

## DEPARTMENT OF THE ARMY PERMIT

Permittee: National Marine Fisheries Service

Permit No. MVN 2005-4406 EBB

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or his/her 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 of that office, at the authority of the commanding officer.

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

**Project Description:** Excavation and deposition of fill material, for shoreline stabilization and marsh creation, to implement the Pass Chalard to Grand Bayou Pass Restoration CWPPRA Project (B) in accordance with drawings enclosed in twenty sheets, dated March 15, 2005.

**Project Location:** On Bay Joe Wise from Pass Chalard to Grand Bayou Pass, approximately 43 miles south-southeast of New Orleans, Louisiana, in Plaquemines Parish, and in the Gulf of Mexico.

### Permit Conditions:

#### General Conditions:

1. The time limit for completing the work authorized ends on **MAY 31, 2011**. 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 a month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity. If you wish to make a good faith transfer to a third party in compliance with General Condition 4 below, you must first cease to maintain the authorized activity or should you desire to abandon the activity, you must first obtain a modification of this permit from this office, which may require restoration of the site.
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 Register 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 to the permit 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 water quality certification as special conditions to this permit. For your convenience, a copy of the certification is included in the permit conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary, whether or not being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: Page 4.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (13 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:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or structures.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the exercise of 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 is 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 that 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 misleading (see above).
    - c. Significant new information surfaces which this office did not consider in reaching the original public interest determination.
- Such a reevaluation may result in a determination that it is appropriate to use the suspension, revocation, and enforcement procedures contained in 33 CFR 323.7 or enforcement procedures such as those contained in 33 CFR 323.4 and 323.5. These 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 measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those in 33 CFR 323.5 and 323.7) 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. There are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest. The Corps will normally give 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.

X Richard Hartman for X 5-26-08  
 (PERMITTEE) (DATE)  
 Richard Martin Fisher Service

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

Pete Serio 6/1/08  
 Pete J. Serio, Chief Eastern Evaluation Section (DATE)  
 for Richard P. Wegenaar, District Commander

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 this permit.

\_\_\_\_\_  
 (TRANSFERE) (DATE)



**SPECIAL CONDITIONS: MVN 2005-4406 EBB**

7. Appropriate erosion and siltation controls must be used and maintained in erodible condition during construction. This includes the use of water control structures, silt traps, screens, etc., in water discharge areas.
8. All exposed soil and other fills must be stabilized and/or planted with appropriate native dune species at the earliest practicable date.
9. Your use of the permitted activity must not interfere with the public's right to travel on all navigable waters of the United States.
10. You must install and maintain at your expense, any safety lights and signals prescribed by the United States Coast Guard, through regulations or otherwise, on your authorized facility.
11. Special attention must be given to properly marking and/or lighting any temporary obstructions to recreational and commercial fishing resulting from project construction, and advertising construction periods to these interested parties to the greatest extent practicable.
12. 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, in the opinion of the Secretary of the Army or his authorized representative, said structure or work may cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, 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.
13. If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.) in the waterway, you are advised to notify the Eighth Coast Guard District so that a Notice to Mariners, if required, may be prepared. A Notice to Mariners, with a copy of your permit approval and drawings, should be mailed to the Commander (m), Eighth Coast Guard District, ATTN: Vessel Traffic Management, 501 Magazine Street, New Orleans, Louisiana 70130-3396, about a month before you plan to start work. Telephone inquiries can be directed to (504) 589-4686.



For title of this form, see AF 29-11; the extension applies to USMPC

COMMAND/ OFFICE		NAME/ OFFICE SYMBOL	OFFICE TELEPHONE NO. (AUTOVON/COMBL)	FAX NO. (AUTOVON/COMBL)
FROM:				
U.S. ARMY CORPS OF ENG NEW ORLEANS DISTRICT		CEMVN-OD-SE	(504) 862- 2260	(504) 862-2574
TO:				
Rachael Sweeny				225-389-0506

CLASSIFICATION	PRECEDENCE	NO. PAGES (including this Header) 5	DATE-TIME 5/12/08	MONTH	YEAR	RELEASER'S SIGNATURE Dorell Barbara
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REMARKS  
 Permit Copy  
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Space Below For Communications Center Use Only