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 any transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office having 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 teaser creation, to implement the Pass Chaland to Grand Bayou Pass Restoration CWPRRA Project #X, in accordance with drawings enclosed in twenty sheets, dated March 16, 2005.

Project Location: On Bay Joe Wise from Pass Chaland to Grand Bayou Pass, approximately 4.3 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 fail to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformity with the terms and conditions of this permit. You are not relieved of this requirement if you abandon or terminate authorized activities and may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you cease to maintain the authorized activity or should you fail to maintain the activity in good condition, you should immediately obtain a modification of this permit from this office, which may require refund of fees.

3. If you discover any previously unknown historic or archaeological remains within the area covered by this permit, you must immediately notify this office of what you have found. We will initiate the necessary 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.

ENG FORM 1721, Nov 99
4. If you sell the property associated with this permit, you must obtain the signature of the new owner or the assignee and forward a copy of the permit to this office to validate the transfer of this authority.

5. If a conditioned water quality certification has been issued for your project, you must comply with the certification as special conditions to this permit. For your convenience, a copy of the certification is attached as special conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time during the continuance or at the end of the project. This inspection is to ensure that the conditions of your permit have 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:

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

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, State, or local authorities 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 responsibility for:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities.

b. Damages to the permitted project or uses thereof as a result of current or future activities or interests in the United States in the public interest.

c. Damages to personal property, or to other permitted or unpermitted activities or structures caused by a violation 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 the permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is consistent with the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time for 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 incorrect.
   
   c. Significant new information surfaces which this office did not consider in reaching the original permit decision

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and/or revocation procedures contained in 33 CFR 328.7 or enforcement procedures such as those contained in 33 CFR 332.1 and enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms of your permit and for the initiation of legal action where appropriate. You will be required to pay for any reasonable expenses incurred by this office, and if you fail to comply with such directions, this office may in certain situations (consistent with 33 CFR 332.50 and 33 CFR 309.170) accomplish the corrective measures by contract or otherwise and bill you for the cost incurred.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by the permit. There are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the permit. The permittee is required to complete the activity within the time specified in the permit, and if you fail to comply with such directions, this office may in certain situations (consistent with 33 CFR 332.50 and 33 CFR 309.170) accomplish the corrective measures by contract or otherwise and bill you for the cost incurred.

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

\[ Signature \]

(PERMITTEE)

\[ Signature \]

(DATE)

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

\[ Signature \]

(Pete J. Serio, Chief Eastern Evaluation Section)

for Richard P. Wegener, District Commander

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

\[ Signature \]

(TRANSFEREE)
SPECIAL CONDITIONS: MVN 2005-4406 EBB

7. Appropriate erosion and sediment controls must be used and maintained in a stable condition during construction. This includes the use of water control structures, sediment basins, silt fences, silt curtains, and rip rap where necessary. A hardened surface must be provided on all discharge areas.

8. All exposed soil and other fills must be stabilized and/or planted with appropriate and non-invasive species at the earliest practicable date.

9. Your use of the permitted activity must not interfere with the public's right to use 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 craft.

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 those interested parties to the greatest extent possible.

12. The permittee understands and agrees that, if future operations by the United States threaten the removal, relocation, or other alteration, of the structure or work, you must deposit with the staff of the Eighth Coast Guard District such amount of money as the staff determines, in the discretion of the Secretary of the Army or his authorized representative, is needed to cause the Secretary of the Army to agree to remove, relocate, or otherwise alter the structure or work, or cause unreasonable obstruction to the free navigation of the navigable waters; the permittee agrees to pay, upon due notice from the Corps of Engineers, to remove, relocate, or other alterations, structural work or obstructions caused thereby, without expense to the United States, or, if any suit shall be made against the United States on account of any such removal or alteration, the costs and disbursements, as well as interest thereon, incurred by the United States in connection with such suit shall be paid by the permittee.

13. If the proposed project, or future maintenance work, involves the use of heavy equipment (barge mounted cranes, barge mounted pile driving equipment, trenching equipment, dredge discharge pipelines, etc.) in the waterway, you are hereby advised to notify in advance the Eighth Coast Guard District so that a Notice to Mariners, if required, may be properly published. Notification, with a copy of your permit approval and drawings, should be made to Commander (c) Eighth Coast Guard District, 524 Toney Veterans Memorial Building, 501 Magazine Street, New Orleans, Louisiana 70130-3396, at least 30 days prior to any project start work. Telephone inquiries can be directed to (504) 589-4686.
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<td>U.S. ARMY CORPS OF ENGF NEW ORLEANS DISTRICT</td>
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**REMARKS**

Permit Copy

MVN-2005-4406-EBB