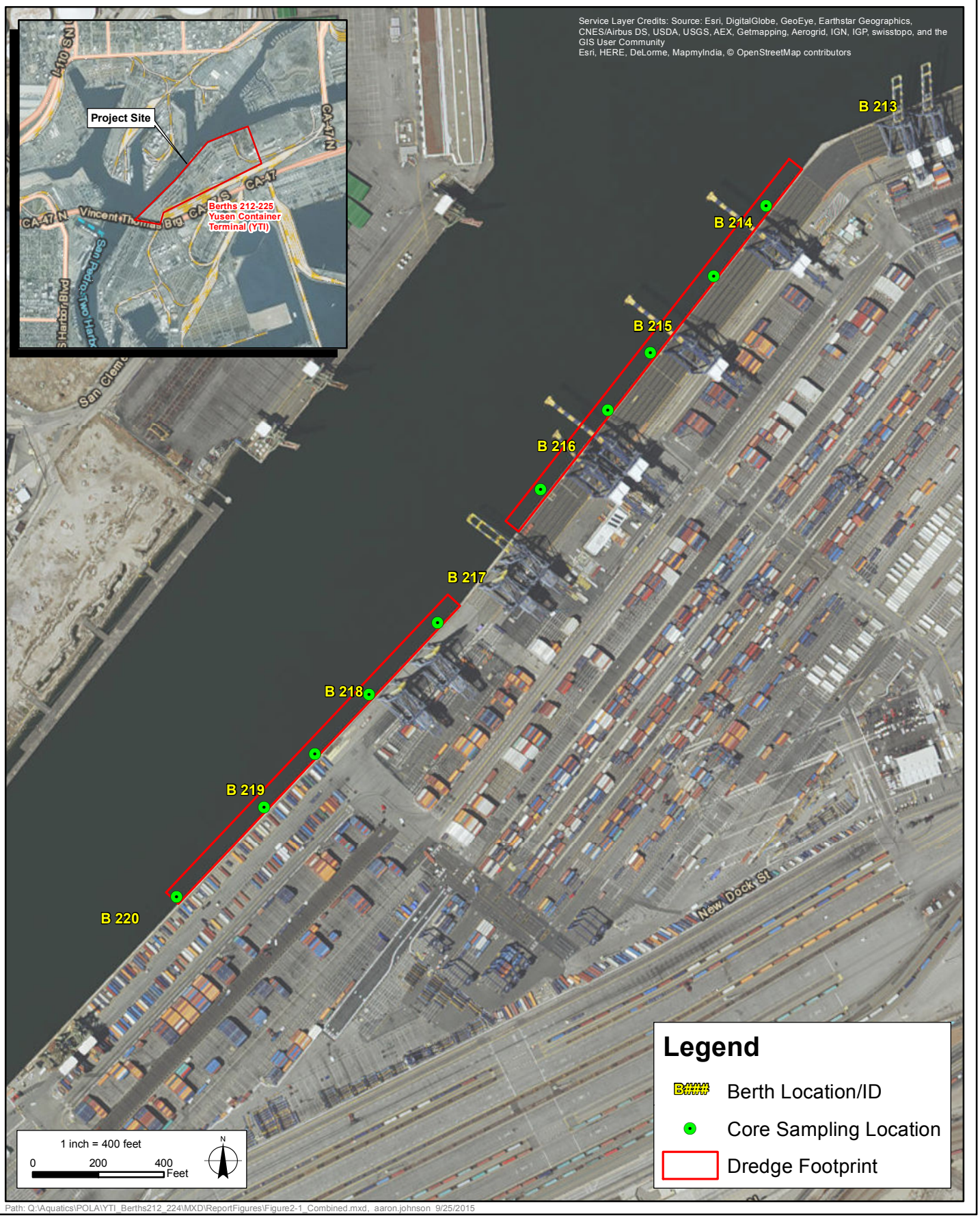

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Berth Dredging and Sediment Sample Locations
Berths 212-224 [YTI]
Container Terminal Improvements Project
Port Of Los Angeles

FIGURE 2-1

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3.0 PERMITTING PROCESS FOR DREDGING AND DREDGED MATERIAL DISPOSAL PROJECTS

3.1 Introduction

A number of state and federal agencies regulate dredging and dredged material disposal in the San Pedro Bay area. Different laws and regulations govern their roles and responsibilities, and their purposes and goals often overlap. The primary state and federal agencies involved in permitting dredging projects are the LARWQCB, the USACE, the USEPA, and the California Coastal Commission (CCC).

These agencies participate in the CSTF, which is affiliated with the Southern California Dredged Material Management Team (DMMT), to coordinate the regulatory processes for dredging and disposal projects, thus better serving the public while also ensuring environmental protection.

Table 3-1 describes the regulatory authority and mandates of the primary state and federal agencies with jurisdiction over dredging and dredged material disposal projects.

3.2 Coordination through the Los Angeles Regional Contaminated Sediments Task Force

The CSTF was formed by California Senate Bill 673 in 1997, to create a long-term strategy for managing contaminated sediments within the Los Angeles region. Signatories to the memorandum of understanding (MOU) forming the CSTF were the California Coastal Commission (CCC) and the LARWQCB, which were designated CSTF co-chairs. Additional signatories were the USACE Los Angeles District, USEPA Region 9, the Los Angeles County Department of Beaches and Harbors, the City of Long Beach, the Port of Long Beach, and the Port of Los Angeles (Port). Other agencies and non-governmental organizations that were not signatories but have participated in the CSTF over the years are the California Department of Fish and Wildlife, the National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries), the Southern California Coastal Water Research Project, and Heal the Bay.

The CSTF developed a long-term management strategy (LTMS) that includes procedures for consolidated project review by regulatory and responsible agencies and other interested parties, as well as tools for project development and evaluation of dredged material management options (CSTF, 2005). The CSTF Advisory Committee was formed to bring agencies, dredgers, and other stakeholders together to conduct concurrent review of dredge project permit applications via a master permit application to all regulatory agencies, as well as face-to-face discussions with all concerned parties.

In addition, the CSTF Advisory Committee has been responsible for ensuring that dredging operations maximize the amount of material to be utilized for beneficial reuse, in adherence with the requirements of the Clean Water Act (CWA) Section 404(b)(1) and the Marine Protection Research and Sanctuaries Act (MPRSA) Section 103 (Table 3-1).

Table 3-1.
Regulatory Authority and Mandates of Primary State and Federal Agencies

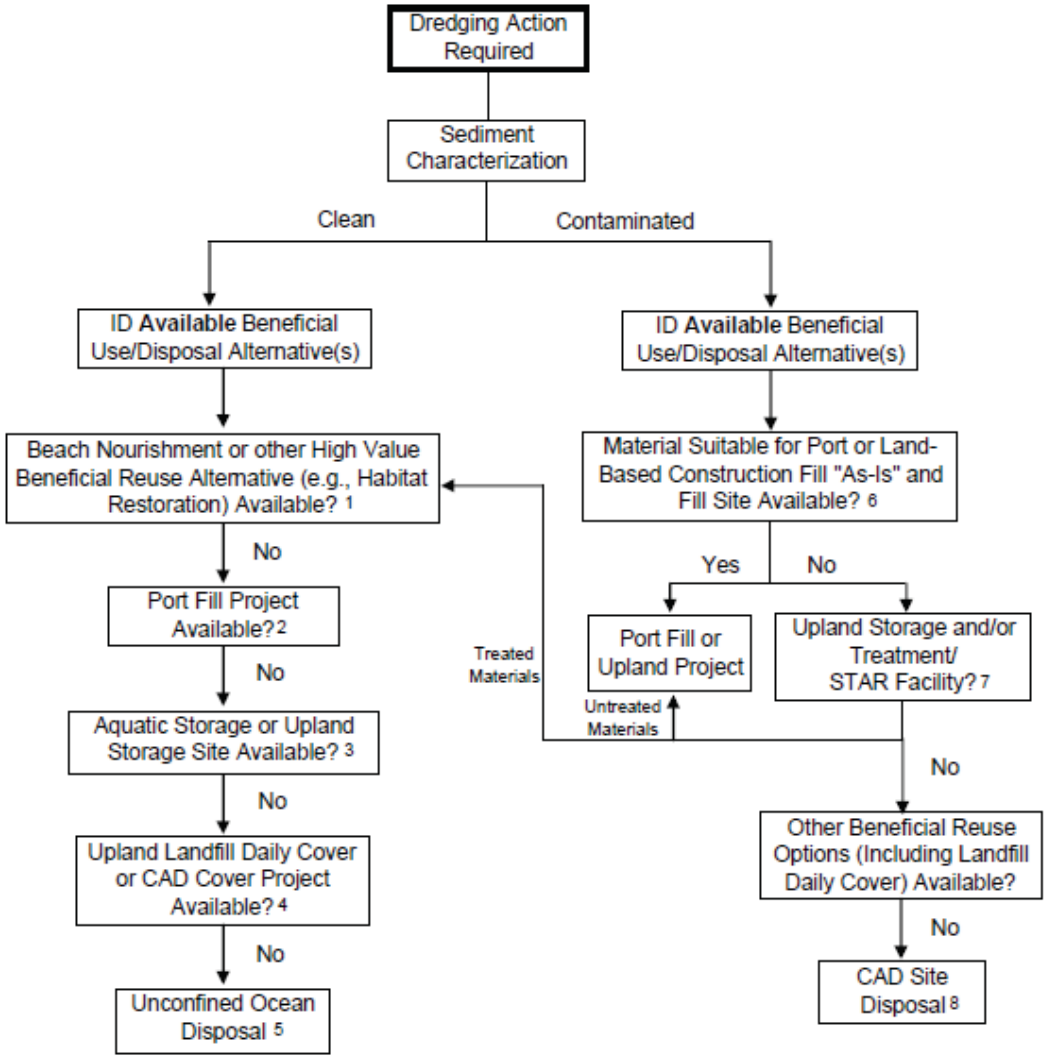
LARWQCB	USACE	USEPA	CCC
Regulatory Authority			
Porter-Cologne Water Quality Control Act[1] Clean Water Act (CWA)[2]	CWA Marine Protection, Research, and Sanctuaries Act (MPRSA)[3] Rivers & Harbors Act of 1899[4]	CWA MPRSA	California Coastal Act[5] Coastal Zone Management Act (CZMA)[6]
Mandate Includes			
Protect the beneficial uses of waters of the state.	Regulate placement of dredged or fill material into waters of the U.S. Regulate transportation of dredged material for the purpose of ocean disposal. Protect and maintain navigable capacity of nations waters.	Maintain integrity of nation's waters. Oversee disposal of materials, including dredged material, into ocean waters.	Protect, conserve, and restore resources of California coast.

Notes:
1. Calif. Water Code §13020 et seq.
2. 33 U.S.C. §151, et seq.
3. 33 U.S.C. §1401-1445
4. 33 U.S.C. §401, et seq.
5. Calif. Pub. Res. Code §§30000-30900
6. 16 U.S.C. §§1451-1464

CCC = California Coastal Commission; LARWQCB = Los Angeles Regional Water Quality Control Board; USACE = U.S. Army Corps of Engineers; USEPA = U.S. Environmental Protection Agency.

* "Except as expressly provided in this subsection, nothing in this title shall preclude or deny the right of any State to adopt or enforce ay requirements respecting dumping of materials into ocean waters within the jurisdiction of the State."

The recommended approach by the CSTF for evaluating appropriate sediment management alternatives is outlined by the LTMS decision tree in Figure 3-1, which depicts disposal options, to be considered for both clean and contaminated sediments, from highest to lowest overall preference.



Notes:

1. Assumes that materials are chemically suitable and physically compatible for specific beneficial use alternative.

2. Assumes no near term sources of contaminated material (including material stored at TSR sites) suitable for constructed fill which would be precluded from inclusion in the Port fill by these clean materials. Contaminated materials suitable for construction fill have priority over clean material.

3. Storage for future benficial reuse at a designated unconfined aquatic site or upland site . Storage sites managed to prevent contamination of clean stored material.

4. Use of contaminated materials for upland daily cover has priority over use of clean material.

5. Assumes no less environmentally damaging practicable alternative, including other beneficial uses, are available.

6. Assumes coordination of dredge and fill schedules.

7. TSR site provides storage until constructed fill project becomes available, or treatment to transform material to be suitable for constructed fill.

8. Assumes no documented near term need for fill material (i.e., schedule dredging activity to coincide with fill project); assumes no available TSR capacity; assumes no other practicable beneficial reuse opportunities available.

Source: Figure 8-1 from Los Angeles Regional Contaminated Sediments Task Force: Long-Term Management Strategy 2005

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In 2008, the USACE Los Angeles District formed the DMMT, which essentially subsumed the participants of the original CSTF Advisory Committee. The joint CSTF/DMMT is led by the USACE and reviews projects within the Los Angeles District USACE area, but outside of the CSTF footprint. Projects conducted within the immediate Los Angeles region are still referred to as CSTF projects and reviewed accordingly. The CSTF/DMMT meets monthly at the USACE office in Los Angeles to discuss and approve sampling and analysis plans for upcoming dredging projects; review the results of dredged material evaluations; make dredged material disposal suitability determinations; and discuss other-dredging related issues of importance.

CSTF meetings follow a standardized process. Project proponents are required to provide project-specific data and reports at least two weeks prior to a meeting, allowing regulators and other interested parties adequate time to review them. At the meeting, the project proponents present detailed results of the planned sampling and analysis program(s) or dredged material characterization study(ies), then the CSTF agencies ask questions and provide feedback. The desired outcome of a CSTF meeting is consensus among the agencies on the validity of the testing results and suitability of the dredged material for the proposed disposal option(s). The CSTF agencies use the information and opinions provided at the CSTF meetings to inform the respective agency's subsequent regulatory action on a given project.

3.3 Agency Review of Dredging and Disposal Projects

Not all dredging and disposal projects fall under the jurisdiction of all of the CSTF member agencies. For example, the disposal portions of projects proposing to use the LA-2 site fall beyond the jurisdiction of the LARWQCB. Such projects are still reviewed by the CSTF, and all participating agencies render an opinion on LA-2 disposal suitability, but only the agencies with regulatory authority participate in subsequent permit actions related to dredged sediment disposal at LA-2; agencies without regulatory authority participate in an advisory capacity only. Similarly, the CSTF also reviews projects involving beneficial reuse and upland disposal that are located outside some of the agencies' jurisdictions.

Table 3-2 describes the roles of the CSTF member agencies in reviewing proposals for dredged material disposal in different environments.

3.4 Project Review and Authorization by CSTF Agencies

The CSTF serves as the single point-of-entry into the project review process, although applicants must eventually obtain separate approvals from each of the appropriate member agencies. Initially, Port projects are reviewed by this group, then later move through the permitting processes of the individual agencies. The process for obtaining approvals begins with a suitability determination.

Table 3-2.
Regulatory Authority for Dredged Material Disposal Environments

LARWQCB	USACE	USEPA	CCC
Upland			
CWA Section 401 Certification or WDRs pursuant to Porter-Cologne Water Quality Control Act	Advisory	Advisory	Advisory
Harbor fill			
CWA Section 401 Certification or WDRs pursuant to Porter-Cologne Water Quality Control Act	Department of the Army permit pursuant to Rivers and Harbors Act of 1899, and to CWA if disposal site in waters of the US CWA permit oversight if disposal	CWA permit oversight.	Coastal permitting Advise regarding Federal Consistency determination pursuant to CZMA for dredging and disposal.
Ocean			
Advisory regarding extra-territorial waters. CWA Section 401 Certification or WDRs pursuant to Porter-Cologne within territorial waters as allowed by MPRSA Savings Clause.*	Department of the Army permit pursuant to MPRSA for transport of dredged material.	Designation of sites and MPRSA permit oversight. Determination of material suitability for disposal	Advise regarding Federal Consistency determination pursuant to CZMA for dredging and disposal.

Notes:
CCC = California Coastal Commission; LARWQCB = Los Angeles Regional Water Quality Control Board; USACE = U.S. Army Corps of Engineers; USEPA = U.S. Environmental Protection Agency.

* "Except as expressly provided in this subsection, nothing in this title shall preclude or deny the right of any State to adopt or enforce ay requirements respecting dumping of materials into ocean waters within the jurisdiction of the State."

3.5 Suitability Determination for Ocean Disposal

The USEPA and USACE are charged with making the suitability determination for ocean disposal at the LA-2 site. Material evaluations must be conducted in accordance with Title 40, Code of Federal Regulations, Parts 220-233 (40 Code of Federal Regulations [CFR] 220-233) as outlined in Title 40—Protection of the Environment. Permits for Discharges of Dredged or Fill Material in Waters of the United States are outlined in 33 CFR 323.

The following three guidance documents pertain to evaluating dredged material disposal: *Ocean Testing Manual* (OTM or "Green Book") (USEPA/USACE, 1991); *Inland Testing Manual* (ITM) (USEPA/USACE, 1998), and *Upland Testing Manual* (UTM) (USACE, 2003). All three manuals outline the necessary components of dredged material evaluations using a tiered testing approach to determine disposal suitability.

Ocean disposal (Green Book) testing issued to determine suitability of the dredged material for unconfined aquatic disposal, including beneficial reuse; the ITM is designed for material to be placed in inland waters, near coastal waters, and/or adjacent environs; and the UTM evaluates material to be placed in a confined disposal facility (CDF). Many of the tests required for various disposal options overlap; therefore, the conservative, and more comprehensive testing scheme required for ocean disposal evaluations is often used for evaluating disposal suitability. The Port wanted to determine whether the YTI dredged sediment would be suitable for ocean disposal at LA-2; therefore, analyses for the dredged material characterization study for the proposed project included full (Tier III) Green Book chemical, physical, toxicity, and bioaccumulation testing (according to the *Evaluation of Dredged Material Proposed for Ocean Disposal Testing Manual*). This approach considered the following:

- Chemical and grain size analyses on sediments (ten heavy metals, petroleum hydrocarbons, ammonia, sulfides, chlorinated and pyrethroid pesticides, polychlorinated biphenyl (PCB) congeners, polycyclic aromatic hydrocarbons (PAHs), phenols, phthalates, and organotins)
- Toxicology analysis
  - ***Whole sediments (benthic)—***a solid-phase (SP) toxicity test with two test organisms (amphipods and worms) exposed directly to "test" sediment samples and compared to exposures to reference sediments collected near the disposal site
  - ***Water column—***suspended particulate-phase (SPP) tests with three organisms (fish, shrimp, and bivalve larvae) exposed to a sediment water mixture and compared to exposures using a control (not reference) sediment
  - ***Bioaccumulation-phase* (BP) *tests—***a 28 day test with two organisms (clams and worms) exposed directly to "test" and "reference" sediment. Following the exposures, the tissues of each organism are analyzed for bioaccumulation of chemicals and compared to organisms exposed to reference sediments.

Statistical analyses are used to evaluate all toxicology analyses pursuant to the guidelines in the Green Book. In cases where the average survival in the test treatments equals or exceeds that of the reference (for SP and BP tests) or control (for SPP tests), no statistical analyses are necessary. If SP or BP organism survival in test sediments is lower than reference survival, a student's t-test is used to determine whether the difference in survival is statistically significant ($p \leq 0.05$). Dunnett's multiple comparison test is used for SPP data to assess significant reductions in survival or normality (bivalve larvae) in elutriate test concentrations, compared with control survival or normality. Results are analyzed using the Comprehensive Environmental Toxicity Information System (CETIS) program (Tidepool Scientific Software, 2008).

In addition, two other statistical determinations are performed: the limiting permissible concentration (LPC) and the median lethal concentration (LC_{50}). The LPC is calculated if the LC_{50} is less than 100 percent; it is used to determine whether contaminants of concern are within acceptable water quality objectives. The LPC is determined by inputting applicable chemical concentrations, toxicity results, and disposal site water quality parameters into the Automated Dredging and Disposal Alternatives Management System (ADDAMS) (Schroeder and Palermo, 1990). The LC_{50} is determined by the probits, moving average, bootstrap, or linear interpolation method using the CETIS program.

Effects-range low (ERL) and effects-range median (ERM) sediment quality guidelines are commonly used to screen sediment quality. The ERL values represent the lower 10^{th} percentile concentration; ERM values represent the median concentration at which statistically significant biological effects have been reported. ERL and ERM thresholds have been established for many chemical contaminants, based on the correlation between sediment chemistry concentrations and toxicity, from a nationwide database of test results from studies throughout the country (Buchman, 2008). Because of the wide range of site-specific factors that may influence the toxicity and bioavailability of any given compound in the sediment, these guidelines are not intended for use as strict criteria for regulatory application, but rather as a general screening gauge. To evaluate dredged material disposal suitability, the multiple lines of evidence approach developed by USACE and USEPA in the Green Book dredged material testing guidance document (noted above) is much more robust and site-specific for determining whether dredged materials are suitable for unconfined aquatic disposal. The Green Book approach covers numerous chemical types (including chemicals of emerging concern) and a broad range of test species of multiple trophic levels and life stages. This testing approach is also project-specific (i.e., tests are conducted on actual samples of dredged material collected in the field), and effects-based (i.e., toxicity and bioaccumulation potential are evaluated by exposing test animals directly to site sediment samples).

4.0 SAMPLING AND ANALYSIS OF YTI SEDIMENTS

4.1 Sampling and Analysis Approach

Based on Green Book guidance, a sampling and analysis plan (SAP) was prepared for the YTI project that included the chemical, toxicity, and bioaccumulation testing described in Section 3.5 above (AMEC, 2013).

Sampling was conducted in June 2013 and involved collection of ten vibracore samples in two separate dredge footprints (Figure 2-1). Five of the ten samples were collected in the area of Berths 214–216, to a depth of −53 feet mean lower low water (MLLW) plus a 2-foot overdredge allowance to a final sampling target depth of −55 feet MLLW. The remaining five samples were collected in the area of Berths 217–220 to a depth of −47 feet MLLW plus a 2-foot overdredge allowance to a final target sampling depth of −49 feet MLLW. When possible, an additional 0.5-foot layer below the overdredge allowance (i.e., the Z-layer) was collected from each core and archived. The Z layer represents the resultant post-dredging sediment surface. One composite sediment sample from each of the two berth areas (Berths 214–216 and Berths 217–220) underwent analysis, as described above.

4.2 Sediment Analytical Results

Results of the comprehensive sediment testing conducted on the YTI sediment are in the sediment testing report entitled *Final Sediment Characterization Report for Berths 212–224 YTI Container Terminal Improvements Project Los Angeles Harbor* (AMEC, 2014), and are summarized briefly below.

Berths 214–216
Core samples collected at Berths 214–216 were noted to have two distinct strata. The top 2 feet of the sediments were characterized by unconsolidated silts, while sediments below this depth down to project design depth were stiff clay, similar to modeling clay. Based upon this observation, it was hypothesized that the clay material was likely a native formation. Slightly elevated (i.e., above ERL guideline values) levels of arsenic, copper, mercury, nickel, PCBs, and dichlorodiphenyltricholoroethane (DDT) were observed in the Berths 214–216 composite sample; however, all chemical levels were well below ERM guidelines.

Results of the toxicity tests conducted on the Berths 214–216 sediments showed that amphipod survival was reduced and that abnormal bivalve larvae were observed. (The toxicity testing laboratory reported that the effects observed in the bivalve larvae test were likely due to elevated levels of un-ionized ammonia in the samples.) No toxicity was observed in three other tests conducted on the Berths 214–216 sediments. The bioaccumulation-phase clam and worm tissue chemistry levels observed in this study were well below action levels of the U.S. Food and Drug Administration (FDA) and the levels of concern reported in the Environmental Residue Effects Database (ERED). In addition, biological concentration factor values were low. These results indicate that the bioaccumulation potential of the proposed YTI sediments is low and well within acceptable limits.

Berths 217-220

The silty sediments collected adjacent to Berths 217–220 were found to be substantially free of chemical contaminants. Although four metals (arsenic, copper, mercury, and nickel), and the chlorinated pesticides 4,4'-dichlorodiphenyldichloroethylene (DDE) and 2,4' DDE exceeded ERL guideline values, they were below their respective ERM levels. Furthermore, although there was a statistically significant reduction in survival for amphipods exposed to Composite B sediments, the effect was not determined to be ecologically significant (survival was within 20 percent of the reference sample). Significant effects on mussel larvae development exposed to the 50 and 100 percent elutriates made with Composite B samples were determined by the toxicity testing laboratory to be related to elevated un-ionized ammonia levels in the elutriate samples. Furthermore, the project sediments were determined to have low bioaccumulation potential that was within acceptable limits because the levels of clam and worm tissue chemistry observed were well below FDA action levels and the levels of concern reported in the USACE's ERED.

4.3 CSTF Coordination and Discussion

Sampling and analysis of YTI sediments was coordinated in multiple phases through the Los Angeles Region CSTF, and LARWQCB staff participated throughout the process. The initial sampling and analysis plan (SAP) for the YTI project was submitted to the CSTF for review and concurrence at the April 2013 CSTF meeting. Based upon input from the CSTF agencies, the SAP was revised and approval of the revised SAP was received by the Port on May 20, 2013.

Following sampling and analysis of YTI sediments, a dredged material study draft report was prepared and presented to the CSTF at its meeting in November 2013. Based on the results of the testing (which indicated only slightly elevated levels of a few constituents above ERL screening guidelines and no significant toxicity or bioaccumulation), all agencies concurred that the Berths 217–220 sediments complied with the ocean disposal suitability requirements outlined in Title 40 CFR Parts 220–228 and would be suitable for placement at LA-2. The CSTF agencies discussed the chemical levels and amphipod toxicity observed in Berths 214–216 sediments and hypothesized that it was likely due to elevated levels of contaminants in the top 2 feet of the sediment column (i.e., the silty surface sediments). To test this hypothesis, the CSTF Advisory Committee directed the Port to conduct additional Green Book Tier II chemistry testing of the bottom (below 2 feet) clay material to verify that it was native and substantially free of chemical contamination.

The results of the supplemental Berths 214–216 chemical tests were presented at the January 2014 CSTF meeting. The supplemental testing showed the Berths 214–216 bottom sediments generally had lower levels of the chemical constituents noted in the original Berths 214–216 composite sample that had included the top 2-foot silty layer. Based on the low levels of metal and organic contaminants observed, the fact that only three ERL exceedances were observed (no ERM exceedances), and the low potential for bioaccumulation, the Berths 214–216 bottom layer was assumed to be composed of native clay material.

All CSTF agencies present at the January 2014 meeting, including the LARWQCB, concurred that the bottom portion of Berths 214–216 and the entirety of Berths 217-220 were suitable for LA-2 disposal and also confirmed that the top (approximately 2-foot) portion of Berths 214–216 was suitable for disposal in the CDF at Berths 243–245. The Port subsequently contacted the CCC (which was not represented at this CSTF meeting), which concurred with the suitability determination made at the meeting via email to Kathryn Curtis of the Port of Los Angeles (September 29, 2015, from Larry Simon).

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5.0 CONSIDERATION OF ALTERNATIVES FOR BENEFICIAL REUSE

5.1 Port Sediment Management and Beneficial Reuse Program

The Port has participated in the CSTF from its inception, was a signatory to the MOU forming the CSTF, and funded some of the CSTF efforts. The Port participated in drafting the CSTF LTMS and endorsed the CSTF goal of 100 percent beneficial reuse of contaminated sediments, which was memorialized in that document. Since the LTMS was developed, the Port has followed the decision-making processes for both clean (i.e., suitable for unconfined aquatic disposal) and contaminated (i.e., unsuitable for unconfined aquatic disposal) sediments found in the LTMS, and evaluates all feasible beneficial uses for both contaminated and clean material before considering other options. For the past several decades, the Port has managed all contaminated sediments generated by dredging activities by beneficial reuse in a variety of Port fills (i.e., CDFs) or disposal at the Anchorage Road Soil Storage Site (an upland storage site within the harbor district, which was closed in 2011).

The Port's Main Channel Deepening project, initiated in 2002, generated approximately 15 million cubic yards of both clean and contaminated sediments, all of which was utilized within the harbor to construct shallow water habitat, new land (including CDFs for the contaminated material), and a submerged storage site that is currently functioning as temporary shallow water habitat. Note that, although 800,000 cubic yards of the final phase of the Main Channel Deepening dredged material was permitted for disposal at LA-2, the Port instead utilized the material within the harbor. Over time, Port beneficial reuse activities have resulted in a net increase of 210 acres of shallow water habitat within the harbor (above and beyond the acreage of shallow water habitat created to compensate for loss of shallow water habitat associated with Port development).

While there are several potential future fills noted on the Port's Master Plan, it is important to note that neither the timing nor the execution of these fills is certain, and that their size and capacity are on a much smaller scale than previous Port fills. Moving forward, it is imperative that the Port has the ability to include ocean disposal of suitable material at the federally approved LA-2 disposal site in its toolbox of potential disposal options, with the understanding that all feasible beneficial use options must always be considered first.

5.2 Consideration of Alternatives for Beneficial Reuse of YTI Dredged Material

Using the CSTF LTMS decision tree (Figure 3-1) and fulfilling the CSTF goal of 100 percent beneficial reuse of contaminated sediments, the Port identified fill within the Berths 243–245 CDF as a beneficial reuse of the YTI dredged material deemed unsuitable for unconfined aquatic disposal (Berths 214–216 top 2 feet; approximately 5,200 cubic yards). The Port also noted the limited capacity of the CDF to accommodate additional unsuitable material and the importance of retaining that existing capacity for unsuitable material for future projects, rather that using its limited capacity for the remaining YTI material that had been deemed suitable by the CSTF for unconfined aquatic disposal.

The Port also evaluated multiple disposal alternatives for the approximately 21,800 cubic yards of suitable dredged material, once again using the LTMS decision tree (Figure 3-1). The Port determined that these sediments do not have a high enough sand content for beach replenishment and the CSTF concurred. The mean grain size of both composite samples was classified as silt; the proportion of silt in the Berths 214–216 sample was greater than 70 percent and in the Berths 217–220 sample, it was greater than 60 percent. No Port fills or other regional fill opportunities for clean material were determined to be available during the projected timeframe of the YTI project construction. Consequently, the Port recommended that the only location appropriate for material deemed suitable for unconfined aquatic disposal is LA-2.

This decision-making process was shared with the CSTF agencies in the course of coordination on the YTI sediment testing.

6.0 FEDERAL ACTIONS RELATED TO DISPOSAL OF YTI DREDGED MATERIAL AT LA-2

On December 2, 2014, the USEPA sent an email to USACE stating its formal concurrence for disposing of approximately 21,800 cubic yards of YTI dredged material, determined to be suitable for ocean disposal, at LA-2 (Appendix A).

On April 30, 2015, the USACE issued its Record of Decision on the YTI Project environment impact statement (EIS) (Appendix B). The EIS analyzed potential dredged material disposal options, including upland disposal and ocean disposal at LA-2, to cover the worst-case scenarios, depending on the suitability of the material. The Record of Decision determined that hauling the suitable dredge material to an upland landfill would result in more significant environmental impacts than would transport to LA-2.

On April 30, 2015, the USACE transmitted provisional Permit SPL-2013-00113-TS for Phase 2 of the YTI project, which authorizes the Port to "…*conduct "work" in navigable waters of the United States associated with transport of 21,800 cy of suitable (for ocean disposal) material dredged from the YTI Terminal for the purpose of ocean disposal at the LA-2 disposal site*." This Phase 2 permit has not been executed, pending resolution of the contested LARWQCB Order R4-2014-0228, which does not currently allow ocean disposal at LA-2 (Appendix C).

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7.0 EVALUATION OF NEED FOR ADDITIONAL SEDIMENT TESTING

During the December 4, 2014, LARWQCB hearing, there was discussion between the Board and staff as to whether additional toxicity and bioaccumulation testing of the Berths 214–216 bottom sediments was warranted or necessary before a final decision could be rendered. Heal the Bay had raised similar concern about the lack of additional toxicity and bioaccumulation testing on this material in a letter submitted to the LARWQCB on November 13, 2014.

As discussed in Section 4.2, the field sampling team noted that the Berths 214–216 site cores were composed of two distinct vertical strata. The surface stratum consisted of the type of fine-grained sediments that are typically encountered in the Port complex, while the bottom stratum was composed of a very stiff clay material. It was therefore concluded that the bottom clay stratum represented a native layer that was unlikely to have experienced chemical contamination from anthropogenic sources.

At the January 22, 2014, CSTF meeting, it was the consensus of the agencies that the chemistry testing conducted by the Port on the native clay material at Berths 214–216 showed the proposed dredged material to be substantially free of chemical contamination, making it suitable for unconfined aquatic disposal. The Port concurs with and supports the CSTF determination that no additional testing is warranted on the Berths 214–216 bottom dredged material

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8.0 REFERENCES

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APPENDIX A

U.S.ENVIRONMENTAL PROTECTION AGENCY EMAIL REGARDING CONCURRENCE WITH LA-2 OCEAN DREDGED MATERIAL DISPOSAL SITE

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Curtis, Kathryn

From: Lyons, Michael@Waterboards <Michael.Lyons@waterboards.ca.gov>
Sent: Monday, September 29, 2014 7:56 AM
To: Curtis, Kathryn; 'Ota, Allan'
Cc: Han, Edward; Masterson, Laura
Subject: RE: YTI permit - EPA comments for submission with December package

Thanks, Allan. This should be what I needed.

From: Curtis, Kathryn [mailto:KCurtis@portla.org]
Sent: Monday, September 29, 2014 7:53 AM
To: 'Ota, Allan'
Cc: Han, Edward; Masterson, Laura; Lyons, Michael@Waterboards
Subject: RE: YTI permit - EPA comments for submission with December package

Allan,

Thanks for taking the time to re-review the YTI project and provide the email below – much appreciated.

From: Ota, Allan [mailto:Ota.Allan@epa.gov]
Sent: Sunday, September 28, 2014 1:34 PM
To: Lyons, Michael@Waterboards; Curtis, Kathryn
Cc: Han, Edward; Masterson, Laura
Subject: RE: YTI permit - EPA comments for submission with December package
Importance: High

Hi, Michael.
Here is EPA Region 9 comments on the re-review of the YTI project, primarily focused on the sediment testing results as follows:
EPA Region 9 comments on YTI project:
Initial acute toxicity bioassay testing of the two test composites (A and B) showed significant acute toxicity in Composite Area A, therefore Composite Area A was determined to be unsuitable for ocean disposal at LA-2, while Composite Area B acute toxicity results showed these sediments were suitable (deemed "clean") for ocean disposal at LA-2.

Initial chronic toxicity (bioaccumulation) testing of the two test composites (A and B) showed elevated tissue concentrations, as follows:
1. Some metals, including Chromium, Copper, and Lead, were noted as elevated above the reference tissue values.
2. Some PAHs, including Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Chrysene, Fluoranthene, and Pyrene, were noted as elevated above reference tissue values.
3. PCB congeners, PCB 52 and PCB 138/158, were noted as elevated above reference tissue values.
Despite these elevated concentrations above reference tissue values, comparison to the USACE Environmental Residual Effects Database values for chronic toxicity (long term bioaccumulation potential) show that the elevated constituent concentrations from the YTI composite testing were not close to nor exceed chronic toxicity thresholds for long term bioaccumulation potential.

In summary, the initial pre-disposal acute toxicity bioassay testing showed that Composite Area A was not suitable for ocean disposal; in contrast, Composite Area B was determined to be suitable for ocean disposal at LA-2.

Subsequent discussions led by EPA Region 9 and RWQCB-LA District noted that core logs and core photographs suggested that there was significant difference between the top 2 foot layer and the lower sections of the cores collected in Composite Area A. As a result of the EPA's and RWQCB's recommendation at the November 20, 2013 SC-CSTF/DMMT meeting, the clay, or "bottom" portion of Composite Area A was retested for PAHs, PCB Congeners, Chlorinated Pesticides, Metals and Pyrethroids.

The retested "bottom" layer material was entirely free of all PCB Congeners, all Chlorinated Pesticides (including DDTs), and Pyrethroids above the reporting limit. Only one Pyrethroid (Permethrin-Cis/Trans) was detected, but it was reported as an estimated value (i.e. J-flagged) because it was detected below the reporting limit. This low level of Permethrin-Cis/Trans might be attributed to lab contamination because no other pesticides were detected at all, including legacy pesticides which is more prevalent throughout the port area than this newer category of pesticide. Grain size was not re-analyzed for the "bottom" layer because the archived sediment samples were frozen and subsequent analysis would potentially not be accurate (grain size samples are not frozen per standardized methodology).

Based on the low levels of metal and organic contaminants observed, the fact that only three ERL exceedances were observed (no ERM exceedances), and the low potential for bioaccumulation, confirms that the Composite Area A "bottom" layer is composed of native clay material.

After second round of higher resolution testing of the stratified layers, it appears that the Composite Area A "bottom" layer can now be included with all of the Composite Area B material as far as meeting the suitability requirements for ocean disposal at LA-2.

The remaining upper unconsolidated material from Composite Area A (the top 2-foot layer) should be placed in the Berth 243-245 Confined Disposal Facility (CDF).

Additional note about EIS/EIR review process - CDFW had asked at the January 2014 meeting whether EPA Region 9 would comment on the EIS/EIR when it was available, and the answer was affirmative; EPA Region 9 did comment on the published document which included an outdated draft sediment testing report that did not contain these updated testing results. Therefore, EPA Region 9's comments did not reflect concurrence on the "bottom" layer being suitable for ocean disposal.

Final note – While EPA has provided suitability determination as described above (i.e., upper layer of Composite Area A sediments are unsuitable and must be placed at CDF; the remaining sediments are suitable for ocean disposal at LA-2), EPA does require review of alternatives to ocean disposal to minimize ocean disposal volumes. For instance, sand is considered a valuable resource and should be beneficially re-used whenever practicable (i.e., beach nourishment). However, the suitable sediments from this YTI project, particularly in the lower sections, are noted to be predominantly fine grained in nature (i.e., 80 to 97% silt and clay), so it is left up to the project proponent to determine and propose other practicable uses, including construction fill or cover material; otherwise, ocean disposal would be accepted as practicable alternative for this relatively small volume project. Having said this for this YTI project alone, it is noted that isolated project-by-project planning for alternatives to manage sediments is difficult, and it is recommended that the Port consider integrated long term planning of all projects generating dredged material volumes in the future such that more practicable alternatives to ocean disposal are considered, planned, and developed for all sediments, sandy and fine grained.

I hope this is helpful and provides the information you need to submit your package for the December meeting. I am out of the office through Wednesday morning, and Internet connection has been challenging while on this short vacation out of town. If you have questions, I expect to be back at work Wednesday afternoon.
Best regards,
Allan

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Allan Ota
Oceanographer / Regional Ocean Dumping Program Coordinator
Dredging and Sediment Management Team
U.S. Environmental Protection Agency, Region 9
Water Division
Mail Code: WTR-2-4
75 Hawthorne Street
San Francisco, CA 94105

415-972-3476 office
ota.allan@epa.gov
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If you have more than 25 MB worth of attachments to send to me,
please contact me first by email to make arrangements to share the files.

From: Lyons, Michael@Waterboards [mailto:Michael.Lyons@waterboards.ca.gov]
Sent: Monday, September 22, 2014 9:26 AM
To: Curtis, Kathryn
Cc: Han, Edward; Masterson, Laura; Ota, Allan; Ota, Allan
Subject: RE: YTI permit

Hi all-

Allan Ota and I discussed the ocean disposal issue on Tuesday, September 16th, but that already was too late for this item to move forward for the November Board meeting.

However, the Board will be having a Board meeting on December 4th, so this item could be heard at that meeting. I will need to mail out a tentative permit for review in early October, so I will need to get a letter from Allan Ota re suitability of the dredged material for ocean disposal by the end of September.

Thanks.

Michael

From: Curtis, Kathryn [mailto:KCurtis@portla.org]
Sent: Thursday, September 11, 2014 10:59 AM
To: Lyons, Michael@Waterboards
Cc: Han, Edward; Masterson, Laura
Subject: YTI permit

Hi Michael,

I just got off the phone with Allan Ota (yay!) and he is going to review the CSTF meeting minutes from the January 2014 CSTF meeting (when all the agencies concurred on the suitability of the bottom strata of Area A and all of Area B for ocean disposal) to refresh his memory on the project. He said he would be able to get you an email by the end of this week, so it should be waiting for you when you get in next Monday. Given that, I want to confirm that you will be able to distribute the materials for public review in time to make the November Board meeting? Then, as we discussed yesterday, we'll just have to see what kind of comments you get from the likes of Heal the Bay.

We really appreciate your help with all of this – so sorry there was confusion, but I think we're closed to resolving it. If there's anything else we can do to help the process, please let us know. I will be here today and tomorrow then out next week, but Ed Han will be around on Monday if you have any last-minute questions. Have a good weekend!

Kathryn Curtis
POLA Environmental Management
Phone: 310-732-3681
Fax: 310-547-4643
kcurtis@portla.org

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APPENDIX B

U.S. ARMY CORPS OF ENGINEERS RECORD OF DECISION ON YUSEN TERMINALS INC. ENVIRONMENTAL IMPACT STATEMENT

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CESPL-RG April 30, 2015

RECORD OF DECISION

I have reviewed the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Berths 212-224 YTI Container Terminal Improvements Project, in the Port of Los Angeles, California. The EIS/EIR, prepared in compliance with the Council on Environmental Quality's *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* and U.S. Army Corps of Engineers (USACE or Corps) regulations at 33 C.F.R. Parts 320-332, assesses the impacts of implementing the proposed Project on the biological, physical, and socioeconomic environment. The EIS/EIR is hereby incorporated by reference. The USACE will proceed as indicated herein.

I. INTRODUCTION

a. Location: The Los Angeles Harbor Department's (LAHD's) proposed Berths 212-224 YTI Container Terminal Improvements Project (proposed Project) encompasses approximately 185 acres of land, which includes approximately 3.5 acres of water primarily along the east side of the channel that connects the Main Channel and the East Basin in the Port of Los Angeles (POLA), in the City of Los Angeles, Los Angeles County, California (33.7561° N, 118.2536 ° W). The proposed Project area is more specifically located on Terminal Island, and is roughly bordered by State Route 47 (Vincent Thomas Bridge) on the south, an existing dry bulk terminal to the east, the Main Channel transition to the Cerritos Channel and the Turning Basin on the west, and the Shell Marine Oil Terminal to the north.

b. Background and General Description:

1. On 15 February 2013, the LAHD applied for a Department of the Army standard individual permit.

2. The Corps and the LAHD prepared a joint EIS/EIR pursuant to the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). A Notice of Intent (NOI) to prepare an EIS/EIR was published in the Federal Register on 5 April 2013, and a joint Corps-LAHD scoping meeting was held on 23 April 2013 at the Board of Harbor Commissioners (BOHC) hearing room in San Pedro, California. A Notice of Availability (NOA) of the Draft EIS/EIR for review and comment was published by the U.S. Environmental Protection Agency (EPA) in the Federal Register on 2 May 2014, with a separate locally issued Corps public notice announcing the availability of the Draft EIS/EIR and request for public comments, receipt of application for a Department of the Army (DA) permit, and notice of a public hearing distributed by the Corps on the same date. A public hearing to solicit comments on the Draft EIS/EIR was held on 20 May 2014 at the BOHC hearing room. The public review period for the Draft EIS/EIR ended on 16 June 2014. Responses to all comments

received were prepared, and were fully considered in preparing the Final EIS/EIR. A NOA of the Final EIS/EIR was published in the Federal Register by the EPA on 17 October 2014. The Corps also distributed a separate local public NOA for the Final EIS/EIR on 17 October 2014. The Final EIS/EIR was made available for public review until 17 November 2014. Comments received on the Final EIS/EIR[1], and responses to them, are provided in Appendix A and B to this Record of Decision (ROD). The BOHC held a public hearing on 16 October 2014, and certified the EIR at a second public hearing on 7 November 2014.

3. The proposed Project, as evaluated in the EIS/EIR, includes jurisdictional work and structures, and non-jurisdictional upgrades to the existing backlands on approximately 160 acres of the 185-acre terminal (181 acres comprise the YTI terminal, four acres comprise the Terminal Island Container Terminal Facility (TICTF) area that services the YTI terminal), and approximately 3.5 acres of underwater benthic area comprises the proposed wharf improvement and dredging areas. Proposed improvements to the terminal would consist of ground repairs and maintenance activities involving slurry sealing, deep cold planing, asphalt concrete overlay, construction of approximately 5,600 linear feet of concrete runways for cranes, restriping, and possible removal/relocation/modification of underground conduits and pipes, as needed to accommodate the repairs. Expansion of the TICTF on-dock rail yard would include the addition of a single 3,200-linear-foot rail loading track, including two turnouts, and reconstruction of a portion of the backlands to accommodate the rail expansion. This improvement would also include grading, paving, lighting, drainage, utility relocation and modifications, striping, relocation of an existing fence, and third party utility modifications, relocations, or removals, as needed. Under the proposed Project and at optimal throughput capacity, the improved YTI terminal could handle approximately 1,913,000 TEUs and 206 ship calls per year by end of the lease term (2026). The YTI terminal may handle lower TEU volumes than those described as a result of market conditions; however, an estimate of cargo container throughput based on optimal terminal capacity and efficiency ensures a conservative analysis and that all reasonably foreseeable proposed Project impacts are evaluated. Activities which require DA authorization include the following:

<u>Dredging and Wharf Upgrades</u>
<u>Berths 214-216</u>
Approximately 21,000 cubic yards (cy) of dredging to increase the depth from -45 to -53 feet Mean Lower Low Water (MLLW) (with an additional two feet of overdredge depth, for a total depth of -55 feet MLLW). To complete the dredging, approximately 1.7 acres of underwater benthic area would be impacted by dredging activities. Within this 1.7 acre underwater area, approximately 1,400 linear feet of sheet piles and king piles would be installed to accommodate the dredging activities and to support and stabilize the existing wharf structure. The king piles would be installed to a base depth of approximately 35 feet below the mudline and the base of the sheet piles would be approximately 15 feet below mudline. The tops of the king piles and

[1] Includes comment letters and e-mails sent to the Los Angeles Board of Harbor Commissioners for their consideration during their Final EIR certification hearings on October 16, 2014 and November 7, 2014 which coincided with the Corps 30-day FEIS availability period.

sheet piles would extend slightly above the mudline.

Berths 217–220

Approximately 6,000 cy of dredging to increase the depth from -45 to -47 feet MLLW (with an additional two feet of overdredge depth, for a total depth of -49 feet MLLW). To complete the dredging, approximately 1.7 acres of underwater benthic area would be impacted by dredging activities. Within this 1.7 acre underwater area, approximately 1,200 linear feet of sheet piles would be installed to approximately 15 feet below the mudline to accommodate the dredging activities and to support and stabilize the existing wharf structure.

Dredged Material Disposal

The LAHD would dispose of approximately 5,200 cy of unsuitable dredged material at the Corps-approved Berths 243-245 confined disposal facility (CDF, Corps Permit No. SPL-2008-00662-AOA) and approximately 21,800 cy of suitable dredged material at the LA-2 ocean disposal site.

Crane Installation and Modification

Currently there are 14 cranes (10 operating) at the YTI terminal. Under the proposed Project there would be up to 14 operating cranes of similar size, and two non-operating cranes. The proposed Project includes raising and increasing the over-water reach of some of the existing cranes and replacing some existing cranes with super post Panamax cranes[2]. The four existing largest super post Panamax cranes (cranes 5–8) would remain and would not be modified. Up to six existing cranes (1–4 and 9–10) would be raised, and the booms would be extended to match the size of cranes 5-8 to accommodate loading and unloading of 22-container-wide cargo vessels. Up to four new super post Panamax cranes would be added at Berths 217-220. The existing non-operating cranes (11 and 12) would be moved to the far end of Berths 217-220 and would be stored in non-operable status. Additionally, non-operating cranes P18 and P19 would be relocated off site and maintained in non-operable status.

Wharf Crane Rail Extension

The existing 100-foot gauge landside crane rail which extends from Berths 212–216 would be extended by approximately 1,500 feet to accommodate the energy needs of the existing and proposed 100-foot gauge cranes at Berths 217–220. This crane rail would be installed within approximately 100 feet from the wharf edge. This crane rail extension would involve installation of approximately 65, 24-inch diameter, 90-foot long octagonal concrete piles driven into the ground to support rail extension. The waterside crane rail is already in place.

Construction Schedule

The proposed Project would be constructed in two phases over approximately 22 months, with Phase I expected to take approximately 12 months beginning in mid 2015, and Phase II expected

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[2] Super post Panamax refers to the largest modern container cranes that are used for vessels of about 22 or more containers wide (too large/wide to pass through the Panama Canal), and can weigh 1600–2000 metric tons.

to take approximately 10 months beginning in mid 2016. During construction, the terminal would remain in operation.

4. Aspects of the proposed Project that require a Department of the Army permit consist of:

- Dredging to increase design depths
- Wharf upgrades consisting of sheetpile and king pile installation
- Dredged material disposal
- Crane installation and modification
- Wharf crane rail extension. This improvement involves only the landside rail because the dockside rail is existing. This crane rail would be installed within approximately 100 feet from the wharf edge. The landside crane rail extension is being considered within the Corps scope of analysis because the crane rail extension is required to support, move and power the overwater cranes and thus directly related to jurisdictional structures; however no work in waters of the U.S. would occur as a result of this construction activity.

The proposed construction activities, described in section 3 above, except the landside crane rail extension, would require authorization pursuant to section 10 of the Rivers and Harbors Act (RHA). The transport of suitable dredged material for purposes of disposing of it in ocean waters at LA-2, require authorization from the Corps and concurrence from the EPA pursuant to section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA). Disposal of unsuitable dredged material at the Berths 243-245 CDF was previously authorized by the Corps under section 10 of the RHA and section 404 of the Clean Water Act (File No. SPL-2008-00662-AOA); therefore disposal of dredged material at this disposal site requires no further action by the Corps.

c. Purpose and Need:

1. The purpose of the proposed Project is to improve maritime shipping and commerce to accommodate existing and projected growth in the container cargo industry at POLA by upgrading container terminal infrastructure to optimize the terminal's cargo handling efficiency and ability to service the vessel fleet mix including the largest container ships (up to 13,000 TEU) through the end of the proposed lease term in 2026.

2. The need for the proposed Project is to upgrade in- and over-water, water-side and upland containership berthing and container cargo handling facilities and equipment, and expand on-dock rail to improve and accommodate projected growth in goods movement at the YTI terminal through the end of the proposed lease term in 2026. The maritime cargo industry is projected to grow in volume during the next 10 to 20 years, with an increase in the size and number of ships that regularly call at POLA (see Section 1.2.2 in the EIS/EIR). The infrastructure needed to serve new, larger ships is not currently available at the YTI terminal and

is necessary for POLA to accommodate demands in the goods movement industry.

II. DECISION

For the reasons outlined below, the proposed Project, as described in LAHD's 15 February 2013 DA permit application, is the alternative that best meets the purpose and need of the project and will have the least impact on the human and aquatic environment. The Corps will insure that the commitments within our federal control and responsibility and special conditions in the DA permit will be implemented as part of the Project design and construction.

Based upon a careful consideration of all the social, economic, and environmental impact evaluations contained in the Final EIS/EIR; the input received from other agencies, organizations, and the public; and the factors and project commitments outlined below, it is my decision to issue a DA permit authorizing work and structures (dredging and wharf improvements, four larger cranes) in/over/under navigable waters, and disposal of dredged material at the Berths 243-245 confined disposal facility (CDF) and LA-2 associated with the proposed Project. The proposed Project would be constructed over approximately 22 months, in two phases. All jurisdictional project elements, including all of the proposed dredging, would be constructed during the first phase, and transport of suitable dredged material to LA-2 would occur during the second phase provided LA-2 disposal is found to be consistent with the Coastal Zone Management Act by the California Coastal Commissions' Office of Federal Consistency. The proposed Project includes the following regulated activities:

<u>Dredging and Wharf Upgrades</u>

Berths 214-216

Approximately 21,000 cy of dredging to increase the depth from -45 to -53 feet MLLW (with an additional two feet of overdredge depth, for a total depth of -55 feet MLLW). Approximately 1,400 linear feet of sheet piles and king piles would be installed to accommodate the dredging activities and to support and stabilize the existing wharf structure. The king piles would be installed to a base depth of approximately 35 feet below the mudline and the base of the sheet piles would be approximately 15 feet below mudline. The tops of the king piles and sheet piles would extend slightly above the mudline.

Berths 217–220

Approximately 6,000 cy of dredging to increase the depth from -45 to -47 feet MLLW (with an additional two feet of overdredge depth, for a total depth of -49 feet MLLW). Approximately 1,200 linear feet of sheet piles would be installed to approximately 15 feet below the mudline to accommodate the dredging activities and to support and stabilize the existing wharf structure.

<u>Cranes</u>

Currently there are 14 cranes (10 operating) at the terminal. Under the proposed Project there would be up to 14 operating cranes and two non-operating cranes. The proposed Project includes

raising and increasing the over-water reach of some of the existing cranes and replacing some existing cranes with super post Panamax cranes. The four existing super post Panamax cranes (cranes 5–8) would remain and would not be modified. Up to six existing cranes (cranes 1–4 and 9–10) would be raised, and the over-water reach would be extended to match the size of the four existing super post Panamax cranes to accommodate loading and unloading of 22-container-wide cargo vessels. Up to four new super post Panamax cranes would be added at Berths 217-220. The existing non-operating cranes (cranes 11and 12) would be moved to the far end of Berths 217-220 and would be stored in non-operable status. Additionally, non-operating cranes (cranes P18 and P19) would be relocated off site and maintained in non-operable status.

Dredge Material Disposal

The LAHD's permit application proposes disposal of 5,200 cy of unsuitable dredged material at the Berths 243-245 CDF, and transport of 21,800 cy of suitable dredged material for the purpose of disposal at the LA-2 offshore dredged material disposal site.

Wharf Crane Rail Extension

The existing 100-foot gauge landside crane rail at Berths 212–216 would be extended by approximately 1,500 feet to accommodate the energy needs of the existing and new 100-foot gauge cranes at Berths 217–220. This would involve installation of approximately 65, 24-inch diameter, 90-foot long octagonal concrete piles driven into the ground to support the landside crane rail extension. The waterside crane rail is already in place.

III. ALTERNATIVES CONSIDERED

As part of the preparation of the Draft EIS/EIR, the Corps and LAHD initially considered six project alternatives, including the applicant's proposed Project and three dredged material disposal alternatives; three project alternatives were carried forward for analysis (see EIS/EIR Section 2.9.1 and Section VII(a)(7) below).

Of the six alternative originally considered, three reduced project alternatives (Berths 214-216 only; 12 operational cranes only; proposed project with expanded on-dock rail[3]) were not carried forward for detailed analysis based on early determinations by the USACE in coordination with LAHD that they would not meet the stated objectives or project purpose, and would not avoid or substantially reduce any significant environmental impacts including impacts to waters of the U.S. (see EIS/EIR Section 2.9.2).

Reduced Project - Berths 214-216 Only: Under this alternative, dredging and associated pile driving would only occur at Berths 214-216. There would be no improvements to Berths 217-220 and it would not become operational. This alternative would result in two operational berths, similar to current conditions at the terminal. There would be no crane replacements or

[3] This expanded rail alternative would require all projected cargo throughput increases to be transported on the rail system which would require considerable expansion of the TICTF and other rail lines, well beyond the proposed Project site.

modifications at Berths 217-220 and no dredging or wharf improvements would occur at Berths 217-220. The 100-foot gauge landside crane rail would not be extended at Berths 217-220. Although Berths 214-216 would be deep enough to accommodate ships up to 13,000 TEUs, expansion of the TICTF would not take place because with only two operating berths, the peak throughput could be efficiently handled by the existing TICTF capacity. Backlands improvements consisting of routine ground repair and maintenance would occur, similar to the proposed Project.

This alternative was eliminated from further consideration due to operational infeasibility for the terminal. In order to construct the improvements at Berths 214-216, operation of the berth would cease for a period of approximately 10 months. This would leave YTI with only one operating berth (Berths 212-213) for the duration of construction. The single remaining berth, Berths 212-213, could not accommodate the ships currently calling at Berths 214-216, and this business would be lost for the entire construction period, and potentially longer because the shipping lines would call elsewhere. This situation would not occur under the proposed Project because improvements to Berths 217-220 would occur first, allowing for that berth to become operational at the same time that Berths 214-216 are taken out of service for construction. This would then enable construction to occur at Berths 214-216 without substantially disrupting the terminal operations.

Also, this alternative would not achieve the overall project objective of optimizing the container-handling efficiency and capacity of the Terminal. Dredging at both Berths 214-216 and 217-220 is needed to accommodate the fleet mix expected to call at the terminal through 2026. Accordingly, this alterative was eliminated from further consideration in the EIS.

Reduced Project – 12 Operational Cranes: This alternative would increase the number of operational cranes from 10 operational cranes under existing conditions to 12 operational cranes under this alternative (compared with 14 operational cranes under the proposed Project). All other proposed Project elements, including the dredging and wharf improvements at Berths 214-216 and Berths 217-220, the modification or replacement of eight cranes, the crane rail extension, and the backland and TICTF improvements would all occur, similar to the proposed Project.

This alternative was eliminated from further consideration in the EIS because it would not substantially reduce significant adverse impacts, including impacts to waters of the U.S., compared to the proposed Project. Delivery of two new cranes to replace non-operational cranes instead of delivery of four new cranes to replace non-operational cranes would have minimal impacts on construction-related emissions because delivery of either two or four cranes would be accomplished with one shipment. The majority of emissions come from transporting the cranes to the terminal. All other construction-related impacts would be similar to the proposed Project. Operationally, there would be minimal reductions in electricity use with the operation of 12 cranes instead of 14 because electricity use generally corresponds to the number of hours that equipment is in use, not the number of physical pieces of equipment that exist at the terminal. Operation of 12 cranes would result in increased usage of those 12 cranes to handle the same throughput as otherwise would have been handled by 14 cranes. The capacity and throughput of

the terminal would be the same as under the proposed Project and therefore all other operations would be identical to the proposed Project.

Reduced Project – Proposed Project with Expanded On-Dock Rail: The Southern California Air Quality Management District (SCAQMD) submitted a comment letter on the NOP/NOI for the proposed Project which suggested a project alternative that would move all cargo throughput increases above the baseline level of 996,109 TEUs via on-dock rail. This suggested alternative assumes that all of the components of the proposed Project would occur, in addition to expanded use of on-dock rail.

The LAHD's goal is to maximize on-dock rail in accordance with the Port's Rail Policy. Accordingly, the Port's intermodal capacity and utilization model assumes that the use of on-dock rail will be maximized. Additional on-dock use beyond the volumes presented in Section 2.6 of the EIS is not likely to be achieved.

First, there is a physical limit to the capacity of the rail network between the on-dock yards and the Alameda Corridor, especially for on-dock yards on Terminal Island. Port rail infrastructure and the rail infrastructure between the marine terminals and the Alameda Corridor are inadequate to maintain the level of service required to handle increased cargo volumes.

Second, not all intermodal cargo can be placed on trains at on-dock facilities in the marine terminals. For instance, if there are not enough containers unloaded from a ship that are going to the same destination to make a full train at an on-dock rail yard, the containers are sent to a near-dock or off-dock facility to be mixed with containers from the other marine terminals that are bound for the same destination. This activity is not performed at an on-dock location to avoid delaying cargo to wait for a full trainload. Near- and off-dock facilities are more suited to this type of container staging because their larger size and ability to handle cargo from multiple marine terminals allow for a greater number of destinations and more frequent schedules. Currently about 25 percent of Port-wide cargo throughput passes through on-dock rail facilities and 5 percent through near-dock rail facilities. However, the mode split at individual terminals can vary. The YTI Terminal transports a relatively high percentage of containers via on-dock rail compared to the Port as a whole. Mode splits at the YTI Terminal are presently 35 percent through the TICTF, and 5 percent through near-dock rail facilities. This indicates that YTI has already maximized use of its on-dock rail facilities compared with many other terminals.

Third, not all cargo can be transported by rail. The majority of the cargo passing through the terminals at the Port of Los Angeles is destined for locations that are not served by rail. Rail infrastructure does not and cannot reach the myriad of local destinations that can be accessed only by truck, including most warehouses, retail establishments, construction sites and other locations where intermodal goods passing through the Port are delivered.

In summary, this alternative is operationally infeasible because (1) maximizing on-dock rail is already a commitment in the Port's rail policy and the Project analyses assume that the use of on dock rail will be maximized; (2) intermodal facilities outside the terminal would be required to substantially increase on dock rail use beyond the usage estimated for the Project; (3) the mode of transport of containers is based on the destination or origin of the product being transported,

which is dictated by market demands and is in no way under the control of YTI; and (4) rail infrastructure does not reach most of the destinations where intermodal goods are delivered. Therefore, this alternative was eliminated from further consideration in the EIS.

Alternatives carried forward and analyzed in the Draft EIS/EIR included the proposed Project and three alternatives (No Project, No Federal Action, Berths 217-220 only), and three dredged material disposal alternatives. Dredged material disposal alternatives apply to each of the Project alternatives and these are the Berths 243-245 CDF, ocean disposal at LA-2, and inland disposal at the Kettlemen City landfill (Kings County, California, 35° 57′ 44.64″ N, 120° 0′ 36.72″ W).

The actions that would take place under each alternative are described below and discussed in detail in Section 2.9 of the EIS/EIR, and in Section IV of this ROD below.

Proposed Project: The proposed Project involves industrial uses similar to existing conditions. Specifically, the proposed Project elements align along several categories:

- Dredging and disposal of dredged material
- Structural wharf improvements
- Cranes and associated infrastructure improvements to support crane use and structural stability
- On-dock rail expansion

The entirety of the proposed Project is described above and in greater detail in Chapter 2 of the EIS/EIR and Section I(b) of this ROD above.

Alternative 1-No Project: Alternative 1 is required to be analyzed under CEQA. Under this alternative, LAHD would not issue any permits or discretionary approvals, and would not take further action to construct or permit the construction of any portion of the proposed Project. This alternative eliminates all of the upland, and in-, over- and under-water project elements that would require a DA permit, as well as construction activities deemed to be within the federal control and responsibility of the Corps (i.e., landside crane rail extension and construction activities within 100 feet of water's edge). Under this alternative, the existing terminal could continue to be used by cargo ships similar to existing conditions and under existing growth projections. This alternative would not expand the TICTF or any backland infrastructure of the terminal, and operation of the terminal would continue similar to existing conditions because existing infrastructure is adequate to handle existing and projected cargo movement on peak days. Under this alternative the existing lease would expire in 2016 and would not be extended to 2026. Updated mitigation measures and Best Management Practices described in the EIS/EIR would not be required or implemented.

Alternative 2-No Federal Action: Alternative 2 is required to be analyzed under NEPA. The No-Federal-Action Alternative eliminates all of the in-, over- and under-water project elements that would require a DA permit, as well as construction activities deemed to be within the federal control and responsibility of the Corps (i.e., landside crane rail extension and construction activities within 100 feet of water's edge). Under this alternative, the existing terminal could continue to be used by cargo ships similar to existing conditions and under existing growth projections. This alternative would allow upgrades to backlands and expansion of the TICTF, which the Corps determined was outside its federal control and responsibility. Operation of the terminal would continue similar to existing conditions; however the TICTF expansion would not likely occur because it would not be needed and existing infrastructure is adequate to handle cargo movement on peak days. Under this alternative the updated mitigation measures and Best Management Practices associated with work and structures in, over and under water including Corps special conditions and EPA mandatory site use conditions (for dredged material disposal at LA-2) would not be required or implemented.

Alternative 3-Reduced Project Berths 217-220 Only: This alternative is similar to the proposed Project except that no dredging, crane, or structural wharf improvements would take place at Berths 214-216. Backlands and TICTF improvements would be constructed under this alternative similar to the proposed Project, and dredged material would be disposed at the CDF or LA-2, similar to the proposed Project. The projected annual cargo throughput under this alternative would be the same as for the proposed Project; however, there would be approximately 232 annual ship calls compared to 206 annual ship calls by 2026 under the proposed Project. This alternative would result in more ship calls because the largest (13,000 TEU) ships in the fleet could not be accommodated or serviced at the YTI terminal due to the absence of a -53 MLLW berth. Under this alternative there could be up to five peak day ship calls over a 24 hour period, compared to four under the proposed Project. Under this alternative the existing lease would be extended to 2026 and Under updated mitigation measures and Best Management Practices associated with work and structures in, over and under water including Corps special conditions and EPA mandatory site use conditions (for dredged material disposal at LA-2) would be required.

IV. EVALUATION OF ALTERNATIVES

The direct, indirect, and cumulative impacts associated with the proposed Project and the other alternatives are included in the Final EIS/EIR. The evaluation of Project alternatives assessed under NEPA is discussed below.

(1) Proposed Project: The proposed Project as described in Section II above would result in a continuation of cargo handling operations with improved equipment and infrastructure through the end of the proposed lease term (2026). The proposed Project would result in significant and unavoidable impacts on air quality and meteorology, and biological resources. There would also be cumulatively considerable and unavoidable contributions to a cumulative impact after mitigation to: air quality and meteorology, biological resources, and noise (NEPA

and CEQA), and also aesthetics and greenhouse gas emissions (CEQA). As described in Section 5 of the Final EIS/EIR (Environmental Justice), the low income and minority populations in San Pedro and Wilmington would be disproportionally adversely affected by Project-related direct, indirect and cumulative impacts, and may experience an increased incidence of chronic respiratory symptoms as well as lifetime cancer risk, chronic non-cancer hazards, and acute non-cancer hazards. Under the proposed Project, mitigation measures and Best Management Practices described in each resource section of the Final EIS/EIR and LAHD's final staff report to the BOHC, and some modernized equipment would be implemented and monitored by the LAHD through the end of the lease term (2026), and the conditions in the DA permit would focus on construction and dredged material disposal activities affecting waters of the U.S. and would be monitored through the construction period by the Corps, EPA and LAHD..

(2) Alternative 1-No Project: Alternative 1 would result in a continuation of cargo handling operations with existing equipment and infrastructure and none of the proposed Project elements would be constructed. Under this alternative there would be significant and unavoidable impacts in the following resource areas: biological resources (Impact BIO-4, section 3.3 of the EIS/EIR). Biological resources impacts were deemed significant and unavoidable under this alternative because cargo ships would continue to call at the terminal under the existing lease terms and could introduce invasive aquatic species via ballast water discharges or as a result of hull fouling when ships are at berth. There would also be cumulatively considerable and unavoidable contributions to a cumulative impact after mitigation to: air quality and meteorology, biological resources (NEPA and CEQA), and also greenhouse gas emissions (CEQA). In addition, low income and minority populations in San Pedro and Wilmington would be disproportionally adversely affected by ongoing direct, indirect and cumulative impacts as a result of continued operations through the end of the existing lease term (2016), and may experience an increased incidence of chronic respiratory symptoms as well as lifetime cancer risk, chronic non-cancer hazards, and acute non-cancer hazards because special conditions, updated mitigation measures and modernized equipment would not be required, implemented or monitored by the LAHD or the Corps. There would be fewer environmental impacts overall, compared to the proposed Project because no new construction activities would take place. However, existing growth projections in cargo throughput may be realized through the end of the existing lease term in 2016, depending on market conditions. This alternative would not increase the value of deep-water berths at the YTI terminal or accommodate projected growth in the maritime cargo industry in POLA, nor would any updated LAHD mitigation measures and Best Management Practices, or Corps special conditions be required or implemented.

(3) Alternative 2-No Federal Action: Alternative 2 would result in a continuation of cargo handling operations with existing equipment and infrastructure, with some backland improvements that require local authorization but do not require a DA permit, such as repaving and other landward maintenance actions. Under this alternative, the TICTF expansion would not take place because its capacity is adequate to handle existing and projected cargo throughput. Under this alternative there would be no direct or indirect impact to aquatic resources within the Los Angeles Harbor or in backland areas deemed to be within the federal control and

responsibility of the Corps. However, there would still be significant and unavoidable cumulative impacts to air quality and meteorology, biological resources, and disproportionate impacts on low income and minority communities as a result of continued terminal operations. Low income and minority populations in San Pedro and Wilmington would be disproportionally adversely affected by ongoing direct, indirect and cumulative impacts as a result of continued operations through the end of the existing lease term (2016), and may experience an increased incidence of chronic respiratory symptoms as well as lifetime cancer risk, chronic non-cancer hazards, and acute non-cancer hazards because special conditions, updated mitigation measures and modernized equipment would not be required, implemented or monitored by the LAHD or the Corps. There would be fewer environmental impacts overall because there would be no construction-related impacts to waters of the U.S. from dredging or dredged material disposal, wharf improvements, or overwater cranes, compared to the proposed Project. However, existing growth projections in cargo throughput may be realized through the end of the existing lease term in 2016, depending on market conditions. This alternative would not increase the value of deep-water berths at the YTI terminal or accommodate projected growth in the maritime cargo industry in POLA, nor would any updated LAHD mitigation measures and Best Management Practices, or Corps special conditions be required or implemented.

(4) Alternative 3-Reduced Project Berths 217-220 Only: Alternative 3 is similar to the proposed Project in that backland improvements and TCTIF expansion would occur, dredging and wharf improvements would occur, the lease term would be extended to 2026, four new super post Panamax cranes would be installed, and a similar TEU throughput (compared to the proposed Project) could be achieved by the end of the lease term. Similar to the proposed Project, there would be significant and unavoidable impacts in the following resource areas: air quality and meteorology and biological resources (NEPA and CEQA). There would also be cumulatively considerable and unavoidable contributions to a cumulative impacts after mitigation to: air quality and meteorology, biological resources, noise (NEPA and CEQA), and also aesthetics and greenhouse gas emissions (CEQA). While Alternative 3 would have fewer environmental impacts for some resources than the proposed Project, it would not support the projected fleet mix, including 13,000 TEU vessels, and it would result in 232 annual ship calls by the end of the lease term (2026) compared to 206 ship calls under the proposed Project. Additional ship calls under this alternative would result in greater air emissions from ocean going vessels than the proposed Project. As a result of greater air emissions than the proposed Project, this alternative would also disproportionally adversely affect low income and minority communities in San Pedro and Wilmington. Low income and minority populations in San Pedro and Wilmington would be disproportionally adversely affected by direct, indirect and cumulative impacts as a result of continued operations through the end of the proposed lease term (2026), and may experience an increased incidence of chronic respiratory symptoms as well as lifetime cancer risk, chronic non-cancer hazards, and acute non-cancer hazards under this alternative. Similar to the proposed Project, mitigation measures and Best Management Practices described in each resource section of the EIS/EIR and LAHD's final staff report to the BOHC, and some modernized equipment would be implemented and monitored by the LAHD through the end of the proposed lease term (2026), and the Corps special conditions and EPA mandatory site use conditions (for ocean disposal of dredged material) in the DA permit would focus on

construction and dredged material disposal activities affecting waters of the U.S. and would be monitored through the construction period by the Corps, EPA and LAHD.. However, due to the lack of a deepwater (-53 MLLW) berth under this alternative, Alternative 3 would not meet the project purpose or need; specifically it would not increase the value of deep-water berths and would not accommodate the vessel fleet mix expected to call in POLA in the future.

V. IDENTIFICATION OF THE ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The Environmentally Preferable Alternative is that alternative that would most closely fulfill the national environmental policy found in section 101 of NEPA. Essentially, it is the alternative that would cause the least damage to the biological and physical environment; it also means the alternative that would best protect, preserve, and enhance historic, cultural, and natural resources. Absent any consideration of the ability of alternatives to achieve the purpose and need of the proposed Project, I find that due to avoidance of: dredging and structural wharf improvements, overwater structures, ocean disposal of dredged material at LA-2, and installation of wharf improvement structures (cranes, king piles, sheet piles) in-, over and under navigable waters of the U.S., the No-Federal-Action Alternative (Alternative 2) is the Environmentally Preferable Alternative.

The reason for selecting the proposed Project over the No-Federal-Action Alternative (Alternative 2) and the Reduced Project Alternative (Alternative 3) is based on the ability to achieve the project purpose of increasing the number of deep-water berths to accommodate existing and projected growth in the container cargo industry in POLA. While the No-Federal-Action Alternative would be less environmentally damaging than the proposed Project from an aquatic ecosystem perspective (i.e., no work (dredging) or structures (wharf improvements, cranes), ocean disposal of dredged material), the project purpose and need would not be met because Alternative 2 would not meet anticipated long-term forecasted maritime cargo industry needs. Importantly, none of the socioeconomic benefits (direct and indirect jobs, local and regional economic activity), LAHD mitigation measures and Best Management Practices, or Corps special conditions and EPA mandatory site use conditions for ocean disposal of dredged material would be required or implemented. The LAHD mitigation measures and Best Management Practices are typically included in the lease agreements between the LAHD and the terminal tenant when terminal upgrades such as proposed Project are approved. As such, under Alternative 2 the lease would not be extended to 2026 and the lease terms and associated mitigation requirements described in the Final EIS/EIR would not be required or implemented. In contrast, the proposed Project would fulfill the project purpose and need, it would meet the forecasted increases in container cargo throughput, ship calls, and ship size; and, mitigation measures/special conditions/mandatory site use conditions and Best Management Practices to reduce environmental and public health impacts would be required, implemented and monitored through the end of the lease term (2026). For a more detailed analysis of the Project-specific and cumulative impacts associated with the above alternatives, please refer to Sections 3 and 4, respectively, of the EIS/EIR.

VI. MEASURES TO AVOID AND MINIMIZE ENVIRONMENTAL HARM

The mitigation measures to avoid and minimize impacts to the environment are summarized in the Executive Summary and discussed in detail for each resource in Section 3 of the EIS/EIR. It is recognized that the LAHD, as the local agency with continuing program responsibility over the entire project throughout the proposed lease term (2026), will implement, maintain, and monitor the full suite of mitigation measures identified in the 7 November 2014 certified EIR, pursuant to the proposed Project's Mitigation Monitoring and Reporting Program (MMRP) (LAHD, 2014). Special conditions the Corps has determined enforceable and subject to our continuing program responsibility, and EPA mandatory site use conditions for ocean disposal of dredged material at LA-2 are included in the DA permit and Section VII of this ROD.

VII. DETERMINATIONS AND FINDINGS

a. Status of Other Authorizations and Legal Requirements:

(1) Water Quality Certification: The LAHD's permit application to the Corps and RWQCB proposes dredging and disposal of 5,200 cy of unsuitable dredged material at the Berths 243-245 CDF, and transport of 21,800 cy of suitable dredged material for the purpose of ocean disposal at the LA-2 ocean disposal site. These disposal alternatives and inland disposal (Kettlemen City landfill via haul trucks) were evaluated in the EIS/EIR. The interagency Dredged Material Management Team/Contaminated Sediments Task Force (DMMT/CSTF[4]) also reviewed the sediment characterization report in which sediment to be dredged was tested, re-tested and characterized in accordance with the EPA's Ocean Disposal Manual. Although the DMMT/CSTF unanimously determined that 21,800 cy of dredged material was suitable for ocean disposal at LA-2 and EPA provided concurrence to the Corps for this action, the RWQCB in its hearing on 4 December 2014 required 100 percent beneficial re-use of all dredged material and authorized only CDF disposal for the entire 27,000 cy of dredged material under section 401 of the Clean Water Act (water quality certification, WQC) and the California Porter-Cologne Water Quality Control Act (Waste Discharge Requirement, WDR). The LAHD appealed the RWQCB's decision to the State Water Resources Control Board (SWRCB).

It is the Corps' position that the WQC and WDR issued for the proposed Project only applies to dredging and disposal activities, and discharges that would take place in state waters (in this case, the dredging sites and the CDF), as interpreted by the RWQCB under section 401 of the Clean Water Act. It is the Corps' position that neither of the RWQCB's federal Clean Water Act or state authorities applies to federal actions evaluated under section 103 of the MPRSA. As such, this ROD and the DA permit would include Corps special conditions and EPA's mandatory

[4] The DMMT/CSTF member agencies include: EPA, Corps, NMFS, FWS, California Coastal Commission, RWQCB.

site use conditions which are applicable to the transport of dredged material for the purpose of ocean disposal at LA-2, and are required to minimize impacts to waters of the U.S. during dredging and disposal activities.

(2) Coastal Zone Management Act (CZMA) Consistency Determination: The LAHD obtained a locally issued Coastal Development Permit on February 18, 2015 pursuant to the LAHD's California Coastal Commission (CCC) approved Harbor Master Plan, and received CZMA concurrence on 20 February 2015. However, the permit and concurrence did not include ocean disposal at LA-2. Consequently, the LAHD has not demonstrated CZMA compliance for ocean disposal at LA-2.

(3) Compliance with Section 106 of the National Historic Preservation Act (NHPA): The Corps requested a Sacred Lands file search from the Native American Heritage Commission (NAHC) and received a list of Native American tribal representatives and negative sacred lands finding (NAHC letter dated 22 April 2014). The Corps notified Native American tribal representatives by letter dated 9 May 2014 of the EIS/EIR availability and encouraged to contact the Corps with information on cultural resources that may be affected by the project. The California State Historic Preservation Officer (SHPO) also received a copy of the draft EIS/EIR from the LAHD (via the State Clearinghouse) and was notified by the Corps via a locally issued public notice and a nationally issued public notice in the *Federal Register*. No comments from Native American tribal representatives or the SHPO were received in response to the EIS/EIR or our letter/public notices. In addition, prior to receipt of a DA permit application and as required by CEQA, the LAHD's consulting cultural resources specialist conducted a California Historic Resources Information System (CHRIS) records search. The LAHD also requested a Sacred Lands File search, and a Native American contact list from the NAHC and information on potential sacred sites. The NAHC response to LAHD similarly indicated that no sacred or other resources of concern have been previously recorded in the project area. Letters were sent from LAHD to the Native American representatives on the NAHC list, similar to the Corps process. No responses from Native American representatives were received by the LAHD.

In a letter to the SHPO dated 4 November 2014, the Corps determined "no historic properties affected" as a result of the undertaking; this was later considered reconsidered because the Vincent Thomas Bridge is eligible for listing on the National Register of Historic Places (NRHP) and is adjacent to the YTI terminal (to the south). The undertaking is the issuance of a DA permit for actions that would occur in the permit area. The Area of Potential Effect (APE) for this undertaking is the permit area (33 CFR 325 Appendix C).

In response, the SHPO requested additional information including (1) general information about the undertaking, (2) contact information for the Corps and the LAHD, (3) a description of the undertaking and the APE, (3a) a description of ground disturbing activities, (4) identification of historic properties, and (5) finding of effect (electronic mail from the SHPO dated 10 November 2014).

In a letter to the SHPO dated 26 November 2014, the Corps provided the information requested

by the SHPO in their 10 November 2014 electronic mail message, including several exhibits (a cultural resources records search, the cultural resources section from the Final EIS/EIR, and scaled topographic maps of the permit area as defined in 33 CFR 325 Appendix C). We also revised our previous finding regarding the Vincent Thomas Bridge to "no adverse affect to historic properties" due to the four additional cranes that would be installed as part of the project.

In response, the SHPO requested additional information including further historic property identification in the APE (which SHPO concluded should be the entire YTI terminal area to comply with 36 CFR 800), information on cultural resources across all of Terminal Island (in accordance with a finding made by the National Trust for Historic Preservation as one of the "11 Most Endangered Historic Places" (2012), and the Ferryboat Sierra Nevada which may not have been evaluated for eligibility for listing on the NRHP (letter dated December 26, 2014).

In a letter to the SHPO dated 15 January, 2015, the Corps reiterated that the permit area/APE for the undertaking was provided in our letter of 26 November 2014 and scaled maps of the permit area were resubmitted. The Corps also provided a copy of the LAHD report *The Built Environment Evaluation Report for Properties on Terminal Island, Port of Los Angeles, City and County of Los Angeles, California* (LAHD 2011)[5]. This report describes sites on Terminal Island which were determined to be ineligible for listing or listing consideration because of recent construction activities that have substantially altered the integrity of the structures; it also provided eligibility information for sites that still occur on Terminal Island but that are outside the permit area for this undertaking. This report also described demolition of structures immediately following World War II on the YTI terminal site, and substantial soil remediation effort that took place at the YTI terminal as a result of soil contamination from shipyard uses during World War II. These actions substantially and adversely affected the integrity of any remnant cultural resources at the YTI terminal site. The Corps also provided information on the Ferryboat Sierra Nevada which sank in 1978 in the Pier 300 area (over one mile from the APE/permit area and undertaking; a map of the location where this boat sank was provided as an exhibit). Information on the Ferryboat Sierra Nevada was also provided; specifically the LAHD indicated the unique propulsion design and historical significance were documented, and then sold for scrap because no museum or other historic preservation entity wanted to keep, maintain or display the engine[6]. The Corps also provided a chronology of development and

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[5] LAHD staff indicated the Terminal Island historic property report was appended to the Port Master Plan Update (February 2014) and that a copy of the EIR and this report were submitted to the OHP via the State Clearinghouse as required by CEQA. The LAHD staff indicated the SHPO failed to contact the LAHD in response to this environmental review and historic property identification and evaluation process.

[6] As a prelude to the dredging of the Main Channel of Los Angeles Harbor in 1980 the Corps completed a remote sensing survey and assessment of wreck vessels in the project area. The Sierra Nevada was the only potentially significant find and was the subject of a cultural assessment in 1980. Launched in 1913 the ship served as a ferry within San Francisco Bay and after two name changes came to San Pedro as a tourist attraction at Ports-0'-Call Village. In 1978, she was scuttled on Seaplane Anchorage breakwater just south of Terminal Island. By 1980 when the cultural assessment was conducted, she was badly broken up against the rocks. However, her original propulsion system was in place representing a rare example of a steam engine representing "a significant evolutionary stage in the development of steam engines during the industrial revolution". Based on this information, the Corps found the Sierra Nevada's steam engine eligible for listing in the NRHP. As such the engines were

redevelopment activities on the YTI terminal site dating back to the turn of the 20th century. Finally, the Corps determined the undertaking would have "no effect" on the Vincent Thomas Bridge and "no historic properties affected" with respect to cultural resources on Terminal Island and the Ferryboat Sierra Nevada.

In response, the SHPO indicated the report (LAHD 2011) included four cultural resources in the project area: Terminal Island, Ferryboat Sierra Nevada (eligible), the Vincent Thomas Bridge (eligible), and Sewage Pump Station #669 (eligible). In addition, the SHPO specifically indicated (1) they would not consult under 33 CFR 325 Appendix C; (2) the historic property identification efforts made by the Corps for this undertaking were inadequate under 36 CFR 800 because the Corps narrowly defined the permit area and lacked documentation to satisfy section 106 regulations; (3) the Corps failed to define the APE in accordance with 36 CFR 800(a)(1) or 800.16(d) and argued that the permit area for the undertaking as defined by the Corps regulations (33 CFR 325 Appendix C) does not meet the definition of the APE in 36 CFR 800.4(d); (4) the Corps must evaluate the potential effects of the undertaking on all of Terminal Island; (5) Sewage Pump Station # 669 is eligible for listing and the Corps must evaluate the impact of the undertaking on this resource and provide a finding of effect; (6) the SHPO does not concur with the Corps determinations for the Vincent Thomas Bridge or the Ferryboat Sierra Nevada; (7) the Corps failed to provide adequate documentation of the proposed actions that make up the undertaking or the location of each proposed action; and (8) the Corps must provide a complete and specific description of all actions included in the undertaking to substantiate the findings of effect, a cultural resources inventory and evaluation report specific to the undertaking.

The Corps obtained the exact location of Sewage Pump Station #669 (33° 45'01.23 N / 118° 15'38.50 W) from the LAHD, and coordinated a path forward with Regulatory Division management, Environmental Resources Branch staff archaeologist John Killeen, and national cultural resources experts at Corps Regulatory Community of Practice headquarters to clarify whether the cultural resources identification and documentation efforts for the undertaking, and findings of effect were adequate and compliant with 33 CFR 325 Appendix C and Interim Guidance (2005 and 2007).

In light of the aforementioned internal coordination and resource evaluation, the Corps has revised its initial determination and concluded the proposed undertaking would have "no potential to cause effect" on the Vincent Thomas Bridge and all other eligible or listed resources

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remove from the wreck and offered to maritime museums. When no museum expressed interest, the engines where fully documented with large format photography and narrative description per Historic American Engineering Record (HAER) standards. Following this documentation the engine was sold for scrap. The remains of the Sierra Nevada were removed by subsequent dredging. Under 36 CFR 800.5(a)(1) "[a]n adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association." Schwartz, Steven J., 1991, "*Evaluation of the Steam Propulsion System of the Wrecked Ferry Boat Sierra Nevada* <http://www.scahome.org/publications/proceedings/Proceedings.04Schwartz.pdf> ," 4:205-211. Society for California Archeology Proceedings Vol. 4 (1991).

are well outside the Corps permit area and the area of federal control and responsibility. The Corps has also determined further consultation with the SHPO is not required because (1) property identification efforts were adequate considering the permit area and undertaking as described in previous correspondence and maps submitted to the SHPO; (2) the permit area is consistent with the definition in 33 CFR 325 Appendix C and subsequent HQ interim guidance; (3) evaluation of historic properties across all of Terminal Island is not warranted due to the limited scope of the undertaking, and would be an expansion of scope well beyond the Corps federal control and responsibility described in 33 CFR 325 Appendix B; (4) Sewage Pump Station #669 is located well outside the permit area and is adjacent to and under the northbound approach to the Vincent Thomas Bridge outside the YTI terminal and TICTF boundary; (5) the Ferryboat Sierra Nevada no longer exists in any form. Documentation of the Ferryboat Sierra Nevada was completed by the LAHD in accordance with federal historic preservation standards, and the location in which the Ferryboat sank is over one mile from the undertaking; and (6) the YTI terminal is an active container terminal with 14 cranes (10 operational) over 250 feet high and this condition is not going to change with the proposed Project because the replacement of four cranes (14 total operational) would not noticeably alter the public views from the bridge, the nearest crane being over ¼ mile northeast of the bridge.

Finally, the Corps respectfully disagrees with SHPO that historic property identification and evaluation efforts as described in the EIS/EIR and previous correspondence with the SHPO failed to adequately define the permit area and undertaking, or fully justify the effects determinations for each historic property during the consultation process. Following consultation with SHPO, federal regulations vest the determination of the permit area with the action agency. To address the potential impacts to previously undiscovered cultural or historic resources, special conditions will be included in the DA permit and will require work cessation and notification before work may resume.

(4) Compliance with the Federal Endangered Species Act (ESA): The federally listed endangered California least tern (CLT, *Sterna antillarum browni*) is known to nest on the 15-acre nest site located on Pier 400 and forage throughout the Los Angeles Harbor including the vicinity of the proposed Project area. During the proposed construction activities, this species may be affected by increased noise, turbidity, and activity associated with the proposed Project. However, based on detailed biological information in the EIS/EIR (Section 3.3 and Appendix C), the Corps determined the proposed activity "may affect but would not likely adversely affect" CLT or designated critical habitat for this species (there is no designated critical habitat for any species in POLA). Our "not likely to adversely affect" determination was included in our 2 May 2014 public notice announcing the Draft EIS/EIR and in our concurrence request to the U.S. Fish and Wildlife Service (letter dated 9 May 2014). The Corps received concurrence with our determination from the U.S. Fish and Wildlife Service Carlsbad Field Office (letter dated June 17, 2014). The Corps has also determined the proposed Project would have no effect on federally listed endangered species subject to the U.S. Fish and Wildlife Service jurisdiction during Project construction or during dredged material disposal activities. The Corps has also determined the proposed Project would have no effect on federally listed endangered species subject to the NMFS jurisdiction during dredged material disposal activities.

(5) Compliance with the Magnuson-Stevens Fishery Conservation and Management Act and the Marine Mammal Protection Act: The 2 May 2014 public notice announcing the availability of the Draft EIS/EIR and the 9 May 2014 consultation request letter initiated the consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act and the Marine Mammal Protection Act with the National Marine Fisheries Service (NMFS). As more fully discussed in the EIS/EIR (Section 3.3 and Appendix C), substantial reductions in managed fish species or EFH are not expected. In addition, adverse noise impacts may affect marine mammals may occur if individual harbor seals or California sea lions would stray into the Project area during construction; these impacts would be reduced and are considered less than significant with implementation of MM BIO-1 (Avoid Marine Mammals). The proposed activities would temporarily impact EFH due to dredging, installation of wharf stabilizing structures via pile driving, installation of cranes and on-dock crane infrastructure, and disposal of dredged material at LA-2. Disposal of dredged material at the CDF would have no impact on EFH or managed fish species because the berm which created the CDF blocks tidal influence in the CDF and noise associated with dredged material disposal activities at this site would be similar to ambient noise conditions within the Port. Disposal of dredged material at LA-2 would have temporary impact on EFH and managed fish species LA-2 because the dredged material would be placed in the ocean environment at a site the EPA designated for this purpose. However, biological and aquatic habitat impacts associated with use of the LA-2 site have been previously evaluated by the EPA under NEPA and section 102 of the MPRSA implementing regulations. Project-related construction impacts in waters of the U.S. would be completed during a 22 month construction period, and would not substantially impact existing aquatic resources in the Port or in the vicinity of the LA-2 ocean disposal site.

Temporary impacts during construction would include increases in air emissions, noise, turbidity, vibration, and lighting. Fuel spills during construction are also possible, but would be expected to be small in scale. Invasive species could also be introduced (e.g., via ballast water exchange or hull fouling) during construction and terminal operations when ships are at berth, but there is no proven technology that currently exists that could prevent invasive species introductions via vessel hulls, other equipment, or ballast water discharges. While the proposed Project includes the construction of subsurface wharf stabilization measures and as a result a small amount of conversion of soft bottom substrate to hard substrate, the proposed Project would not result in a loss of aquatic habitat within the Port.

Overall, the Corps determined the proposed activities may affect EFH or federally managed species in California waters. In a letter dated 16 June 2014, NMFS agreed there would be adverse effects to EFH and managed species, and provided one conservation recommendation to avoid, minimize, mitigate or otherwise offset adverse effects to EFH and managed species. The conservation recommendation requires the Corps notify NMFS of the date of commencement of dredging activities at least 14 calendar days prior to commencing work and the date of completion of operations. The recommendation also requests the Corps provide NMFS a summary of dredging operations including exact volume of dredged sediment, the size of the dredged area, and the corresponding spatial data. The NMFS indicated this information would

be useful for identifying future conservation recommendations for dredging projects in the Port. The NMFS also requested any anecdotal observations of aberrant marine mammal behavior during pile driving or other construction activity.

The Corps provided the conservation recommendation and marine mammal comments to the LAHD, and provided a preliminary reply to NMFS on 25 June 2014, as required by section 305(b)(4)(B) and 50 CFR 600.920(k) of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps accepted the conservation recommendation and marine mammal protective measure and included it as a condition of the Phase 1 permit (when pile driving would occur) and will provided a final reply to NMFS prior to taking final action on the proposed Project.

(6) Compliance with Section 176(c) of the Clean Air Act: The Draft EIS/EIR included a applicability analysis (see Section 3.2 and Appendix B), pursuant to section 176(c) of the Clean Air Act. A general conformity determination is not required because the Federal action's direct and indirect emissions would be below specified *de minimis* thresholds (40 C.F.R. 93.153(b)).

(7) Compliance with the Ocean Dumping Act:

Criteria for the Evaluation of Permit Applications for Ocean Dumping of Materials

The need for ocean dumping of dredged material is determined by evaluation of the following factors (listed at 40 C.F.R 227.15), including:

- the degree of treatment useful and feasible for the waste to be dumped (this factor was determined to be *not* applicable to the proposed Project),
- raw materials and manufacturing or other processes that resulted in the waste (this factor was determined to be *not* applicable to the proposed Project),
- the relative environmental risks, impact and cost as opposed to other feasible alternatives including but not limited to landfill, well injection (this factor [landfill] was determined to be **applicable** to the proposed Project),
- incineration (this factor was determined to be *not* applicable to the proposed Project),
- spread of materials over open ground, recycling or reuse of material, additional biological, chemical or physical treatment (this factor was determined to be **applicable** to the proposed Project),
- storage and irreversible or irretrievable consequences of the use of alternatives to ocean dumping (this factor was determined to be **applicable** to the proposed Project).

The above criteria were used to evaluate the need for ocean disposal and to identify practicable alternatives to ocean disposal of dredged materials under the proposed action. Based on the applicable criteria, alternatives to ocean disposal of suitable dredged material have been identified, including: land-based disposal of suitable dredged material at the Kettlemen City landfill, and re-use/disposal in the Berths 243-245 CDF. Storage (and potential for handling the

material multiple times) and the irreversible or irretrievable consequences of alternatives to ocean dumping is also evaluated. An evaluation of these factors and alternatives to ocean disposal of dredged materials is presented below.

The Berths 243-245 CDF was permitted by the Corps and other federal and state agencies with jurisdiction in response to LAHD's coordination with the DMMT/CSTF member agencies and the RWQCB. The CDF has been constructed and unsuitable dredged material generated from LAHD maintenance and capital dredging project in the Port of Los Angeles has been placed there; however, there is capacity reserved for unsuitable material from the proposed Project and additional future projects. The purpose of the CDF is to provide for 100 percent beneficial reuse of *contaminated* (i.e., unsuitable) dredged material. The purpose of the LA-2 ocean disposal site is to provide for ocean disposal of suitable dredged material. Suitability determinations are made by the DMMT/CSTF following chemical, physical and bioassay testing in accordance with the EPA's *Evaluation of Dredged Material Proposed for Ocean Disposal Testing Manual* (aka Green Book, 1991).

In April 2013, November 2013, and January 2014, the DMMT/CSTF evaluated the initial, re-tested, and final sediment sampling and test results, respectively. At the January 2014 meeting the agency representatives of the DMMT/CSTF unanimously agreed the deeper sediments at test area A and all sediment from test area B (approximately 21,800 cy) were suitable for disposal at LA-2. Further, the DMMT/CSTF unanimously agreed the upper several feet of sediment at test area A (approximately 5,200 cy) were unsuitable for ocean disposal, and should be disposed in the Berths 243-245 CDF.

In light of the relatively small amount of dredged material suitable for disposal at LA-2, the applicant elected to pursue a permit from the Corps and EPA for ocean disposal for the purpose of reserving space in the CDF for contaminated sediment deemed unsuitable for ocean disposal as shown by chemical and bioassay testing, and to avoid the energy use, environmental impacts, and the substantial expense that would result from hauling suitable dredged material to the Kettlemen City landfill[7] via haul trucks, or storing the unsuitable material within the Port[8]. Hauling suitable dredged material to the Kettlemen City landfill would result in irreversible or irretrievable consequences. This disposal alternative would result in approximately 400 round trips during the 2015 construction period over a period of approximately 12 days, and 3,400 round trips during the 2016 over a period of approximately 17 days. While these impacts would be temporary, the additional truck traffic and associated air emissions[9] would result in significant and unavoidable air quality impacts (NOx, CO, VOC, with mitigation) and would result in disproportionate adverse air quality, noise, traffic impacts and associated health risks on low-

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[7] The Kettlement City landfill is located in Kings County and is over 200 miles from the Project site.

[8] The Anchorage Road Sediment Storage Site was recently closed because it reached capacity and there are no other sites within the Port currently designated for this use due to a lack of available vacant land.

[9] Haul trucks used for transporting suitable dredged material to the Kettlemen City landfill may not be required to comply with the LAHD's Clean Trucks Program. The Clean Trucks Program is applicable to drayage trucks which haul containers; however, the LAHD would evaluate sediment haul trucks compatibility with the LAHD's Sustainable Construction Guidelines, which are not as stringent as the Clean Trucks Program.

income and minority communities in San Pedro and Wilmington. The energy use associated with this alternative would also be greater than ocean disposal. Storing the dredged material within the Port would necessitate handling the material twice which increases the energy use, air quality and traffic impacts, and costs associated with disposal at another location and at a later date.

Disposal of 21,800 cy of suitable dredged material at LA-2 would take place via tugs[10] and barges. While significant and unavoidable emissions would occur in 2015 (NOx, CO, VOC, with mitigation) and in 2016 (NOx, with mitigation) as a result of tug boat use, dredging and disposal activities would only take place over a period of four days (2015) and six days (2016). Further, ocean disposal would avoid disproportionate adverse impacts on low-income and minority communities in San Pedro and Wilmington from traffic, noise and air emissions associated with haul trucks. Ocean disposal would alter the substrate by changing sediment characteristics; however, LA-2 is an EPA approved ocean disposal site with an allowed annual disposal volume of 1.0 mcy of material. As such, impacts on the oceanic environment associated with ocean disposal would be less than significant.

Also, to comply with existing water quality regulations and to minimize impacts to the aquatic ecosystem, construction and stormwater BMPs will be implemented, compliance with the General Construction Permit will be executed, and a SWPPP will be developed and applied. With the inclusion of the above measures, the Corps has determined that disposal of unsuitable dredged material in the Berths 243-245 CDF and disposal of suitable dredged material at the LA-2 ocean disposal site would minimize impacts to the aquatic environment and would not result in other significant and unavoidable impacts, or disproportionate adverse impacts on low income and minority communities, such as those associated with hauling dredged material to the Kettlemen City landfill via trucks.

To conclude the sediment characterization, and review process under section 103 of the MPRSA, the Corps requested EPA concurrence with the proposed disposal of 21,800 cy of suitable dredged material at LA-2 (letter dated 17 October 2014) and received concurrence from the EPA that ocean disposal of the suitable sediment was in compliance with the requirements of Section 103 (electronic mail dated 2 December 2014); the EPA response also included "site use requirements" which will be incorporated into the DA permit.

b. Section 404(b)(1) Compliance: The proposed Project does not involve a discharge of dredged or fill material into jurisdictional waters of the United States as defined under section 404 of the Clean Water Act (33 U.S.C. 1344); rather, dredging, wharf improvements and overwater structures (cranes, and the landside crane rail extension in the 100 foot area measured from the wharf edge) was evaluated under the section 10 of Rivers and Harbors Act (33 U.S.C. 403), and dredged material disposal was evaluated under section 103 of the MRPSA (33 U.S.C. 1413). As such, compliance with the Section 404(b)(1) Guidelines (40 CFR 230) is not required.

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[10] Tug boat engines that would be used to transport dredged material barges currently comply with EPA's Tier 1 or Tier 2 emissions standards and thus have greater emissions than Tier 3 or Tier 4 engines.

c. Corps Special Conditions

Section 10

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

2. The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the U.S. as defined by 33 C.F.R. Part 329.

3. The Permittee shall notify the Corps Regulatory Division and NOAA National Marine Fisheries Service of the date of commencement of construction not less than 14 calendar days prior to commencing work, and shall notify the Corps Regulatory Division and NOAA National Marine Fisheries Service of the date of completion of operations at least 5 calendar days prior to such completion. This requirement applies to each phase of the project assuming there are separate phases that will occur during distinct time periods (e.g., a distinct first phase and second phase have been identified and described for the project).

4. 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. This requirement applies to each phase of the project that will occur during distinct time periods (a distinct first phase and second phase have been identified and described for the project). The notification, either by letter, fax, or e-mail, shall include as a minimum the following information (for each phase):

A) Project description including the type of operation (e.g., dredging, rock discharges, diving, wharf construction, etc.).
B) Location of operation, including Latitude / Longitude coordinates (NAD 83).
C) Work start and completion dates and the expected duration of operations.
D) Vessels involved in the operation (name, size, and type).
E) VHF-FM radio frequencies monitored by vessels on scene.
F) Point of contact and 24-hour phone number.
G) Potential hazards to navigation.
H) Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (oan)
Coast Guard Island, Bldg. 50-3
Alameda, CA 94501-5100
ATTN: Local Notice to Mariners
TEL: (510) 437-2986
FAX: (510) 437-3423

U.S. Coast Guard
Marine Safety Office /Group LA-LB
1001 South Seaside Ave., Bldg. 20
San Pedro, CA 90731
ATTN: Waterways Management
TEL: (310) 521-3860

5. The Permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 C.F.R. chapter I, subchapter C, part 66. The Permittee shall ensure its contractor notifies the Eleventh Coast Guard District in writing, with a copy to the Corps Regulatory Division, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation that requires relocation or removal. Should any federal aids to navigation be affected by this project, the Permittee shall submit a request, in writing, to the Corps Regulatory Division as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee and its contractor are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard.

6. If the Permittee determines the project requires the placement and use of private aids to navigation in navigable waters of the U.S., the Permittee shall submit a request in writing to the Corps Regulatory Division as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee is prohibited from establishing private aids to navigation in navigable waters of the U.S. until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard.

7. Upon notification to the U.S. Coast Guard as specified in Special Condition 7 (for each project phase), the Permittee shall forward a copy of the notification (for each project phase) to the U.S. Coast Guard Captain of the Port (COTP). The COTP may modify the deployment of marine construction equipment or mooring systems to safeguard navigation during project construction. The permittee shall direct questions concerning lighting, equipment placement, and mooring to the appropriate COTP.

8. Within 30 calendar days of completion of project activities (for each project phase), the Permittee shall conduct a post-project survey indicating changes to structures and other features in navigable waters of the U.S. The Permittee shall forward a copy of the survey to the Corps Regulatory Division and to the National Oceanic and Atmospheric Service for chart updating: Gerald E. Wheaton, NOAA, Regional Manager, West Coast and Pacific Ocean, DOD Center Monterey Bay, Room 5082, Seaside, CA 93955-6711.

9. 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.

10. All vessels, vehicles, equipment, and material used in construction-related activities in or over waters of the U.S., to complete construction in or over waters of the U.S., shall employ

or otherwise be operated or used in compliance with all mitigation measures identified in the project's Mitigation Monitoring and Reporting Program consistent with the project's certified Environmental Impact Report (November 7, 2014).

11. For this permit, the term "dredging operations" shall mean: navigation of the dredging vessel at the dredging site, excavation/cutting/removal of material from navigable waters of the U.S. within the project boundaries, and placement of dredged material into a hopper dredge or disposal barge or scow. For this permit, the term "disposal operations" shall mean: the transport of dredged material from the dredging sites to the Corps/EPA-approved disposal site(s); and, the transport of the hopper dredge or disposal barge or scow back to the dredging site.

12. 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 USEPA, with the following information (separate plans to the Corps Regulatory Division and USEPA are required):

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

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

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

D) A detailed description of the dredging and disposal operations authorized by this permit, including a schedule showing when dredging 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 Regulatory Division may request additional information.

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

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

13. Dredging of approximately 27,000 cy of sediment authorized in this permit shall be limited to the approximately 6,000 cubic yards at Berths 217-220 and approximately 21,000 cy at Berths 214-216. **Dredging shall not proceed until the permittee requests and receives a Notice to Proceed (NTP) from the Corps Regulatory Division.** No dredging is authorized in any other location under this permit. This requirement applies to every separate dredging event and project phase.

14. 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.

15. 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.

16. 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.

17. 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.

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

19. Upon request, the Permittee and its contractor(s) retained to perform work authorized by the permit or to monitor compliance with this permit shall make available to inspectors from the Corps Regulatory Division, USEPA, RWQCB, 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.

20. The Permittee shall ensure dredged material is not leaked or spilled from the disposal vessels during in-harbor transit or transit to the disposal site. The Permittee shall transport dredged material to the 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.

21. The Permittee shall not allow any water or dredged material placed in a hopper dredge or disposal barge or scow to flow over the sides of such vessels during dredging or disposal operations. The Permittee shall determine the level that a disposal hopper dredge or barge or scow can be filled to prevent any dredged material or water from spilling over the sides at the dredging site or during transit from the dredging site to the disposal site. This level shall be reported to the Los Angeles District's Regulatory Division project manager before disposal operations commence. No hopper dredge or disposal barge or scow shall be filled above this pre-determined level. Before each hopper dredge or disposal barge or scow is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.

22. Following the completion of disposal operations, the Permittee shall submit to USEPA and the Corps Regulatory Division a completion letter summarizing the total number of disposal trips and the overall (in situ) volumes of material from the project disposed at the disposal site, and whether any of the dredged material was excavated from outside the areas authorized for disposal or was dredged deeper than authorized by this permit.

23. The Permittee shall submit a post-project completion report to Corps Regulatory Division within 30 calendar days after completion of each project phase to document compliance with all general and special conditions defined in this permit. Each 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 disposal site.
D) Mode of dredging.
E) Mode of transportation.
F) Form of dredged material.
G) Frequency of disposal and plots of all trips to the disposal site.

H) Tug boat or other disposal vessel logs documenting contact with the U.S. Coast Guard before each trip to the 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-dredged depth that were not dredged or areas that were deeper than the over-dredge depth before the project began as indicated on the pre-dredging survey shaded blue, and areas dredged below the over-dredge depth or outside the project boundaries shaded red. The methods used to prepare the post-dredging survey shall be the same methods used in the pre-dredging condition survey. The survey shall be signed by the Permittee certifying that the data are accurate.
L) Each post-dredging report shall be signed by a duly authorized representative of the Permittee and 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.

24. The Permittee shall conduct a pre-construction eelgrass (*Zostera marina*) survey during the growing season (March-October), which will be valid up to 60 days prior to construction activities. A post-dredge survey may be required if eelgrass is detected in the dredging area. These surveys and any necessary mitigation shall be conducted in accordance with the Southern California/ California Eelgrass Mitigation Policy (http://swr.nmfs.noaa.gov/hcd/policies/EELPOLrevll final.pdf).

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

26. The Permittee shall ensure contractor(s) use sound-abatement techniques to reduce both noise and vibrations from pile-driving activities. Sound-abatement techniques shall include, but are not limited to, vibration or hydraulic insertion techniques, drilled or augured holes for cast-in-place piles, bubble curtain technology, and sound aprons where feasible. At the initiation of each pile-driving event, and after breaks of more than 15 minutes, the pile driving shall also employ a "soft-start" in which the hammer is operated at less than full capacity (i.e., approximately 40–60% energy levels) with no less than a 1-minute interval between each strike for a 5-minute period. Although it is expected that marine mammals will voluntarily move away from the area at the commencement of the vibratory or "soft start" of pile-driving activities, as a precautionary measure, pile-driving activities shall include establishment of a safety zone, and the area surrounding the operations shall be monitored by a qualified marine biologist for pinnipeds and their behavior in response to pile driving. Observers onshore or by boat shall survey the safety zone to ensure that no marine mammals are seen within the zone before pile driving of a steel-pile segment begins. If marine mammals are found within the safety zone, pile driving of the segment shall be delayed until they move out of the area. If pinnipeds enter the safety zone after pile driving of a segment has begun, pile driving will continue. The biologist shall monitor and record the species and number of individuals observed, and make note of their behavior patterns. If the animal appears distressed and, if it is operationally safe to do so, pile driving shall cease until the animal leaves the area. Pile driving cannot be terminated safely and without severe operational difficulties until reaching a designated depth. Therefore, if it is deemed operationally unsafe by the project engineer to discontinue pile-driving activities, and a pinniped is observed in the safety zone, pile-driving activities shall continue until the critical depth is reached (at which time pile driving will cease) or until the pinniped leaves the safety zone. Prior to the initiation of pile-driving, the area shall be thoroughly surveyed by the biologist.

27. The Permittee shall re-test previously tested or dredged areas after 3 years from the date of permit issuance. This time limit may be shortened at the discretion of the Corps Regulatory Division in the event previously determined suitable material becomes suspect. Prior to each dredging episode, the Permittee must demonstrate that the proposed dredged materials are chemically, physically, and biologically suitable for disposal in ocean waters according to the provisions of the Ocean Disposal Manual. If the material does not meet the physical and chemical criteria for unconfined disposal in ocean waters, the dredged material shall be disposed in an upland disposal area, or, if available, reused at an in-harbor CDF. The Permittee shall submit to the Corps Regulatory Division and USEPA a draft sampling and analysis plan (SAP). Sampling may not commence until the SAP is approved, in writing, by the Corps Regulatory Division, in consultation with USEPA.

28. This permit does not authorize the placement of creosote-treated pilings in navigable waters of the U.S. Only concrete or steel piles shall be used in navigable waters of the U.S. for the Project.

29. The Permittee shall use only clean construction materials suitable for the marine environment. The Permittee shall ensure that no debris, soil, silt, sand, sawdust, rubbish,

cement or concrete washings thereof, or oil or petroleum products from construction shall be allowed to enter into or placed where it may be washed by rainfall or surface runoff into waters of the U.S. To ensure compliance with this Special Condition, standard Best Management Practices (BMPs) shall be implemented and, as appropriate, maintained and monitored to ensure their efficacy throughout project construction. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of in an appropriate upland site.

30. 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 within 24 hours the Corps' Regulatory Division staff (Theresa Stevens, Ph.D. at 805-585-2146) and Corps' Archeology staff (John Killeen at 213-452-3861). 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.

Section 103

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

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

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

3. 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 the LA-2 ocean 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.

4. 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.

5. The Permittee shall not allow any water or dredged material placed in a hopper dredge or disposal barge or scow to flow over the sides of such vessels during dredging or disposal operations. The Permittee shall determine the level that a disposal hopper dredge or barge or scow can be filled to prevent any dredged material or water from spilling over the sides at the dredging site or during transit from the dredging site to the LA-2 ocean disposal site. This level shall be reported to the Los Angeles District's Regulatory Division project manager before disposal operations commence. No hopper dredge or disposal barge or scow shall be filled above this pre-determined level. Before each hopper dredge or disposal barge or scow is transported to the LA-2 ocean disposal site, the dredging site inspector shall certify that it is filled correctly.

6. 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 Section 103 Special Condition 2 above.

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

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

9. 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.

10. Data recorded from the primary disposal tracking system must be posted by a third-party contractor on a near-real time basis to a World Wide Web (Internet) site accessible at a minimum by USEPA, the Corps Regulatory Division, the Permittee, the prime dredging contractor, and any independent inspector. The Internet site shall be provided to the Corps Regulatory Division and USEPA prior to commencement of disposal operations. The Internet site must be searchable by disposal trip number and date, and at a minimum for each disposal trip it must provide a visual display of: the disposal vessel transit route to the LA-2 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 Section 10 Special Conditions and the EPA Mandatory Site Use Conditions governing ocean disposal. 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 Regulatory Division, the Permittee, and the prime dredging contractor.

11. 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.

12. The Permittee shall report any anticipated, potential, or actual variances from compliance with the general and special conditions of this permit, to USEPA and the Corps Regulatory Division within 24 hours of discovering such a situation. An operational e-mail alert system, as described in **Section 103 Special Condition 10 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 printed-copy reports described below.

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

EPA Mandatory Site Use Conditions[11] for Disposal of Dredged Material at the LA-2 Ocean Dredged Material Disposal Site (ODMDS) (Section 103)

1) Dredged material shall not be leaked or spilled from disposal vessels during transit to the LA-2 ODMDS. Transportation of dredged material to LA-2 shall only be conducted 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 transportation and disposal operations.

2) Surface Disposal Zone (SDZ): When dredged material is discharged within the LA-2, LA-3, or LA-5 site, no portion of the vessel from which the materials are to be released (*e.g.*, hopper dredge or towed barge) shall be further than 1000 ft (305 m) from the center of the site designated in the permit. The center of the ODMDS (Table 1) is also the center of the SDZ for disposal:

Table 1. Dimensions and Center Coordinates for the Three Southern California Ocean Disposal Sites, and Their Surface Disposal Zones (SDZ)

[11] U.S. EPA Site Management & Monitoring Plan for Three Southern California Ocean Dredged Material Disposal Sites LA-2, LA-3, and LA-5 (EPA, April 2009).

Disposal Site	*Dimensions*		*Center Coordinates*		
	Radius of SDZ*	Radius of Overall Site	Latitude (NAD 83)	Longitude (NAD 83)	Cubic yards per year
LA–2 (Los Angeles)	1000 ft	3000 ft	33°37'6" N	118°17'24" W	1,000,000
LA–3 (Newport)	1000 ft	3000 ft	33°31'00" N	117°53'30" W	2,500,000
LA-5 (San Diego)	1000 ft	3000 ft	32°36.83' N; **NAD 27**	117°20.67' W **NAD 27**	Designated at 700,000 (historical maximum)

* Surface Disposal Zone: disposal vessels must be entirely within this smaller zone when discharging dredged material.

3) No more than one disposal vessel may be within SDZ of any disposal site at any time.

4) 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 the position of the disposal vessel, the fore and aft draft of the disposal vessel, and the fore and aft height of material carried in the hopper or bin, at a maximum 1-minute interval while outside the disposal site boundary and at a maximum 15-second interval while inside the 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, located in the wheelhouse or elsewhere for the helmsman, of the position of the disposal vessel relative to the boundaries of the disposal site and its SDZ, superimposed on the appropriate National Ocean Survey (NOS) chart so that the operator can confirm proper position within the SDZ before discharging the dredged material.

5) Data recorded from the primary disposal tracking system must be posted by a third-party contractor on a real time basis to a World Wide Web (Internet) site accessible at a minimum by EPA Region IX, the Los Angeles District USACE Regulatory Division, the permittee, the prime dredging contractor, and any independent inspector. The Web 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 disposal site;
- a visual display of the disposal phase (including beginning and ending locations) for each disposal event;
- the disposal vessel draft throughout transit and for at least 15 minutes following completion of the disposal phase;
- the estimated bin volume of material (sediment plus water) transported; and
- the name of the disposal vessel and tug as applicable

The requirement for posting this information on the Web is independent from the hard-copy reporting requirements listed in EPA Special Condition 9, below. The third-party system must also generate and distribute "e-mail alerts" regarding any degree of apparent disposal outside the SDZ of the disposal site, and regarding any apparent substantial leakage/spillage or other loss of material en route to the disposal site. Substantial leakage/spillage or other loss shall be defined as an apparent net loss of draft of one foot or more between the time that the disposal vessel begins the trip to the disposal site and the time of the beginning 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 EPA Region IX, the Los Angeles District USACE Regulatory Division, the permittee, and the prime-dredging contractor.

6) If the primary disposal tracking system fails during transit, 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 ("lay back"), the estimated scow position would be within the SDZ (i.e., within 1,000 feet of the center of the 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. Further disposal operations using a disposal vessel whose navigation tracking system fails must cease, until the primary disposal-tracking capabilities are restored.

7) The permittee shall complete an EPA- and USACE-approved Scow Certification Checklist that documents:

- the amount of dredged material loaded into each barge or hopper for disposal;
- the location from which the material in each barge was dredged;
- the weather report and sea-state conditions anticipated during the transit period;
- the time that each disposal vessel departs for, arrives at, and returns from the disposal site;
- the exact coordinates and time of each disposal event; and
- the volume of material disposed during each disposal trip.

The permittee's proposed Scow Certification Checklist must be approved prior to the commencement of any ocean disposal operations.

8) The permittee shall report any anticipated, potential, or actual variances from compliance with these Mandatory Conditions, and any additional project-specific Special Conditions, to EPA Region IX and the Los Angeles District USACE Regulatory Division within 24 hours of discovering such a situation. An operational "e-mail alert" system, as described in EPA Special Condition 5 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 in EPA Special Condition 9 below.

9) The permittee shall compile, for each ocean disposal trip, hard copy reproductions of the Scow Certification Checklist and printouts of the automatically-recorded electronic data from the primary disposal tracking system described in Condition 5. These daily records shall be provided in reports to both EPA Region IX and the Los Angeles District USACE Regulatory Division at a minimum for each month during which ocean disposal operations occur. The reports shall include a cover letter describing any problems complying with the Disposal Site Use Conditions specified for the project, including the cause(s) of the problems, any steps taken to rectify the problems, and whether the problems occurred on subsequent disposal trips. These reports shall also include the automatically recorded electronic navigation tracking and disposal vessel draft data on CD-ROM (or other media approved by EPA and USACE).

10) No more than 60 days following completion of ocean disposal operations, the permittee shall submit to EPA Region IX and the Los Angeles District USACE Regulatory Division a completion letter summarizing the total number of disposal trips and the overall (*in-situ* and bin) volume of material disposed by 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 the permit. A post-dredge survey shall be provided with this completion letter.

d. Public Interest Review: I find that my decision to issue a permit associated with the proposed Project, as prescribed by regulations published in 33 C.F.R. Parts 320 to 332, is not contrary to the public interest. While I considered all the public interest factors listed in 33 C.F.R. § 320.4, the public comments received in response to the Draft and Final EIS/EIR (Appendix B), and the responses to public comments in the Final EIS/EIR (Appendix A) and in

response to the 7 November 2014 BOHC Final EIR certification hearing, the discussion that follows focuses on those factors relevant to the proposed Project. During the Draft EIS/EIR 45-day comment period and the Final EIS/EIR 30-day availability period, there was opposition to several aspects of the proposed Project. In evaluating these comments, the applicant added and modified mitigation measures in several resource areas including air quality and meteorology, noise, and groundwater and soils; and a greenhouse gas emissions mitigation measure was also added as a result of the applicant's CEQA process and response to public comments. Lease measures were also added and/or modified, to be consistent with other recently approved container terminal projects at the POLA. As summarized in Section 3 in the EIS/EIR, under NEPA, the Federal action associated with the LAHD's proposed Project would result in significant and unavoidable impacts to air quality and meteorology and biological resources. Significant impacts which can be mitigated to less than significant were identified for groundwater and soils, and noise impacts. Less than significant direct and indirect impacts were found for most environmental resources including: aesthetics and visual resources, cultural resources, geology, ground transportation, hazards and hazardous materials, land use, marine transportation, public services, utilities, and water quality/sediments/oceanography.

Relative to the NEPA baseline[12], significant and unavoidable (even with mitigation) adverse impacts on air quality and meteorology and biological resources would occur. However, for most resource areas, impacts would occur as a result of terminal operations over the extended lease term (to 2026) and are beyond the Corps' statutory authorities under section 10 of the RHA and section 103 of the MPRSA to require effective mitigation in a DA permit. In addition, once work and structures in/over/under waters of the U.S. are completed, the Corps will retain no authority over the proposed Project's other backland construction and operational activities. However, these future air emissions will remain subject to the continuing program responsibility of the LAHD, and numerous air emission control and mitigation measures, including many focused on limiting air emissions, will be implemented, maintained, monitored and enforced pursuant to the MMRP described in the certified Final EIS/EIR. Similar to the activities that would cause impacts, most mitigation measures described in the Final EIS/EIR and the MMRP are beyond the Corps federal control and responsibility; but the Corps considers compliance with CEQA mitigation measures and lease terms an important element of the Corps public interest review and decision making process. As the local agency with continuing control and responsibility over the proposed Project throughout its useful life, mitigation measures would be subject to the LAHD's authority under CEQA, lease terms with the tenant, and the City's land use authority.

Project-specific significant and unavoidable impacts on air quality and meteorology, biological resources, and noise would also be cumulatively significant (under NEPA and CEQA), and the aforementioned resources plus aesthetics and greenhouse gas emissions (under CEQA), as

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[12] Briefly, the NEPA baseline is the set of conditions expected to occur onsite in the absence of Federal action. For some resource issues, such as air quality, conditions can change over time, and therefore, the NEPA baseline is not a static baseline. Section 2.0 (Project Description) and 3.2 (Air Quality and Meteorology) of the EIS/EIR provide additional NEPA baseline discussion.

discussed in Section 4 of the EIS/EIR. Because the federal action associated with the proposed Project would increase ship calls, on-dock equipment use, truck trips, and freight train trips, the federal action would contribute considerably to a cumulatively significant impact on air quality and meteorology, biological resources and noise. None of the other resources/issues that would have less than significant impacts would contribute considerably to a cumulatively significant impact.

Some of the Project-specific and cumulatively significant and unavoidable impacts would have disproportionately high and adverse effects on minority and low-income populations in the communities of Wilmington and San Pedro, specifically air quality and meteorology, and noise. However, for the reasons discussed in Section 5 of the EIS/EIR, impacts to the following resources would not primarily affect minority and low-income populations and therefore are not considered disproportionately high and adverse effects on minority and low-income populations: aesthetics, biology, cultural resources, geology, ground transportation groundwater and soils, hazards and hazardous materials, land use, marine transportation, public services, utilities and service systems, and water quality, sediments, and oceanography.

While there would be significant and unavoidable impacts, some with disproportionate high and adverse effects on minority and low-income populations, the proposed Project would provide socioeconomic benefits, such as new jobs during construction in the short term and for the duration of the extended lease (to 2026) over the long term (Sections 5 and 7 of the EIS/EIR). The proposed Project is expected to be constructed in two phases however totals are provided here. The proposed Project would generate approximately 748 construction-related jobs during the construction period. These include direct employment of 410 workers and an additional 340 jobs indirectly related to proposed Project construction. At full build-out, and as a result of terminal operations, the proposed Project would create 2,241 jobs, including 821 direct jobs and 1,419 indirect jobs. Therefore, there would be an overall beneficial impact of the proposed Project on local business revenue.

With regard to air quality, a particular issue of concern is health risk to the local communities, San Pedro and Wilmington, which both have minority populations, and in the case of Wilmington, a low-income population concentration as well. The health risk assessment (HRA) evaluated cancer risk, chronic and acute hazard indices and cancer burden for several types of receptors including: residential, marina-residential, occupational, sensitive, student, recreational. This assessment found that the federal actions' incremental contribution to the aforementioned health risks (e.g., the incremental impact of the proposed Project relative to the NEPA baseline) would be below established thresholds for all receptors (i.e., less than 10 in one million additional cancer risk) without mitigation. However, based upon the HRA, low income and minority populations in San Pedro and Wilmington would be disproportionally adversely affected by Project-related direct, indirect and cumulative impacts, and may experience an increased incidence of chronic respiratory symptoms as well as lifetime cancer risk, chronic non-cancer hazards, and acute non-cancer hazards. In addition, cancer risk for occupational receptors under the NEPA increment, while below the 10 in one million threshold, is estimated at nine in one million which is considered an adverse but less than significant risk. Cancer risks and health

risks associated with chronic and acute hazards primarily affect occupational receptors such as individuals working in close proximity to, or on, the YTI terminal followed by individuals living on vessels docked in nearby marinas and land-based residential receptors. Under the No Federal Action alternative, cancer risk would exceed the 10 in one million threshold for residential, marina-residential, occupational, recreational and is considered a significant and unavoidable adverse effect; however sensitive and student receptors would not be significantly affected as a result of exposure to toxic air contaminant emissions (TAC). Exceedance of the 10 in one million threshold under the No Federal Action alternative would occur because the tenant would not extend the lease term to 2026 in the absence of work and structures in/over/under waters of the U.S. In this situation, the mitigation measures described in the Final EIS/EIR would not be required and the tenant would only be required by the LAHD to comply with existing lease terms and implement potentially outdated mitigation measures and Best Management Practices which may not result in reductions in air emissions or address existing public health issues.

As evaluated in the Final EIS/EIR, numerous mitigation measures and updated lease terms for the YTI terminal, and Corps special conditions and U.S. EPA mandatory LA-2 ODMDS site use conditions are being required to avoid and minimize a broad array of impacts that affect and are of interest to the public. While some of the impacts would remain significant and unavoidable, and cumulatively considerable even with mitigation, and the federal action would have a disproportionately high and adverse effect on minority and/or low-income populations, there are clear public interests and needs locally and regionally, to move forward with this terminal improvement project. The local, regional, and State economy would also benefit from the LAHDs ability to support additional berthing and servicing of larger container cargo vessels. Based on the above information, the proposed Project would meet an important public need by improving maritime shipping and commerce to accommodate existing and projected growth in the container cargo industry at the POLA by upgrading container terminal infrastructure to optimize the terminal's cargo handling efficiency and ability to service the vessel fleet mix including the largest container ships (up to 13,000 TEU) as well as providing a large number of additional direct and indirect jobs. When the extent and permanence of the expected benefits and detrimental effects of the proposed work and structures would have on the public and private uses to which the area is suited are considered, in light of the substantial mitigation measures in the Final EIS/EIR that would be implemented to avoid and minimize environmental impacts, the Corps has determined that issuance of a Department of the Army Permit with the above special conditions, as prescribed by regulations published in 33 C.F.R. Parts 320 to 330 is not contrary to the public interest.

VIII. CONCLUSION

For the reasons outlined above, the proposed Project, with the inclusion of the above mitigation measures, is the alternative that best meets the purpose and need of the project and will have the least impact on the human and natural environment, including navigable waters of the United States.

Based upon a careful consideration of all the social, economic, and environmental evaluations

contained in the Final EIS/EIR; the input received from other agencies, organizations, and the public; and the factors and project commitments outlined above, it is my decision to issue a Department of the Army permit authorizing work and structures in waters of the United States pursuant to section 10 of the Rivers and Harbors Act, dredging of approximately 27,000 cy of sediment, and disposal of 5,200 cy of unsuitable dredged material in the Berths 243-245 CDF. Due to lack of CZMA concurrence, transport to LA-2 for the purpose of ocean disposal of 21,800 cy of suitable dredged material pursuant to section 103 of the Marine Protection, Research and Sanctuaries Act will be provisionally authorized pending future CZMA concurrence.

David J. Castanon
Chief, Regulatory Division

APPENDIX C

U.S. ARMY CORPS OF ENGINEERS PERMIT (SPL-2013-00113-TS) FOR PHASE 2 OF THE YTI PROJECT

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DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
VENTURA FIELD OFFICE
2151 ALESSANDRO DRIVE, SUITE 110
VENTURA, CA 93001

April 30, 2015

David M. Walsh, P.E., Chief Harbor Engineer
Los Angeles Harbor Department
425 S. Palos Verdes Street
P.O. Box 151
San Pedro, California 90733-0151

Dear Mr. Walsh,

This letter concerns your application dated March 13, 2013 and amended on September 25, 2014, for a Department of the Army (DA) Permit to conduct work in navigable waters of the U.S., in association with the Berth 212-224 [YTI] Container Terminal Improvements Project (Corps File No. SPL-2013-00113-TS). Specifically under Phase 2 of the project, you have requested authorization to transport approximately 21,800 cubic yards of suitable dredged material to the LA-2 Ocean Dredged Material Disposal Site (ODMDS) for the purpose of ocean disposal. The dredging activity would take place at the YTI Container Terminal under Phase 1 of the project. The YTI terminal is located on Terminal Island, in the Port of Los Angeles, in the city and county of Los Angeles, California (33.7561 N latitude / -118.2536 W longitude). The LA-2 ODMDS is located in San Pedro Bay (33.6183 N latitude / -118.2908 W longitude).

Enclosed is a "Provisional Permit" for Phase 2 of the project. This provisional permit is NOT VALID and does not constitute authorization for you to do work. The provisional permit describes the work that will be authorized, including general and special conditions which will be placed on your final DA permit, should you receive Coastal Zone Management (CZM) consistency concurrence from the California Coastal Commission (CCC). No work is to be performed until you have received a final DA permit.

By Federal law, no DA permit can be issued until the state has concurred with a permit applicant's CZM consistency certification. This requirement can be satisfied by obtaining CZM consistency concurrence, or providing evidence that six months have passed since you applied to the CCC for concurrence. Be aware that any conditions placed on your CZM consistency concurrence will become conditions on your DA permit, unless the U.S. Army Corps of Engineers (Corps) deems these conditions to be either unreasonable or unenforceable.

WHEN YOU RECEIVE CZM CONSISTENCY CONCURRENCE, THE FOLLOWING STEPS NEED TO BE COMPLETED:

1. **The owner or authorized responsible official must sign and date both copies of the provisional permit indicating that he/she agrees to comply with all conditions stated in the permit.**

2. The signer's name and title (if any) must be typed or printed below the signature.

3. Both signed copies of the provisional permit must be returned to the Corps at the above address (Attention: CESPL-RG-N).

4. The CZM concurrence must be sent to the Corps with the signed copies of the provisional permit.

Should the CZM concurrence contain conditions which might result in a modification to the provisional permit, by signing and dating both copies of the provisional permit and returning them to the Corps (along with the CZM concurrence), I will assume you agree to comply with all CZM concurrence conditions which are added to the final permit.

Should the CCC not concur with your consistency certification, then the DA permit is considered denied without prejudice. If you subsequently obtain CZM concurrence, you should contact me to determine how to proceed with your permit application.

Thank you for participating in the Regulatory Program. If you have any questions, please contact Theresa Stevens, Ph.D. at 805-585-2146 or via e-mail at theresa.stevens@usace.army.mil. Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,

David J. Castanon
Chief, Regulatory Division

Enclosure(s): Two copies of Phase 2 Provisional Permit

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee: Los Angeles Harbor Department, David M. Walsh, P.E., Chief Harbor Engineer

Permit Number: SPL-2013-00113-TS

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 all jurisdictional project elements in accordance with the terms and conditions specified below.

Project Description: The following Phase 2 activities in waters of the U.S. would occur and specifically, you are authorized to conduct "work" in navigable waters of the United States associated with transport of 21,800 cy of suitable (for ocean disposal) material dredged from the YTI Terminal for the purpose of ocean disposal at the LA-2 ocean disposal site. Dredging was conducted under the Phase 1 Department of the Army permit.

Project Location: The YTI terminal is located on Terminal Island at Berths 212-224 in the Port of Los Angeles, Los Angeles Harbor, in the City and County of Los Angeles, California (33.7561 N latitude / 118.2536 W longitude). The YTI terminal is located on the north side of Terminal Island along the Cerritos Channel and near the East Basin. The LA-2 offshore disposal site is located approximately six miles offshore, in San Pedro Bay (33.6183 N latitude / 118.2908 W longitude).

Permit Conditions:

General Conditions:

1. The time limit for completing Phase 2 activities ends on **December 31, 2018**. 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 sixty days 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:

Section 10

1. If a violation of any permit condition occurs, the Permittee shall report the violation to the Corps Regulatory Division (Theresa Stevens, Ph.D. at (805) 585-2146 or theresa.stevens@usace.army.mil) within 24 hours. If the Permittee retains any contractors to perform any activity authorized by this permit, the Permittee shall instruct all such contractors that notice of any violations must be reported to the Permittee immediately.

2. The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the U.S. as defined by 33 C.F.R. Part 329.

3. The Permittee shall notify the Corps Regulatory Division and NOAA National Marine Fisheries Service of the date of commencement of construction not less than 14 calendar days prior to commencing work, and shall notify the Corps Regulatory Division and NOAA National Marine Fisheries Service of the date of completion of operations at least 5 calendar days prior to such completion. This requirement applies to each phase of the project assuming there are separate phases that will occur during distinct time periods (e.g., a distinct first phase and second phase have been identified and described for the project).

4. 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. This requirement applies to each phase of the project that will occur during distinct time periods (a distinct first phase and second phase have been identified and described for the project). The notification, either by letter, fax, or e-mail, shall include as a minimum the following information (for each phase):

A) Project description including the type of operation (e.g., dredging, rock discharges, diving, wharf construction, etc.).
B) Location of operation, including Latitude / Longitude coordinates (NAD 83).
C) Work start and completion dates and the expected duration of operations.
D) Vessels involved in the operation (name, size, and type).
E) VHF-FM radio frequencies monitored by vessels on scene.
F) Point of contact and 24-hour phone number.
G) Potential hazards to navigation.
H) Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (oan)
Coast Guard Island, Bldg. 50-3
Alameda, CA 94501-5100
ATTN: Local Notice to Mariners
TEL: (510) 437-2986
FAX: (510) 437-3423

U.S. Coast Guard
Marine Safety Office /Group LA-LB
1001 South Seaside Ave., Bldg. 20
San Pedro, CA 90731
ATTN: Waterways Management
TEL: (310) 521-3860
FAX: (310) 732-2029

5. The Permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 C.F.R. chapter I, subchapter C, part 66. The Permittee shall ensure its contractor notifies the Eleventh Coast Guard District in writing, with a copy to the Corps Regulatory Division, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation that requires relocation or removal. Should any federal aids to navigation be affected by this project, the Permittee shall submit a request, in writing, to the Corps Regulatory Division as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee and its contractor are

prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard.

6. If the Permittee determines the project requires the placement and use of private aids to navigation in navigable waters of the U.S., the Permittee shall submit a request in writing to the Corps Regulatory Division as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee is prohibited from establishing private aids to navigation in navigable waters of the U.S. until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard.

7. Upon notification to the U.S. Coast Guard as specified in Special Condition 4 (for each project phase), the Permittee shall forward a copy of the notification (for each project phase) to the U.S. Coast Guard Captain of the Port (COTP). The COTP may modify the deployment of marine construction equipment or mooring systems to safeguard navigation during project construction. The permittee shall direct questions concerning lighting, equipment placement, and mooring to the appropriate COTP.

8. Within 30 calendar days of completion of project activities (for each project phase), the Permittee shall conduct a post-project survey indicating changes to structures and other features in navigable waters of the U.S. The Permittee shall forward a copy of the survey to the Corps Regulatory Division and to the National Oceanic and Atmospheric Service for chart updating: Gerald E. Wheaton, NOAA, Regional Manager, West Coast and Pacific Ocean, DOD Center Monterey Bay, Room 5082, Seaside, CA 93955-6711.

9. 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.

10. All vessels, vehicles, equipment, and material used in construction-related activities in or over waters of the U.S., to complete construction in or over waters of the U.S., shall employ or otherwise be operated or used in compliance with all mitigation measures identified in the project's Mitigation Monitoring and Reporting Program consistent with the project's certified Environmental Impact Report (November 7, 2014).

11. For this permit, the term "dredging operations" shall mean: navigation of the dredging vessel at the dredging site, excavation/cutting/removal of material from navigable waters of the U.S. within the project boundaries, and placement of dredged material into a hopper dredge or disposal barge or scow. For this permit, the term "disposal operations" shall mean: the transport of dredged material from the dredging sites to the Corps/EPA-approved disposal site(s); and, the transport of the hopper dredge or disposal barge or scow back to the dredging site.

12. 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 USEPA, with the following information (separate plans to the Corps Regulatory Division and USEPA are required):

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

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

C) The results of a detailed analysis of all material to be dredged pursuant to the approved sampling and analysis plan (SAP).

D) A detailed description of the dredging and disposal operations authorized by this permit, including a schedule showing when dredging 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 Regulatory Division may request additional information.

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

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

13. Dredging of approximately 27,000 cy of sediment authorized in this permit shall be limited to the approximately 6,000 cubic yards at Berths 217-220 and approximately 21,000 cy at Berths 214-216. **Dredging shall not proceed until the permittee requests and receives a Notice to Proceed (NTP) from the Corps Regulatory Division.** No dredging is authorized in any other location under this permit. This requirement applies to every separate dredging event and project phase.

14. 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.

15. 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.

16. 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.

17. 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.

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

19. Upon request, the Permittee and its contractor(s) retained to perform work authorized by the permit or to monitor compliance with this permit shall make available to inspectors from the Corps Regulatory Division, USEPA, RWQCB, 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.

20. The Permittee shall ensure dredged material is not leaked or spilled from the disposal vessels during in-harbor transit or transit to the disposal site. The Permittee shall transport dredged material to the 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.

21. The Permittee shall not allow any water or dredged material placed in a hopper dredge or disposal barge or scow to flow over the sides of such vessels during dredging or disposal operations. The Permittee shall determine the level that a disposal hopper dredge or barge or scow can be filled to prevent any dredged material or water from spilling over the sides at the dredging site or during transit from the dredging site to the disposal site. This level shall be reported to the Los Angeles District's Regulatory Division project manager before disposal operations commence. No hopper dredge or disposal barge or scow shall be filled above this pre-determined level. Before each hopper dredge or disposal barge or scow is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.

22. Following the completion of disposal operations, the Permittee shall submit to USEPA and the Corps Regulatory Division a completion letter summarizing the total number of disposal trips and the overall (in situ) volumes of material from the project disposed at the disposal site, and whether any of the dredged material was excavated from outside the areas authorized for disposal or was dredged deeper than authorized by this permit.

23. The Permittee shall submit a post-project completion report to Corps Regulatory Division within 30 calendar days after completion of each project phase to document compliance with all general and special conditions defined in this permit. Each 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 disposal site.
D) Mode of dredging.
E) Mode of transportation.
F) Form of dredged material.
G) Frequency of disposal and plots of all trips to the disposal site.
H) Tug boat or other disposal vessel logs documenting contact with the U.S. Coast Guard before each trip to the 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-dredged depth that were not dredged or areas that were deeper than the over-dredge depth before the project began as indicated on the pre-dredging survey shaded blue, and areas dredged below the over-dredge depth or outside the project boundaries shaded red. The methods used to prepare the post-dredging survey shall be the same

methods used in the pre-dredging condition survey. The survey shall be signed by the Permittee certifying that the data are accurate.

L) Each post-dredging report shall be signed by a duly authorized representative of the Permittee and 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.

Section 103

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

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

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

3. 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 the LA-2 ocean 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.

4. 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.

5. The Permittee shall not allow any water or dredged material placed in a hopper dredge or disposal barge or scow to flow over the sides of such vessels during dredging or disposal operations. The Permittee shall determine the level that a disposal hopper dredge or barge or scow can be filled to prevent any dredged material or water from spilling over the sides at the dredging site or during transit from the dredging site to the LA-2 ocean disposal site. This level shall be reported to the Los Angeles District's Regulatory Division project manager before disposal operations commence. No hopper dredge or disposal barge or scow shall be filled above this pre-determined level. Before each hopper dredge or disposal barge or scow is transported to the LA-2 ocean disposal site, the dredging site inspector shall certify that it is filled correctly.

6. 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 Section 103 Special Condition 2 above.

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

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

9. 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.

10. Data recorded from the primary disposal tracking system must be posted by a third-party contractor on a near-real time basis to a World Wide Web (Internet) site accessible at a minimum by USEPA, the Corps Regulatory Division, the Permittee, the prime dredging

contractor, and any independent inspector. The Internet site shall be provided to the Corps Regulatory Division and USEPA prior to commencement of disposal operations. The Internet site must be searchable by disposal trip number and date, and at a minimum for each disposal trip it must provide a visual display of: the disposal vessel transit route to the LA-2 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 Section 10 Special Conditions and the EPA Mandatory Site Use Conditions governing ocean disposal. 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 Regulatory Division, the Permittee, and the prime dredging contractor.

11. 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.

12. The Permittee shall report any anticipated, potential, or actual variances from compliance with the general and special conditions of this permit, to USEPA and the Corps Regulatory Division within 24 hours of discovering such a situation. An operational e-mail alert system, as described in **Section 103 Special Condition 10 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 printed-copy reports described below.

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

the general and special conditions of this permit, the cause(s) of the problems, any steps taken to rectify the problems, and whether the problems occurred on subsequent disposal trips.

EPA Mandatory Site Use Conditions[1] for Disposal of Dredged Material at the LA-2 Ocean Dredged Material Disposal Site (ODMDS) (Section 103)

1) Dredged material shall not be leaked or spilled from disposal vessels during transit to the LA-2 ODMDS. Transportation of dredged material to LA-2 shall only be conducted 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 transportation and disposal operations.

2) Surface Disposal Zone (SDZ): When dredged material is discharged within the LA-2, LA-3, or LA-5 site, no portion of the vessel from which the materials are to be released (*e.g.*, hopper dredge or towed barge) shall be further than 1000 ft (305 m) from the center of the site designated in the permit. The center of the ODMDS (Table 1) is also the center of the SDZ for disposal:

Table 1. Dimensions and Center Coordinates for the Three Southern California Ocean Disposal Sites, and Their Surface Disposal Zones (SDZ)

Disposal Site	*Dimensions*		*Center Coordinates*		
	Radius of SDZ*	Radius of Overall Site	Latitude (NAD 83)	Longitude (NAD 83)	Cubic yards per year
LA-2 (Los Angeles)	1000 ft	3000 ft	33°37'6" N	118°17'24" W	1,000,000
LA-3 (Newport)	1000 ft	3000 ft	33°31'00" N	117°53'30" W	2,500,000
LA-5 (San Diego)	1000 ft	3000 ft	32°36.83' N; **NAD 27**	117°20.67' W **NAD 27**	Designated at 700,000 (historical maximum)

[1] U.S. EPA Site Management & Monitoring Plan for Three Southern California Ocean Dredged Material Disposal Sites LA-2, LA-3, and LA-5 (EPA, April 2009).

* Surface Disposal Zone: disposal vessels must be entirely within this smaller zone when discharging dredged material.

3) No more than one disposal vessel may be within SDZ of any disposal site at any time.

4) 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 the position of the disposal vessel, the fore and aft draft of the disposal vessel, and the fore and aft height of material carried in the hopper or bin, at a maximum 1-minute interval while outside the disposal site boundary and at a maximum 15-second interval while inside the 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, located in the wheelhouse or elsewhere for the helmsman, of the position of the disposal vessel relative to the boundaries of the disposal site and its SDZ, superimposed on the appropriate National Ocean Survey (NOS) chart so that the operator can confirm proper position within the SDZ before discharging the dredged material.

5) Data recorded from the primary disposal tracking system must be posted by a third-party contractor on a real time basis to a World Wide Web (Internet) site accessible at a minimum by EPA Region IX, the Los Angeles District USACE Regulatory Division, the permittee, the prime dredging contractor, and any independent inspector. The Web 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 disposal site;
- a visual display of the disposal phase (including beginning and ending locations) for each disposal event;
- the disposal vessel draft throughout transit and for at least 15 minutes following completion of the disposal phase;
- the estimated bin volume of material (sediment plus water) transported; and
- the name of the disposal vessel and tug as applicable

The requirement for posting this information on the Web is independent from the hard-copy reporting requirements listed in EPA Special Condition 9, below. The third-party system must also generate and distribute "e-mail alerts" regarding any degree of apparent disposal outside the SDZ of the disposal site, and regarding any apparent substantial leakage/spillage or other loss of material en route to the disposal site. Substantial leakage/spillage or other loss shall be defined as an apparent net loss of draft of one foot or more between the time that the disposal vessel begins the trip

to the disposal site and the time of the beginning 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 EPA Region IX, the Los Angeles District USACE Regulatory Division, the permittee, and the prime-dredging contractor.

6) If the primary disposal tracking system fails during transit, 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 ("lay back"), the estimated scow position would be within the SDZ (i.e., within 1,000 feet of the center of the 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. Further disposal operations using a disposal vessel whose navigation tracking system fails must cease, until the primary disposal-tracking capabilities are restored.

7) The permittee shall complete an EPA- and USACE-approved Scow Certification Checklist that documents:

- the amount of dredged material loaded into each barge or hopper for disposal;
- the location from which the material in each barge was dredged;
- the weather report and sea-state conditions anticipated during the transit period;
- the time that each disposal vessel departs for, arrives at, and returns from the disposal site;
- the exact coordinates and time of each disposal event; and
- the volume of material disposed during each disposal trip.

The permittee's proposed Scow Certification Checklist must be approved prior to the commencement of any ocean disposal operations.

8) The permittee shall report any anticipated, potential, or actual variances from compliance with these Mandatory Conditions, and any additional project-specific Special Conditions, to EPA Region IX and the Los Angeles District USACE Regulatory Division within 24 hours of discovering such a situation. An operational "e-mail alert" system, as described in EPA Special Condition 5 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 in EPA Special Condition 9 below.

9) The permittee shall compile, for each ocean disposal trip, hard copy reproductions of the Scow Certification Checklist and printouts of the automatically-recorded

electronic data from the primary disposal tracking system described in Condition 5. These daily records shall be provided in reports to both EPA Region IX and the Los Angeles District USACE Regulatory Division at a minimum for each month during which ocean disposal operations occur. The reports shall include a cover letter describing any problems complying with the Disposal Site Use Conditions specified for the project, including the cause(s) of the problems, any steps taken to rectify the problems, and whether the problems occurred on subsequent disposal trips. These reports shall also include the automatically recorded electronic navigation tracking and disposal vessel draft data on CD-ROM (or other media approved by EPA and USACE).

10) No more than 60 days following completion of ocean disposal operations, the permittee shall submit to EPA Region IX and the Los Angeles District USACE Regulatory Division a completion letter summarizing the total number of disposal trips and the overall (*in-situ* and bin) volume of material disposed by 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 the permit. A post-dredge survey shall be provided with this completion letter.

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).

( ) 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.

DAVID M. WALSH, P.E.
CHIEF HARBOR ENGINEER
LOS ANGELES HARBOR DEPARTMENT

DATE

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

DAVID J. CASTANON
CHIEF, REGULATORY DIVISION

DATE

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

TRANSFEREE

DATE

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

NOTIFICATION OF COMMENCEMENT OF WORK
FOR
DEPARTMENT OF THE ARMY PERMIT

Permit Number: *SPL-2013-00113-TS*
Name of Permittee: *Los Angeles Harbor Department, Antonio V. Gioiello, P.E., Chief Harbor Engineer*
Date of Issuance: *Month Day, Year*

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: theresa.stevens@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
Regulatory Division
ATTN: SPL-2013-00113-TS
2151 Alessandro Drive, Suite 110
Ventura, CA 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-2013-00113-TS*
Name of Permittee: *Los Angeles Harbor Department, David M. Walsh, P.E., Chief Harbor Engineer*
Date of Issuance: *Month Day, Year*

Date work in waters of the U.S. completed: _____
Construction period (in weeks): _____
Name & phone of contractor (if any): _____

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit.

_____ _____
Signature of Permittee Date

Upon completion of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to: theresa.stevens@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
Regulatory Division
ATTN: SPL-2013-00113-TS
2151 Alessandro Drive, Suite 110
Ventura, CA 93001