NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: LCPRA  
File No.: MVN-2012-2910-ETT  
Date: MAY 23 2013

Attached is:  

| X | INITIAL PROFERRED PERMIT (Standard Permit or Letter of permission) | A |
| - | PROFERRED PERMIT (Standard Permit or Letter of permission) | B |
| - | PERMIT DENIAL | C |
| - | APPROVED JURISDICTIONAL DETERMINATION | D |
| - | PRELIMINARY JURISDICTIONAL DETERMINATION | E |

See Section below

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFERRED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFERRED PERMIT: You may accept or appeal the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.
SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

<table>
<thead>
<tr>
<th>ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.</th>
</tr>
</thead>
<tbody>
<tr>
<td>POINT OF CONTACT FOR QUESTIONS OR INFORMATION: If you have questions regarding this decision and/or the appeal process you may contact: Michael V. Farabee (504)862-2292 Chief, Eastern Evaluation Section U.S. Army Corps of Engineers P.O. Box 60627 New Orleans, LA 70160 If you only have questions regarding the appeal process you may also contact the Division Engineer through: Administrative Appeals Review Officer Mississippi Valley Division P.O. Box 80 (1400 Walnut Street) Vicksburg, MS 39181-0080 601-634-5821 FAX: 601-634-5816</td>
</tr>
<tr>
<td>RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.</td>
</tr>
</tbody>
</table>

Signature of appellant or agent: ___________________________ Date: 6/3/2013 Telephone number: 225-312-4635
Operations Division  
Eastern Evaluation Section  

SUBJECT: MVN-2012-2910-ETT  

Louisiana Coastal Protection & Restoration Authority  
Attention: James McMenis  
Post Office Box 44027  
Capitol Station  
Baton Rouge, Louisiana 70804  

Dear Mr. McMenis:  

We are forwarding a draft copy of a permit, subject as above, which will authorize work under the Department of the Army permit program, after signed by a responsible official of this office.  

The unsigned, undated copy of the permit is enclosed. You must sign and date the permit, signifying acceptance of the terms and conditions therein, and return the signed permit to this office. Upon receipt of the permit, the permit will be signed by the responsible official and will be returned to you.  

RETURN TO: US ARMY CORPS OF ENGINEERS, REGULATORY BRANCH, EASTERN EVALUATION SECTION, POST OFFICE BOX 60267, NEW ORLEANS, LOUISIANA 70160-0267.  

YOU ARE ADVISED THAT YOU HAVE NO VALID PERMIT, AND NO WORK MAY BE PERFORMED UNTIL YOU RECEIVE THE ORIGINAL OF THE PERMIT SIGNED BY A RESPONSIBLE OFFICIAL OF THIS OFFICE.  

Before signing and returning the permit to this office, carefully consider the information contained in the permit. ALSO, CAREFULLY CONSIDER THE INFORMATION CONTAINED IN THE ATTACHED FORM "NOTIFICATION OF APPLICANT OPTION (NAO)"WHICH LISTS THE OPTIONS AVAILABLE TO YOU IN YOUR EVALUATION OF THE ENCLOSED PERMIT.
IF YOU CHOOSE TO ACCEPT THE TERMS AND CONDITIONS OF THIS PERMIT, YOU MUST SIGN AND RETURN THIS PERMIT WITH THE DRAWINGS WITHIN 60 DAYS OF THE DATE OF THIS LETTER. IF YOU FAIL TO DO SO, WE WILL ASSUME YOU NO LONGER PLAN TO DO THE WORK COVERED BY THE DRAFT PERMIT, AND YOUR APPLICATION WILL BE REMOVED FROM OUR FILES.

Sincerely,

[Signature]

Martin S. Mayer
Chief, Regulatory Branch

Enclosure
DEPARTMENT OF THE ARMY PERMIT

Permittee: Louisiana Coastal Protection & Restoration Authority

Permit No. MVN-2012-2910-ETT

Issuing Office: New Orleans 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 of that office acting under the authority of the commanding officer.

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

Project Description: Install and maintain five different types of non-rock shoreline protection structures at three locations as part of the "Non-Rock Alternatives to Shoreline Protection" CWPPRA demonstration projects, in accordance with the drawings attached in nine sheets, undated.


Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on MAY 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 1 month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of 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 in accordance with the terms and conditions of your permit.

**Special Conditions: See Attached.**

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).

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 measures 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 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.

\[\text{PERMITTEE}\]

\[\text{DATE}\]

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

\[\text{DATE}\]

Michael V. Farabee, Chief Eastern Evaluation Section

for Richard L. Hansen, 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 below.

\[\text{TRANSFEREE}\]

\[\text{DATE}\]
SPECIAL CONDITIONS: MVN-2012-2910-ETT

7. This authorization allows for minor deviations in construction designs and project implementation. The permittee shall coordinate with this office prior to the initiation of any changes, such as alterations or changes in scope of the proposed project, which would have unwarranted impacts to jurisdictional waters and/or wetland areas not considered under this authorization. Such alterations may require a permit modification or a separate Department of the Army permit review, prior to commencing that work. If minor deviations in project plans and/or design are allowed during construction, the permittee shall submit as-built drawings within 30-days of project completion.

8. 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, 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.

9. The permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

10. The permittee shall employ best management practices around all areas of the construction site that require earthwork to restrict sediments and other materials from entering adjacent wetlands and other waters.

11. You must install and maintain, at your expense, any safety lights, signs and signals prescribed by the US Coast Guard, through regulations or otherwise, on your authorized facilities.

12. 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 US Coast Guard so that a Notice to Mariners, if required, may be prepared. Notification, with a copy of your permit approval and drawings, should be mailed to the US Coast Guard, Sector New Orleans Command Center, 200 Hendee Street, New Orleans, Louisiana 70114, approximately one (1) month before you plan to start work. Telephone inquiries can be directed to (504) 365-2281.

13. The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the permittee will contact the Chitimacha Tribe of Louisiana at Post Office Box 661, Charenton, LA 70523, and the Army Corps of Engineers, New Orleans District (CEMVN) Regulatory Branch. CEMVN, Regulatory Branch will initiate the required federal, state, and tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.
LA-16 NON-ROCK ALTERNATIVES TO SHORELINE PROTECTION DEMONSTRATION PROJECT LAKE SALVADOR SITE PERMIT DRAWINGS

INDEX TO DRAWINGS
1 VICINITY MAP
2 PROJECT MAP
3 TYPICAL SECTION

INDEX TO DRAWINGS
1 VICINITY MAP
2 PROJECT MAP
3 TYPICAL SECTION

NOTES:
TBM "BA-20 POST", N=428302.69, E=3657920.22, ELEV=+3.23, GEOD 99.
ACCESS TO EACH SITE WILL BE BY WATER ONLY. PLACEMENT OF ANY EQUIPMENT ON LAND WILL NOT BE ALLOWED.
COORDINATES ARE IN STATE PLANE FEET, LOUISIANA SOUTH, NAD83.

LOCATION IN LOUISIANA JEFFERSON PARISH

LAKE SALVADOR PROJECT SITE
TBM "BA-20 POST"
WATER BOTTOMS IMPACTED

WATER BOTTOMS IMPACTED BY ACCESS DREDGING = 25 ACRES
WATER BOTTOMS IMPACTED BY SPOIL PLACEMENT = 19 ACRES
WATER BOTTOMS IMPACTED BY PROJECT FEATURES = 3 ACRES
1. Three of the five proposed product features include support pilings. The size of the pilings vary in length from 10' to 70' and in diameter from 5" to 30". Spacing varies from 4' for the smaller pilings to 25' for the larger pilings.

2. Material from temporary spoil placement area will be returned to the access channel at the completion of construction.

3. Specific details and final locations of product features are currently under development.

4. NRCs will coordinate temporary and permanent warning sign locations and details with the US Coast Guard prior to construction.

5. Vertical scale on "Typical Section - Lake Salvador is expanded by a factor of 6."
LA-16 NON-ROCK ALTERNATIVES TO SHORELINE PROTECTION DEMONSTRATION PROJECT BAYOU PEROT SITE PERMIT DRAWINGS

INDEX TO DRAWINGS
1 VICINITY MAP
2 PROJECT MAP
3 TYPICAL SECTION

NOTES:

ACCESS TO EACH SITE WILL BE BY WATER ONLY. PLACEMENT OF ANY EQUIPMENT ON LAND WILL NOT BE ALLOWED.

COORDINATES ARE IN STATE PLANE FEET, LOUISIANA SOUTH, NAD83.

LOCATION IN LOUISIANA LAFOURCHE PARISH

SHEET 1 OF 3
1. Three of the five proposed product features include support pilings. The size of the pilings vary in length from 10' to 70' and in diameter from 5" to 30". Spacing varies from 4' for the smaller pilings to 25' for the larger pilings.

2. Material from temporary spoil placement area will be returned to the access channel at the completion of construction.

3. Specific details and final locations of product features are currently under development.

4. NRCS will coordinate temporary and permanent warning sign locations and details with the US Coast Guard prior to construction.

5. Vertical scale on 'Typical Section - Bayou Perot' is expanded by a factor of 6.
LA-16 NON-ROCK ALTERNATIVES
TO
SHORELINE PROTECTION
DEMONSTRATION PROJECT
SHARK ISLAND SITE
PERMIT DRAWINGS

INDEX TO DRAWINGS
1 VICTINITY MAP
2 PROJECT MAP
3 TYPICAL SECTION

NOTES:
TBM "LA16SH-#4" N=451605.00, E=3115444.88, ELEV=+2.84, GEOID 03.
ACCESS TO EACH SITE WILL BE BY WATER ONLY. PLACEMENT
OF ANY EQUIPMENT ON LAND WILL NOT BE ALLOWED.
COORDINATES ARE IN STATE PLANE FEET, LOUISIANA SOUTH, NAD83.

LOCATION IN LOUISIANA
IBERIA PARISH
1. THREE OF THE FIVE PROPOSED PRODUCT FEATURES INCLUDE SUPPORT PILINGS. THE SIZE OF THE PILINGS VARY IN LENGTH FROM 10’ TO 70’ AND IN DIAMETER FROM 5” TO 30”. SPACING VARIES FROM 4’ FOR THE SMALLER PILINGS TO 25’ FOR THE LARGER PILINGS.

2. MATERIAL FROM TEMPORARY SPOIL PLACEMENT AREA WILL BE RETURNED TO THE ACCESS CHANNEL AT THE COMPLETION OF CONSTRUCTION.

3. SPECIFIC DETAILS AND FINAL LOCATIONS OF PRODUCT FEATURES ARE CURRENTLY UNDER DEVELOPMENT.

4. NRCS WILL COORDINATE TEMPORARY AND PERMANENT WARNING SIGN LOCATIONS AND DETAILS WITH THE US COAST GUARD PRIOR TO CONSTRUCTION.

5. VERTICAL SCALE ON 'TYPICAL SECTION-SHARK ISLAND' IS EXPANDED BY FACTOR OF 6.