

Site Copy

DEPARTMENT OF THE ARMY PERMIT

Permittee: United States Department of Fish and Wildlife Service

Permit No.: MVN-2009-0264-EFF

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: Excavate and deposit fill to implement the Lake Hermitage Marsh Creation Project (CWPPRA- BA-42) for the purpose of marsh creation and restoration, in accordance with the drawings enclosed in 15 sheets, dated January 2009.

Project Location: In Plaquemines Parish, Section 23 and 17, T-17 and 18S, R-26E, at Long. 89.85098 & Lat. 29.55226, located off of LA Highway 23 in Lake Hermitage, Louisiana.

General Conditions:

1. The time limit for completing the work authorized ends on **May 31, 2014**. 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 one 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: Pages 4 and 5.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- 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 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.

X *Kausti Cantu* (PERMITTEE) X *5/27/09* (DATE)

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

Michael V. Farabee (DATE) *June 2, 2009*
 Michael V. Farabee
 Chief, Eastern Evaluation Section

for Alvin B. Lee, 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.

 (TRANSFEE) (DATE)

**SPECIAL CONDITIONS
MVN-2009-0264-EFF**

7. The authorization does not obviate the permittee from obtaining other necessary approvals from pertinent federal, state, and/or local authorities.
8. The proposed project shall be confined to the areas shown on the attached drawings. Mechanized land clearing or filling in wetlands for access and/or project construction, unless expressly identified on the attached drawings, is not authorized. Any alterations or changes in scope of the proposed project which would have unavoidable impacts to wetland areas not considered under this authorization would require a separate Department of the Army permit review and decision, prior to commencing that work.
9. The permittee shall provide this office with a copy of any generated post construction surveys, monitoring reports, post-ground photography, and/or post aerial photography, obtained after project completion.
10. In accordance with the permit drawings, dredge material deposited into existing vegetative wetland areas and/or tidal marsh shall be placed in a manner conducive to the re-establishment, nourishment, and/or enhancement of that habitat.
11. The permittee shall notify this office in writing within five working days after construction has been completed.
12. The permittee shall assure that contractors, foremen, and/or workers associated with project implementation are equally cognizant of the conditions and restrictions associated with this approval.
13. If archaeological materials and/or human remains are discovered during ground disturbing activities you shall cease and desist all activities in the project area and contact this office and Mr. Philip Rivet of the Louisiana Office of Cultural Development, Division of Archaeology at (225) 342-8160.
14. The permittee is aware that future site visits and inspections may be conducted to the project area by this office and/or other resource agencies, to assess project compliance with this authorization and requirements associated herewith.
15. 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.
16. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
17. You must install and maintain, at your expense, any safety lights, signs and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on your authorized facilities.

18. 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 U.S. 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 U.S. Coast Guard, Sector New Orleans Command Center, 201 Hammond Highway, Metairie, Louisiana 70005, about 1 month before you plan to start work. Telephone inquiries can be directed to (504) 846-5923.

19. The limits of permissible excavations in the river shall be adhered to in accordance with drawing depicted as Attachment I of this authorization.

20. Work shall only be performed while the stage of the Mississippi River is below elevation +11 feet on the Carrollton gage, at New Orleans, Louisiana. Information concerning current river stages may be obtained on our web site at www.mvn.usace.arm.mil. Please note that because this is a flow failure area, a waiver to perform work when the stage of the river is above +11 feet will not be allowed.

20. Any damage to the levee and/or bank resulting from the permittee's activities shall be repaired at the permittee's expense.

21. The proposed work shall not restrict the Levee District's maintenance operations or any potential flood fight activities at the levee.

22. All disturbed areas on the levee crown and slopes shall be restored to its original condition and to the satisfaction of this District.

23. The levee crown ramp over the pipeline crossing shall be surfaced with 7-inches of crushed limestone for the full length and width of the ramp.

24. All materials associated with the proposed levee work must be removed from the area upon completion of the project and the area must be returned to its original state of existence or better.

25. Should changes in the location or section of the existing levee and/or river, or in the generally prevailing condition in the vicinity, be required in the future in the public interest, the applicant shall make changes in the project concerned, or in the arrangement therefore, as may be necessary to satisfactorily meet the situation and shall bear the cost therefore.

26. 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 applicant will contact the Chitimacha Tribe of Louisiana at P.O. Box 661, Charenton, LA 70523, and the Army Corps of Engineers, New Orleans District Regulatory Branch (MVN). MVN 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.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

FILE COPY

Operations Division
Eastern Evaluation Section

FEB 24 2012

SUBJECT: MVN-2009-0264-EFF (Lake Hermitage BA-42 - Mod.)

US Fish and Wildlife Service
Attn: James Boggs
646 Cajundome Blvd., Suite 400
Lafayette, LA 70506

Gentlemen:

Revised drawings attached in twenty-five sheets, furnished with your application dated July 28, 2011, covering (*an additional 104 acre marsh creation area, an additional 5900 feet of earthen containment dikes, and an increase in the Mississippi River borrow area dredge depth to -76.0 feet NAVD 88, for constructing the Lake Hermitage BA-42 CWPPRA project*); are approved and hereby supersede your drawings for the work authorized by the Secretary of the Army in permit dated June 2, 2009 from the District Engineer at New Orleans, Louisiana.

The time limit for completion of this work is extended to May 31, 2017.

The following special conditions are hereby made a supplemental part of this authorization:

1. All work over the levee and within 10 feet of the levee toes shall be performed and completed while the stage of the Mississippi River is below elevation +11.0 feet on the Carrollton gage, at New Orleans, Louisiana. Information concerning current river stages may be obtained on our website at www.mvn.usace.army.amil.
2. The proposed work shall not impede inspection access along the levee crown.
3. After one complete growing season following completion of spoil placement within the proposed beneficial use areas, the permittee shall manually breach or degrade earthen containment dikes to a marsh elevation, and/or in a manner which assures natural hydrology to the project area(s), if the berms have not degraded naturally.

jm
Senio
OD-5

All other conditions, to which the work is made subject, excepting the time limit for completion, remain in full force and effect. If the structures or work authorized is not completed on or before the date herein specified, this authorization, if not previously revoked or specifically further extended, will cease and become null and void.

A copy of this permit approval letter shall be conspicuously displayed at the project site. Also, you must keep a copy of this signed letter, with attached drawings, at the project site until the work is completed.

The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the attached Customer Service Survey and return it in the envelope provided or go to the survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Pete J. Serio
Chief, Regulatory Branch
for
Edward R. Fleming
Colonel, US Army
District Commander

Enclosures



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

JUN 15 2012

REPLY TO
ATTENTION OF:
Operations Division
Eastern Evaluation Section

SUBJECT: MVN-2009-0264-EFF (Lake Hermitage BA-42 - Mod.)

US Fish and Wildlife Service
Attn: James Boggs
646 Cajundome Blvd., Suite 400
Lafayette, Louisiana 70506

Gentlemen:

Additional drawings attached in three sheets (sheets 16-18), furnished with your application dated May 21, 2012, to cover *(3100 linear feet of supplemental access dredging, temporary side casting, and beneficial spoil placement along portions of the Jefferson Canal; all for implementing the Lake Hermitage BA-42 CWPPRA Project)*; are approved and hereby added to your plans for the work authorized by the Secretary of the Army in permit dated June 2, 2009 from the District Engineer at New Orleans, Louisiana.

The following special conditions are hereby made a supplemental part of this authorization:

1. Excavated material associated with the supplemental access dredging shall be backfilled upon completion and/or utilized for marsh creation or enhancement at the site.
2. If determined feasible during construction, the beneficial use of dredged materials along Jefferson Canal can be deposited with discretion in order to expand the amount of marsh creation or enhancement area at the site. The permittee will notify this office of any deviations from the present plan.
3. The permittee shall submit modified drawings/as-builds, to this office (attn: Darrell S. Barbara) upon completion of the work, if supplemental access dredged materials are beneficially utilized along Jefferson Canal in a manner not consistent with the attached drawings.
4. The permittee shall not deposit the supplemental access dredge materials in a manner which would create a hazard to local navigation or in way that would impact existing vegetated wetland areas at the site.
5. Dredge material shall not be placed in a manner that will block or impede any natural waterways or bayous.

All other conditions, to which the work is made subject remain in full force and effect. If the structures or work authorized is not completed on or before the date herein specified, this authorization, if not previously revoked or specifically further extended, will cease and become null and void.

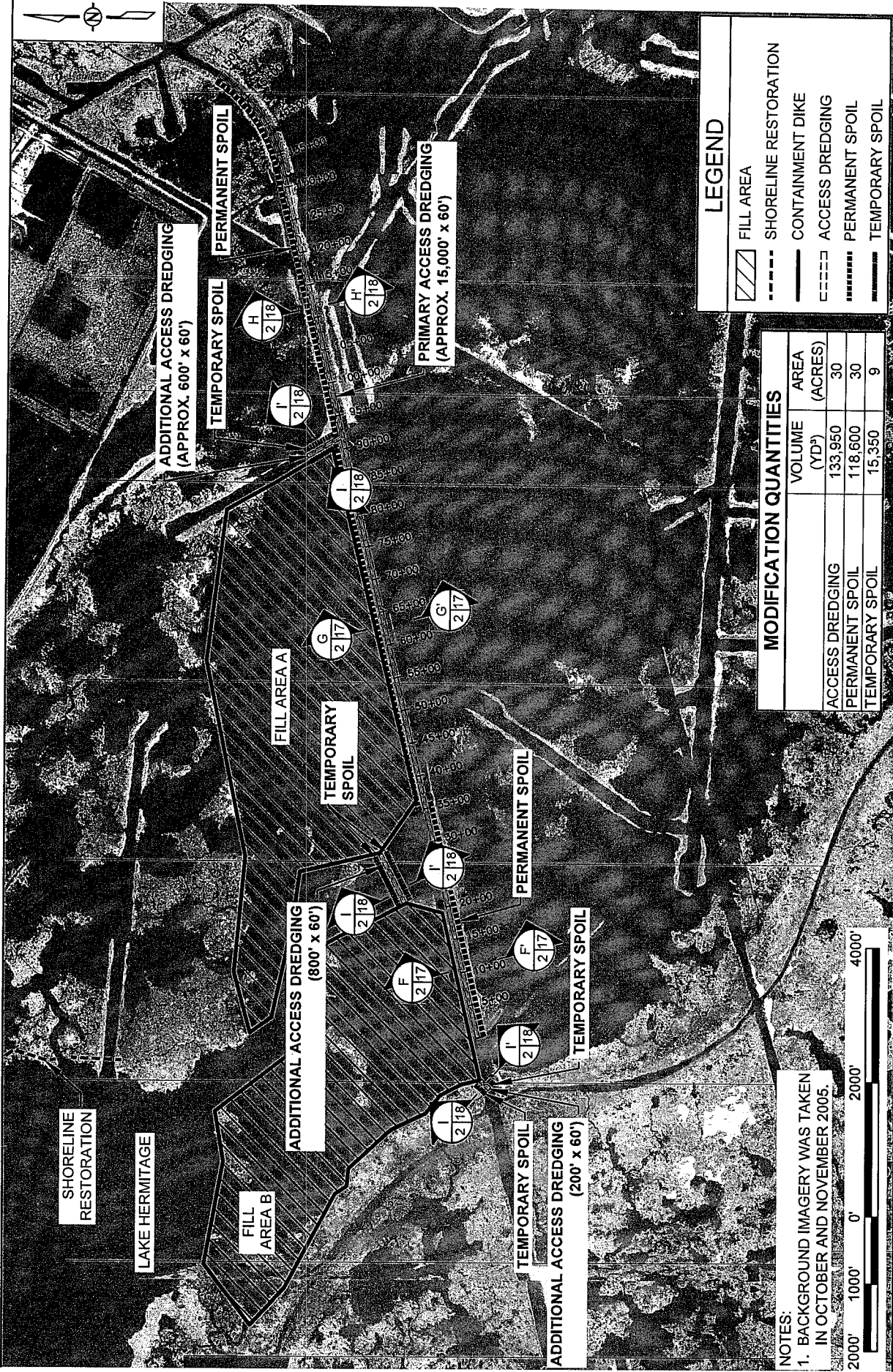
A copy of this permit approval letter shall be conspicuously displayed at the project site. Also, you must keep a copy of this signed letter, with attached drawings, at the project site until the work is completed.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in black ink, appearing to read "Pete J. Serio".

Pete J. Serio
Chief, Regulatory Branch
for
Edward R. Fleming
Colonel, US Army
District Commander

Enclosures



LEGEND

	FILL AREA
	SHORELINE RESTORATION
	CONTAINMENT DIKE
	ACCESS DREDGING
	PERMANENT SPOIL
	TEMPORARY SPOIL

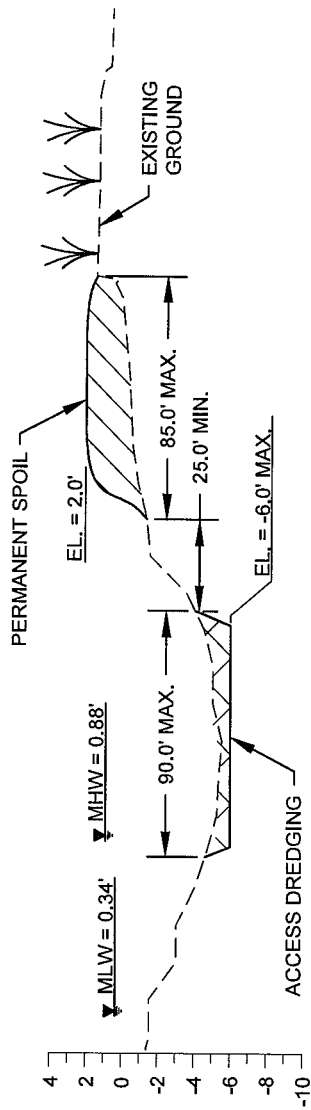
MODIFICATION QUANTITIES

	VOLUME (YD ³)	AREA (ACRES)
ACCESS DREDGING	133,950	30
PERMANENT SPOIL	118,600	30
TEMPORARY SPOIL	15,350	9

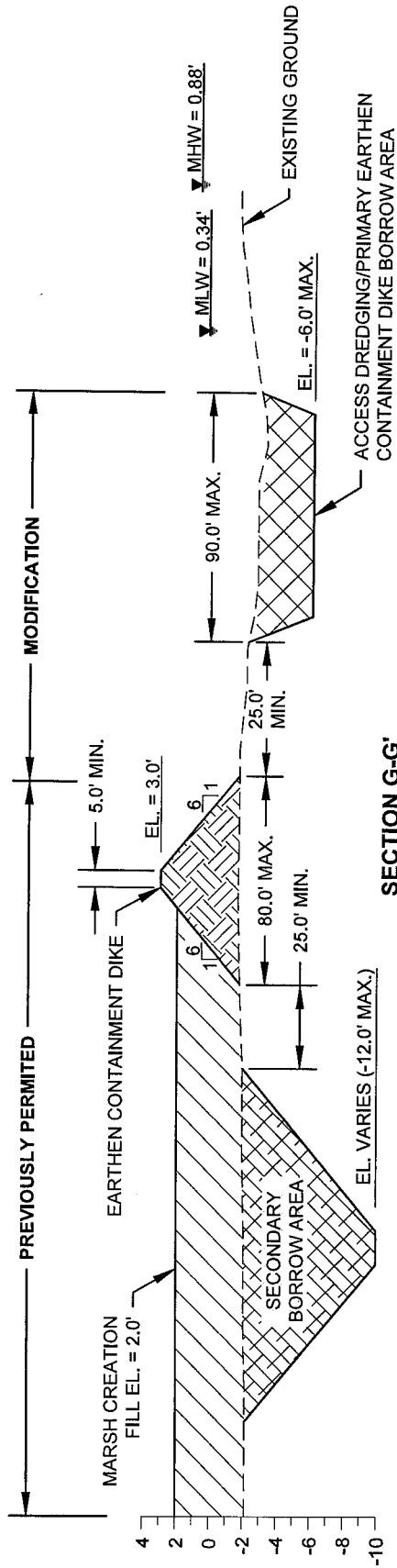
NOTES:

1. BACKGROUND IMAGERY WAS TAKEN IN OCTOBER AND NOVEMBER 2005.

<p>APPLICATION BY: U.S. FISH & WILDLIFE SERVICE 646 CAJUNDOME BLVD., SUITE 400 LAFAYETTE, LA 70506</p>	<p>OFFICE OF COASTAL PROTECTION & RESTORATION ENGINEERING BRANCH 450 LAUREL STREET BATON ROUGE, LOUISIANA 70801</p>	<p>LAKE HERMITAGE MARSH CREATION</p>	<p>ACCESS PLAN VIEW</p>
<p>DRAWN BY: KRISTI CANTU</p>	<p>DESIGNED BY: RUDY SIMONEAUX</p>	<p>STATE PROJECT NUMBER: BA-42</p>	<p>DATE: MAY 21, 2012</p>
<p>G:\Users\Autocad\BASTINS\BA\BA-42 Lake Hermitage\Permit\5.7.2012 Modification\16 Access Plan View.dwg</p>	<p>APPROVED BY: MAURY CHATELLIER</p>	<p>FEDERAL PROJECT NUMBER:</p>	<p>SHEET 16 OF 18</p>



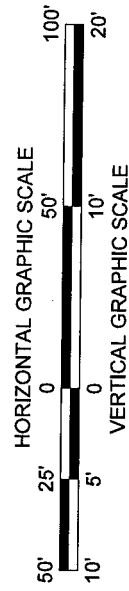
SECTION F-F'
 PRIMARY ACCESS DREDGING
 STA. 0+00 TO STA. 35+85



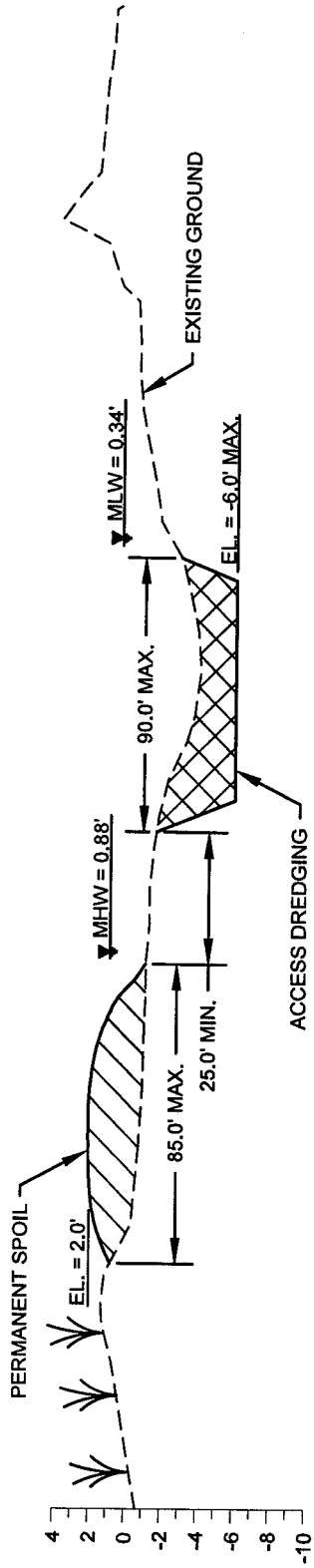
SECTION G-G'
 PRIMARY ACCESS DREDGING
 STA. 35+85 TO STA. 91+60

NOTES:

1. THE EARTHEN CONTAINMENT DIKE, MARSH CREATION, AND SECONDARY BORROW AREA HAS BEEN PREVIOUSLY PERMITTED.
2. ALL ELEVATIONS ARE GIVEN IN THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) U.S. SURVEY FEET.

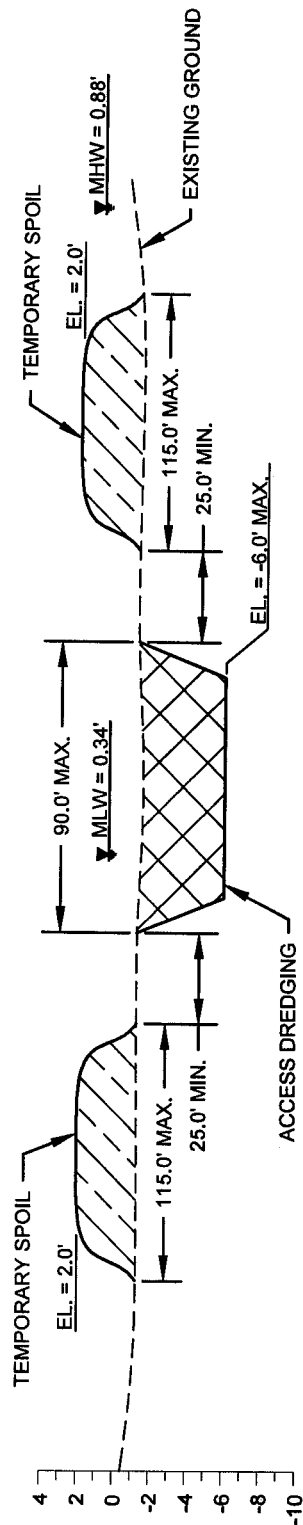


APPLICATION BY: U.S. FISH & WILDLIFE SERVICE 646 CAJUNDOME BLVD., SUITE 400 LAFAYETTE, LA 70506	OFFICE OF COASTAL PROTECTION & RESTORATION ENGINEERING BRANCH 450 LAUREL STREET BATON ROUGE, LOUISIANA 70801	LAKE HERMITAGE MARSH CREATION	ACCESS DETAILS
DRAWN BY: KRISTI CANTU	DESIGNED BY: RUDY SIMONEAUX	STATE PROJECT NUMBER: BA-42	DATE: MAY 21, 2012
G:\Users\Autocad\BASINS\BA\BA-42 Lake Hermitage\Permit\5.7.2012 Modification\17-18 Details.dwg	APPROVED BY: MAURY CHATELIER	FEDERAL PROJECT NUMBER:	SHEET 17 OF 18



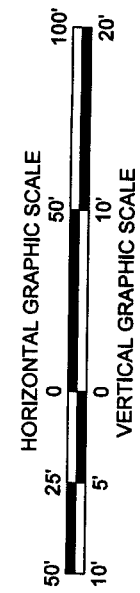
SECTION H-H'
MODIFICATION

PRIMARY ACCESS DREDGING
STA. 91+60 TO 150+26



SECTION I-I'
MODIFICATION

ADDITIONAL ACCESS DREDGING



- NOTES:**
1. THE EARTHEN CONTAINMENT DIKE, MARSH CREATION, AND SECONDARY BORROW AREA HAS BEEN PREVIOUSLY PERMITTED.
 2. ALL ELEVATIONS ARE GIVEN IN THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) U.S. SURVEY FEET.

APPLICATION BY: U.S. FISH & WILDLIFE SERVICE 646 CAJUNDOME BLVD., SUITE 400 LAFAYETTE, LA 70506	OFFICE OF COASTAL PROTECTION & RESTORATION ENGINEERING BRANCH 450 LAUREL STREET BATON ROUGE, LOUISIANA 70801	LAKE HERMITAGE MARSH CREATION	ACCESS DETAILS
DRAWN BY: KRISTI CANTU	DESIGNED BY: RUDY SIMONEAUX	APPROVED BY: MAURY CHATELLIER	DATE: MAY 21, 2012
G:\Users\Autocad\BASINS\BA-42 Lake Hermitage\Permit\5.7.2012 Modification\17-18 Details.dwg		STATE PROJECT NUMBER: BA-42	FEDERAL PROJECT NUMBER:
		SHEET 18 OF 18	



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P. O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

Operations Division
Eastern Evaluation Section

SEP 09 2013

RECEIVED
2013 SEP 13 P 1:19
CPRA

SUBJECT: MVN-2009-0264-EOO

U.S. Fish and Wildlife Service
% Kristi Cantu
Office of Coastal Protection and Restoration
Post Office Box 44027
Baton Rouge, Louisiana 70804

Ms. Cantu:

The attached drawings, furnished with your June 5, 2013 permit modification and time extension request to include additional dredging in the previously approved Mississippi River Borrow Area from EL. -76.0 to -90.0 (NAVD88) and deposit material within nine constructed containment areas as part of the Lake Hermitage Marsh Creation Project, in Plaquemines Parish, Louisiana, are approved and will be included in your plans for the work authorized by the Secretary of the Army in a permit dated May 18, 2009, from the District Engineer at New Orleans, Louisiana. The time limit for completion of this work is extended to September 30, 2018.

The conditions to which the work is made subject remain in full force and effect.

A copy of the first page of this permit approval letter must be conspicuously displayed at the project site. Also, you must keep a copy of this signed letter, with attached drawings, at the project site until the work is completed.

Should you have any further questions concerning this matter, please call Brad LaBorde at (504) 862-2225.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Martin S. Mayer
Chief, Regulatory Branch
For
Richard L. Hansen
Colonel, U.S. Army
District Commander

Enclosure