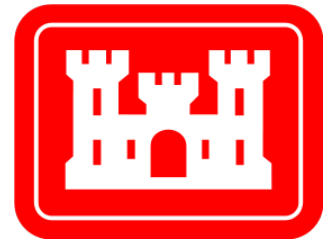




**DEPARTMENT OF THE ARMY**  
**33 U.S.C. § 408 PERMISSION**  
U. S. Army Corps of Engineers  
Los Angeles District



**REQUESTER / NON-FEDERAL SPONSOR:** Los Angeles County Flood Control District, 900 S. Fremont Avenue, Alhambra, CA 91803

**THIRD PARTY PERMITTEE:** Culver City

**PERMISSION NUMBER:** 408-SPL-2019-0028

**ISSUING OFFICE:** U.S. Army Corps of Engineers, Los Angeles District, Engineering Division (USACE-SPL)

**USACE-SPL PERMISSION COORDINATOR:** Mr. Rafiqul Talukder, (213) 452-3745, [spl.408permits@usace.army.mil](mailto:spl.408permits@usace.army.mil)

**AFFECTED FEDERAL PROJECT AND DESCRIPTION:** Centinela Creek Channel, a feature of the Los Angeles County Drainage Area Project (USACE Project)

**LOCATION:** LAT 33°59'53.38" N, LON 118°24'55.28" W

**APPROVED MODIFICATION OR ALTERATION OF THE FEDERAL PROJECT:**

A diversion project that will capture low flow run off from the Centinela Creek Channel into Culver City's existing Mesmer Sewer Pump Station by installing a 24-inch x 24-inch inlet with a 60-inch drop and a 12-inch PVC connection pipe inside a 20-inch steel casing by jack and boring method below Centinela Creek in Culver City, Los Angeles County, California (Section 408 Activity)

The "approved plans and specifications," dated 21 July 2020, upon which this Permission is based are retained by USACE-SPL and filed pursuant to the Permission number listed above.

**I. General Conditions**

1. USACE-SPL acknowledges that the Section 408 Activity shall be carried out by the Third Party Permittee and that this Permission is being issued to the Requester, pursuant to the Requester's obligations under any applicable the U.S. Army Corps of Engineers (USACE) Project agreement and as codified in 33 U.S.C. 2213 (j). The Requester shall ensure compliance with and enforce all requirements referenced in General Condition "3" and Special Conditions, below,

against the Third Party Permittee by separate agreement or permit. USACE-SPL reserves the right to enforce all conditions stated herein against the Requester directly. This Permission shall not diminish the overall responsibility of the Requester to operate and maintain the USACE Project as described in the USACE Project's Operation and Maintenance (O&M) Manual.

2. In the event the Third Party Permittee fails to maintain the Section 408 Activity in good condition and in conformance with the terms and conditions of this Permission or the agreement or separate Permit referenced in General Condition "3" and Special Conditions, below, the Requester shall be responsible for taking any and all actions necessary to prevent or mitigate any interference with the operation of the USACE Project that may result from the Third Party Permittee's failure, in accordance with the following:
  - a. Except when immediate action is necessary to prevent or minimize injury to persons or damage to property or the environment, the Requester shall, prior to commencing any such actions other than the Section 408 Activity, provide notice to USACE-SPL of the proposed actions and obtain USACE-SPL's approval.
  - b. When the Requester takes immediate action to prevent injury to persons or damage to property or the environment, the Requester shall notify USACE-SPL Permission Coordinator of such actions as soon as reasonably practical and shall obtain USACE-SPL's approval of any additional actions reasonably necessary to prevent or mitigate the interference with the operation of the USACE Project.
  - c. In the event that actions by the Requester in accordance with this General Condition "2" fail to prevent interference or potential interference with the operation of the USACE Project resulting from modifications or alterations by the Third Party Permittee, the Requester then shall be responsible to remove the Section 408 Activity in a manner acceptable to USACE-SPL. Removal shall be conducted only after consultation with USACE-SPL and upon modification or amendment of this Permission.
3. Prior to the commencement of any construction related to the Section 408 Activity, the Requester shall enter into an agreement with, or issue a separate permit to, the Third Party Permittee which shall impose the following requirements on the Third Party Permittee:
  - a. The USACE shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, operation, maintenance, repair, rehabilitation, or replacement of the Section 408 Activity, or for damages to the USACE Project. the Third Party Permittee shall repair any damage to the existing USACE Project by Section 408 Activity. The repair shall be accomplished to the satisfaction of USACE-SPL and no cost the USACE.

- b. The Third Party Permittee shall acknowledge that the issuance of the Permission shall not excuse or exempt the Third Party Permittee's compliance with any Federal, state, or local law or regulation that is otherwise applicable, including, but not limited to, those regarding construction, health, safety, water supply, sanitation, use of pesticides, and licenses or permits necessary for the Section 408 Activity.
- c. The Third Party Permittee shall maintain the Section 408 Activity in good condition and in conformance with the terms and conditions of this Permission. The Third Party Permittee shall not be relieved of this requirement even if the Section 408 Activity is abandoned. Should the Third Party Permittee wish to cease to maintain the Section 408 Activity or desire to abandon it, the Third Party Permittee shall request the Requester to obtain from USACE-SPL a modification or amendment of this Permission, which may require to perform additional construction activities to abandon the facility.
- d. If previously unknown historic or archeological remains are discovered in carrying out the Section 408 Activity, the Third Party Permittee shall immediately cease activity and protect the site in consideration of 36 CFR §800.13. Within 24 hours of the discovery, the Requester shall notify USACE-SPL Permission Coordinator. The Third Party Permittee shall not resume construction or activity in the area containing the potential cultural resources until USACE-SPL issues a notice to proceed. Compliance with Special Condition Item 5 below is also required.
- e. If the scope of the Section 408 Activity changes from the approved plans and specifications upon which this Permission is based, the Third Party Permittee shall contact the Requester to resubmit the Section 408 Permission request with the Permission number and revisions clearly identified. Work associated with the Section 408 Activity that does not pertain to the revised portion of the project may continue while the revisions are being reviewed unless USACE-SPL indicates otherwise. If USACE-SPL determines that changes in scope or details have an impact outside approved alteration area, a new 408 permit application will be required.
- f. The Third Party Permittee shall notify the Requester and USACE-SPL's Permission Coordinator of the anticipated start and completion dates of construction of the Section 408 Activity within two (2) weeks of execution of this Permission.
- g. The Third Party Permittee shall notify the Requester and USACE -SPL Permission Coordinator of the start date for construction and a copy of the construction schedule at least two (2) weeks prior to starting. Updated construction schedules shall be made available upon request.

Construction activities shall not impair USACE-SPL access to perform maintenance services, inspections, and patrolling activities. An invitation shall be sent to the Requester and USACE-SPL for any kick-off meetings and final walk-through, as applicable.

- h. The Third Party Permittee and/ or contractor(s) shall allow the Requester and USACE-SPL representatives to inspect the Section 408 Activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this Permission.
  - i. The Third Party Permittee and/or their contractor(s) shall oversee the conduct of the work and ensure the Section 408 Activity is being constructed in accordance with the plans and specifications approved by USACE-SPL.
  - j. Upon completion of construction of the Section 408 Activity, the Third Party Permittee shall submit electronic copies of the as-built plans of the Section 408 Activity to the Requester and USACE-SPL. The as-built plans must be signed by the Third Party Permittee's engineer of record. Electronic copies of the as-built plans shall be submitted in .pdf format to the Requester and USACE\_SPL. As-built plans must be provided within 180 days of construction completion.
  - k. Operations and Maintenance (O&M) Manual Updates. The Third Party Permittee must provide the Requester and USACE-SPL with the Final updated O&M Manual within 180 days of construction completion. Any changes to the USACE Project O&M Manual must be noted. Final updated O&M Manual must have an enclosed excerpt of the USACE Project O&M Manual with changes noted.
  - l. Work shall not begin in waters/navigable waters of the United States until the Third Party Permittee first obtains a separate, additional Department of the Army permit for activities which involve the discharge of dredge or fill material into waters of the United States or work or structures in or affecting navigable waters of the United States, pursuant to the provisions of Section 404 of the Clean Water Act ( 33 USC 1344) and/or Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 USC 403).
  - m. Should construction activities fail to commence within two (2) years after the effective date of this Permission, this Permission shall be immediately revoked.
4. In reliance on the information submitted by the Third Party Permittee, USACE-SPL determined that issuance of the Permission is not contrary to the public interest. USACE-SPL may reevaluate its decision on this Permission at any time

it determines the circumstances warrant it. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. Third Party Permittee fails to comply with any of the requirements contained in the agreement or separate Permission referenced in General Condition "3", above, and the Requester fails to take appropriate action, within a reasonable period of time, to enforce those requirements and/or to prevent any interference with operation of the USACE Project caused by, or related to, the Third Party Permittee's non-compliance.
  - b. The information provided by the Requester in support of the 408 Permission request proves to be incomplete or inaccurate.
  - c. Significant new information surfaces which USACE-SPL did not consider in reaching the original public interest decision.
5. USACE-SPL has examined this Permission and determined that the Permission conditions are sufficient. USACE-SPL may incorporate new Permission conditions if required for the affected the USACE Project.

## **II. Special Conditions**

1. The Third Party Permittee is required to provide USACE-SPL Reservoir Regulation Section with a completed Site Access Coordination Form if construction will take place within or downstream of any the USACE Flood Control Basin. The Site Access Coordination form is found here: [\[http://www.spl.usace.army.mil/Missions/CivilWorks/ReservoirRegulation.aspx\]](http://www.spl.usace.army.mil/Missions/CivilWorks/ReservoirRegulation.aspx), under 'Contact Us' see LAD Site Access Form'. The Third Party Permittee shall provide a Point of Contact (POC) so that the Reservoir Regulation Section can be in contact with the POC regarding project information and coordination of reservoir operations. The POC shall use all reasonable efforts to contact USACE-SPL's Reservoir Operation Center (ROC) by calling (213) 452-3623 at least two (2) business days prior to commencement of approved modification/alteration.
2. The Third Party Permittee's construction schedule must adhere to USACE-SPL Hydrology and Hydraulics (HH) Policy titled *Channel Improvement Limitations for Permits*, dated April 2008, provided at: <https://www.spl.usace.army.mil/Missions/Section-408-Permits/>
3. The Third-Party Permittee must implement Best Management Practices (BMPs) as necessary to reduce air quality impacts from fugitive dust and/or particulate matter, including road watering, if the Section 408 Activity generates wind speed in excess of 20 mph.
4. The Third-Party Permittee must implement BMPs as necessary to ensure that water quality is not adversely affected by the Section 408 Activity.

5. The Third-Party Permittee shall ensure a qualified archaeological monitor is present during all ground-disturbing activities associated with the authorized activities. The monitor shall have the authority to halt project activities to ensure adverse effects to historic properties are avoided. The qualified archaeologist, in coordination with the Corps, may reduce or discontinue monitoring if it is determined that the possibility of encountering buried archaeological deposits is low based on observations of soil stratigraphy or other factors.

Nothing in this Permission shall be construed as abrogating or otherwise diminishing the responsibility of the Requester to hold and save the USACE free from all damages arising from construction, operation, maintenance, repair, rehabilitation, or replacement of the USACE Project and any alterations or modifications, including any alteration or modification approved herein, except to the extent caused by the fault or negligence of the USACE-SPL or its contractors.

By signing this Permission, the signatory to this Permission hereby represents and warrants that they are duly authorized to execute and bind the Los Angeles County Flood Control District to the terms and conditions contained within this Permission. This Permission shall become effective upon signature below by USACE-SPL official.

*Barbara Childers*  
 for Greg Even, P.E.  
 Assistant Deputy Director  
 Los Angeles County Flood Control District

1/19/2021  
 Date

Eric H. Stevens, P.E., P.M.P.  
 Chief, Engineering Division  
 Los Angeles District  
 U.S. Army Corps of Engineers

01/20/2021  
 Date