

# DEPARTMENT OF THE ARMY PERMIT

Permittee: Sandra Thompson-Decoteau (Atchafalaya Basin Program)

Permit No. **WQ-20-030-0240**

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:** Dredge a section of Bayou Postillion for enhancement of navigation and increased water circulation, in accordance with attached drawings in seven sheets, dated September 30, 2003.

**PROJECT LOCATION:** In St. Martin Parish, located off of the Intracoastal Waterway, within the Atchafalaya Basin, near Pigeon, Louisiana.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **JULY 31, 2008**. 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: Page(s) 4 - 7**

**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.

Andre Thompson x 7/2/03  
(PERMITTEE) (DATE)

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

Ronnie W. Duke July 8 2003  
Ronnie W. Duke, Chief, Western Evaluation Sect (DATE)

for Peter J. Rowan, District Engineer

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.

\_\_\_\_\_  
(TRANSFEREE) (DATE)

Special Conditions: WQ-20-030-0240

7. Many local governing bodies have instituted laws and/or ordinances in order to regulate dredge and/or fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves dredging and/or placement of fill, therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your proposed activities with local floodplain ordinances, regulations or permits.

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. 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.

10. 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.

11. The permittee is to employ best management practices to the maximum extent possible so as to utilize open water areas and previously established disposal areas for placement of project related dredge material and avoid the unnecessary clearing of forested wetlands for such purposes.

12. If deemed necessary, the permittee shall make available personnel and/or equipment as necessary to facilitate on-site inspections of the project site by Corps representatives and any other federal, state, or local authorities on an as-needed basis. Inspections may require the use of boats and/or aerial reconnaissance to evaluate the final project area outcome and survey results.

13. All work shall be confined to the proposed work areas shown on the attached drawings. Mechanized land clearing for access, 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 on vegetated wetland areas not considered under this authorization would require Department of the Army authorization prior to commencement of work activities.

14. All low areas (sloughs, bayous, etc.) that currently facilitate water flow/exchange within the Bayou Postillion area should not be blocked as a result of dredge material deposition. If sloughing of dredge material banks or accumulation of debris within gaps through dredge material disposal areas reduces or prohibits water exchange, then dredging may be required to re-establish natural exchange patterns between adjacent wetlands and Bayou Postillion.

15. The Atchafalaya Basin Program's (ABP) monitoring assessment for this project should be continued to determine project related impacts on the local aquatic environment. If post-project monitoring indicates adverse impacts to water quality have occurred, then project modifications (e.g., bank shaving, gap construction, etc.) may need to be implemented to enhance water quality conditions. Department of the Army authorization will be required prior to implementation of such modifications.

16. Future proposals for maintenance dredging of the waterway will require re-evaluation by this office and a separate DA permit. Authorization of future maintenance dredging activities will be determined based on project related benefits to the aquatic environment as documented by monitoring data.

17. Any and all temporary spoil deposition areas authorized under this permit, shall not exceed the specified spoil heights shown on the permit drawings and shall not exceed the overall footprint of those spoil deposition areas.

18. The proposed project, to the maximum extent practicable, must not permanently restrict or impede passage of normal or expected high flows, relocate water courses, or cause more than minimal water quality degradation of any stream.

19. Our Real Estate Division has indicated that your project is located in an area over which the federal government holds real estate interest. **No work may be performed under this permit until a real estate instrument is issued by our Real Estate Division.** If you require further information regarding real estate matters, call Mrs. Linda Labure at (504) 862-1295.

20. The permittee shall notify this office, Attn: Darrell Barbara, within **5 working days** of project completion.

21. The permittee shall provide as-built drawings, a post habitat impact assessment of vegetative community occupancy and acreage, and pre- and post-project photographs that clearly depict the entire permitted work area. Photo location shall be documented via a site index map or by written description. The information shall be submitted within **30 days** of completion of the proposed work. If it is determined that the proposed activities resulted in adverse or permanent impacts to wetland resources and/or hydrologic flow characteristics not authorized by this permit, additional on-sight remediation or compensatory mitigation may be required to offset these impacts. All required information should be addressed as follows:

CEMVN-OD-SE

ATTN: Darrell Barbara

RE: Permit # EFF-20-030-0238

New Orleans District, Army Corps of Engineers

7400 Leake Avenue

New Orleans, Louisiana 70118-3651

22. Following our review of the required as-built drawings, post habitat impact assessment of vegetative community occupancy and acreage, and pre- and post-project photographs, the permittee will be required to provide compensatory mitigation for all unavoidable impacts through creation and/or restoration of a determined acreage of wetland fringe areas and spoil embankments along the proposed Swing Chute dredge locations within the Attakapas Wildlife Management Area, under (COE Permit # 20-020-0238), in accordance with **Attachment I** of this authorization.

23. If the survival rate shown in Attachment I of this authorization is not achieved, the permittee shall replace all dead or missing seedlings the following planting season.

Supplemental plantings shall be conducted on an annual basis until the mandatory survival rate is attained, or it is determined that alternative mitigation is necessary.

24. The permittee shall monitor survivorship rates of the initial, and any supplemental plantings that may be required, at the end of the growing season in which the plantings were conducted. The permittee shall monitor the mitigation project at the end of the *first and fourth growing seasons* following successful attainment of the one-year survival criterion. A written monitoring report describing planting unit growth and survival rates, as well as expansion in area coverage, shall be furnished, along with photographic documentation, to CEMVN-OD-SE, Attn: Darrell Barbara, by December 31 of the calendar year in which monitoring is conducted.

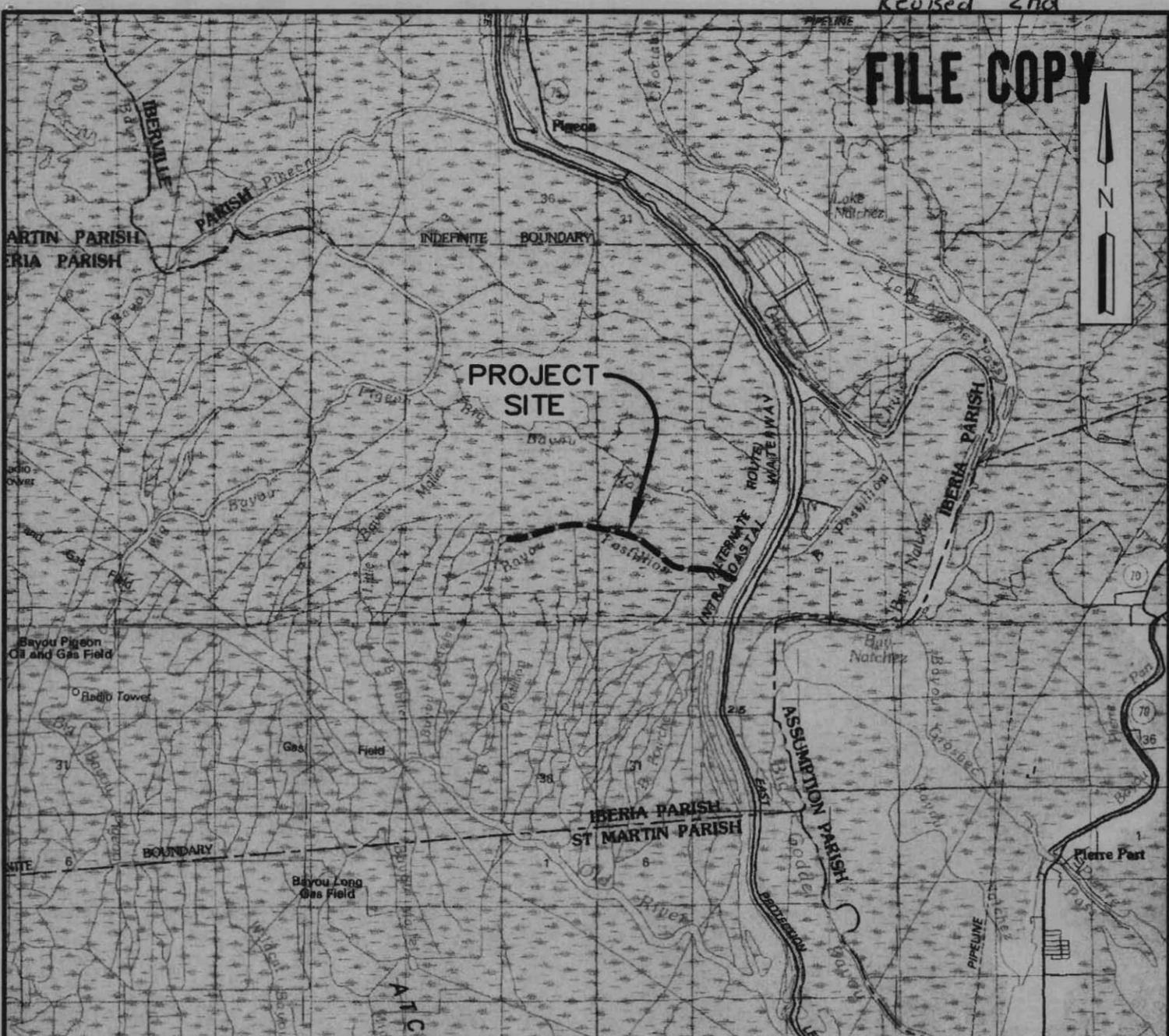
25. In the event the mitigation project is determined to be unsuccessful in achieving the expected level of benefit by the end of Year 4, the permittee is aware that alternative mitigation may be required to compensate project related impacts.

26. The applicant must obtain any necessary authorizations from the Attakapas Island State Wildlife Management Area, prior to commencement of work within the refuge. Final design, construction, and any future maintenance of all portions of the mitigation project area that are located within the Attakapas Wildlife Management Area should be coordinated with Mr. Kerney Sonnier of the LDWF, Opelousas office and/or Mr. Pat Deshotels of the LDWF (Attakapas Island Refuge Manager).

27. The compensatory mitigation identified above has been determined to be a necessary part of this permit approval. Failure by the permittee to perform the compensatory mitigation, in accordance with these permit conditions, is considered grounds for permit suspension, permit revocation, and/or restoration of the project site.

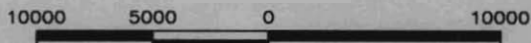
Revised 2nd

FILE COPY



SOURCE: U.S.G.S. QUAD MAPS, "BATON ROUGE, LA.", DATED 1984 & "MORGAN CITY, LA.", DATED 1983

SCALE—FEET



1:100,000



THIS DRAWING WAS PREPARED SOLELY FOR USE BY ATCHAFALAYA BASIN PROGRAM IN CONJUNCTION WITH THE SPECIFIC PROJECT DESIGNATED IN THE TITLE BLOCK. USE FOR ANY OTHER PURPOSE, OR USE BY ANY OTHER PARTY, SHALL BE AT USER'S SOLE RISK WITHOUT ANY LIABILITY TO HYDRO CONSULTANTS.

ANY REVISIONS MADE TO THIS DRAWING WITHOUT THE WRITTEN AUTHORIZATION OF THE SUPERVISING PROFESSIONAL WILL VOID THE SEAL WHICH HE HAS PLACED HEREON.

DATE	10/31/02	ADDED SHEET NO. 6 & 7	REVISION	BY	<b>ATCHAFALAYA BASIN PROGRAM</b> BATON ROUGE, LOUISIANA <b>BAYOU POSTILLION DREDGING PROJECT</b> PERMIT APPLICATION  <b>VICINITY MAP</b>  IBERIA PARISH, LOUISIANA  <b>Hydro Consultants, inc.</b> BATON ROUGE, LOUISIANA		
							DRAWN MEG JR    CHECKED KMA    APPROVED <i>[Signature]</i> DATE SEPTEMBER 30, 2002    DWG. NO. A10-1020-16

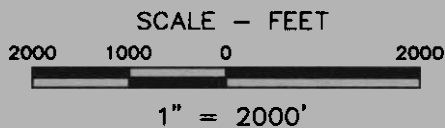


# IBERIA PARISH, LOUISIANA



**NOTE:**  
SEE SHEETS 6 AND 7 FOR  
SPOIL DISPOSAL PLAN

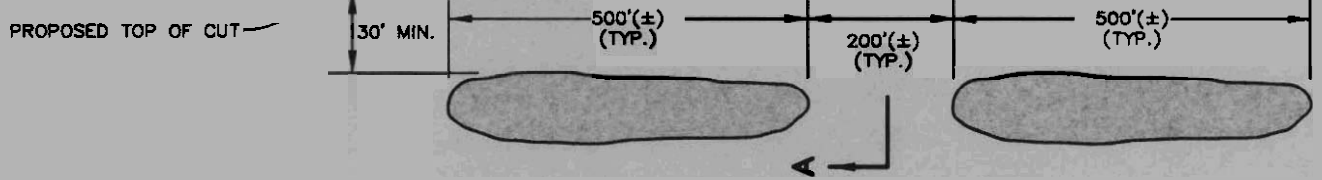
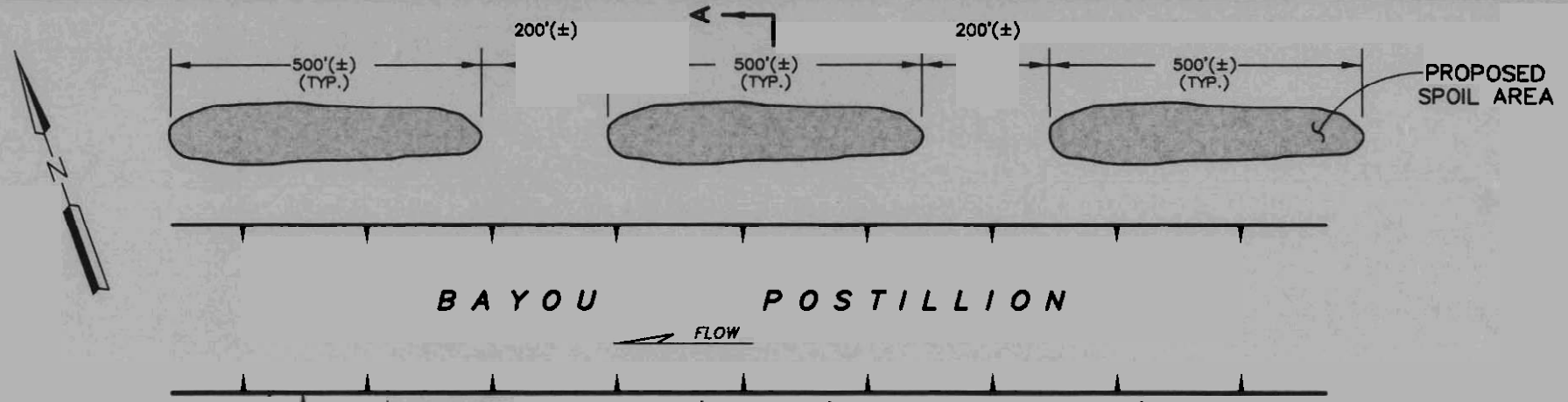
SOURCE: U.S.G.S. QUADRANGLE MAPS, "PIGEON, LA." & "CENTERVILLE NE, LA" REVISED 1980 (1:24,000)



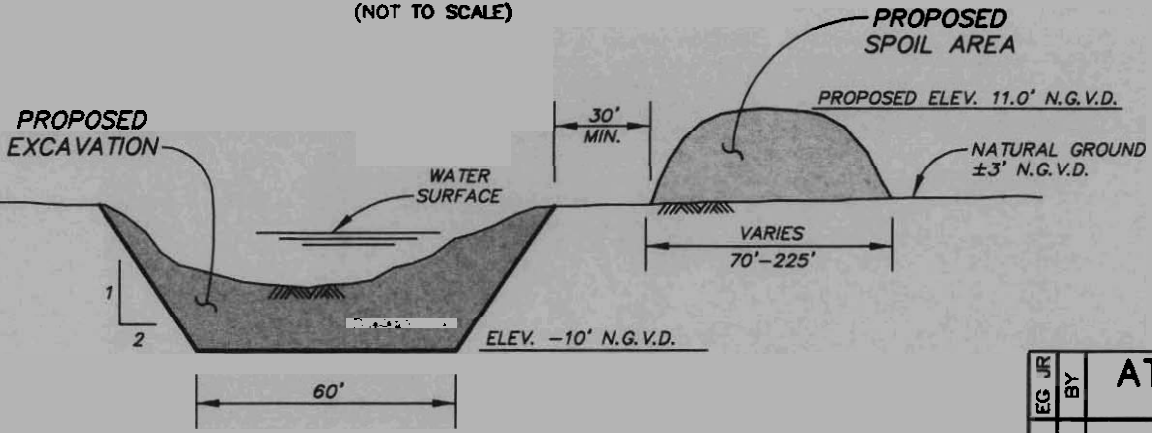
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10/31/02	DATE	ADDED SHEETS 6 & 7	REVISION	ATCHAFALAYA BASIN PROGRAM		
				BATON ROUGE, LOUISIANA		
BAYOU POSTILLION DREDGING PROJECT				PERMIT APPLICATION		
<b>PROPOSED</b>				<b>DREDGING PLAN</b>		
				IBERIA PARISH, LOUISIANA		
				BATON ROUGE, LOUISIANA		
DRAWN MEG JR		CHECKED KMA		APPROVED <i>MJS</i>		
DATE SEPTEMBER 30, 2002				DWG. NO. A10-1020-16		



**PLAN**  
(NOT TO SCALE)



**SECTION A - A**  
(NOT TO SCALE)

**NOTES:**

EXCAVATION WORK TO BE PERFORMED BY BARGE-MOUNTED DRAGLINE

SPOIL FROM EXCAVATION WILL BE PLACED ON ALTERNATING BANKS TO ENSURE THAT NATURAL DRAINAGE WILL NOT BE IMPEDED.

APPROX. DREDGE QUANTITY: 475,000 C.Y.

APPROX. ACREAGE OF WETLAND HABITAT TO BE FILLED:

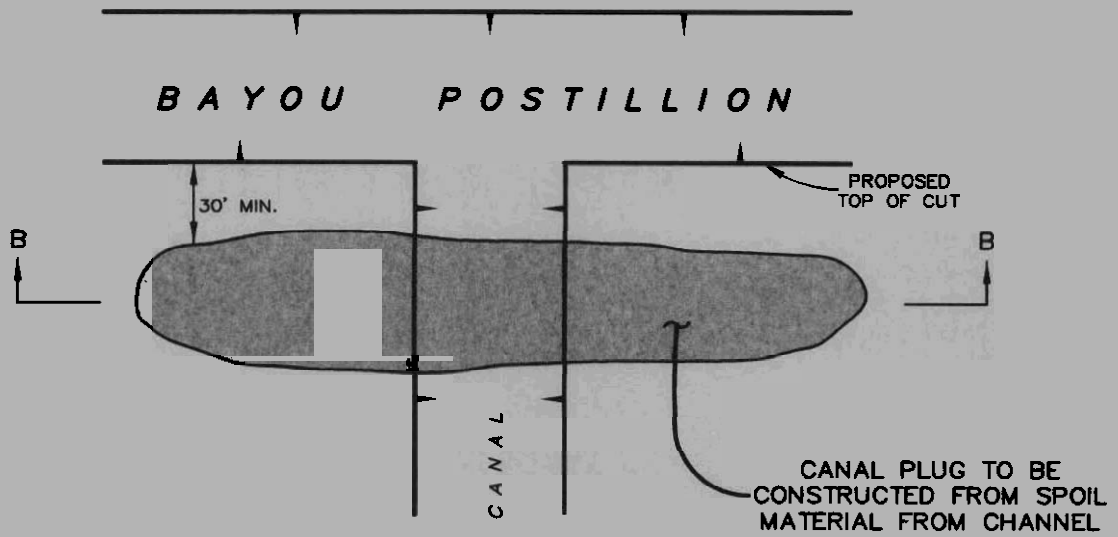
RED MAPLE, WILLOW, PERSIMMON & DECIDUOUS HOLLY:	0.45 AC
YOUNG WILLOW:	4.98 AC
BALDCYPRESS & TUPELO:	7.48 AC
BALDCYPRESS, TUPELO, WILLOW & BUTTONBUSH:	11.91 AC
WILLOW & BUTTONBUSH:	34.37 AC
<b>TOTAL WETLANDS:</b>	<b>59.19 AC.</b>
<b>OTHER WATERS OF THE U.S.:</b>	<b>19.72 AC.</b>

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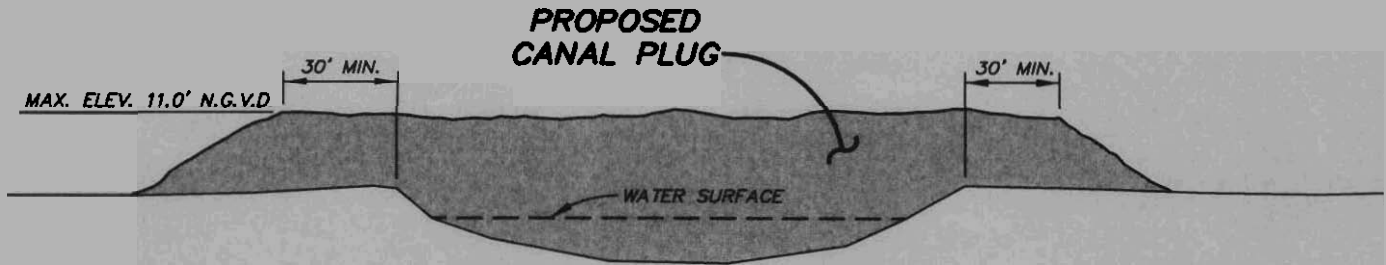
ANY REVISIONS MADE TO THIS DRAWING WITHOUT THE WRITTEN AUTHORIZATION OF THE SUPERVISING PROFESSIONAL WILL VOID THE SEAL WHICH HE HAS PLACED HEREON.



10/31	DATE	2	ADDED SHEETS 6 & 7	REVISION	BY	EG JR
	<p align="center"><b>ATCHAFALAYA BASIN PROGRAM</b> BATON ROUGE, LOUISIANA</p> <p align="center">BAYOU POSTILLION DREDGING PROJECT PERMIT APPLICATION</p> <p align="center"><b>TYPICAL</b> <b>DREDGING DETAILS</b> IBERIA PARISH, LOUISIANA</p> <p align="center"><b>Hydro</b> <b>Consultants, inc.</b> BATON ROUGE, LOUISIANA</p>					
DRAWN		MEG JR	CHECKED		KMA	APPROVED
DATE		SEPTEMBER 30, 2002		DWG. NO.		A10-1020-16



**PLAN**  
(NOT TO SCALE)



**TYPICAL SECTION B-B**  
(NOT TO SCALE)



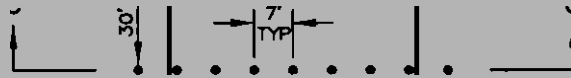
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10/31/02	DA	ADDED SHEETS 6 & 7	REVISION	Y	<b>ATCHAFALAYA BASIN PROGRAM</b>		
					BATON ROUGE, LOUISIANA		
BAYOU POSTILLION DREDGING PROJECT					PERMIT APPLICATION		
<b>DETAILS OF</b>					<b>CANAL PLUGS</b>		
					IBERIA PARISH, LOUISIANA		
					<b>Hydro Consultants, inc.</b>		
					BATON ROUGE, LOUISIANA		
DRAWN MEG JR		CHECKED KMA		APPROVED <i>MAG</i>			
DATE SEPTEMBER 30, 2002		DWG. NO. A10-1020-16					

# BAYOU POSTILLION

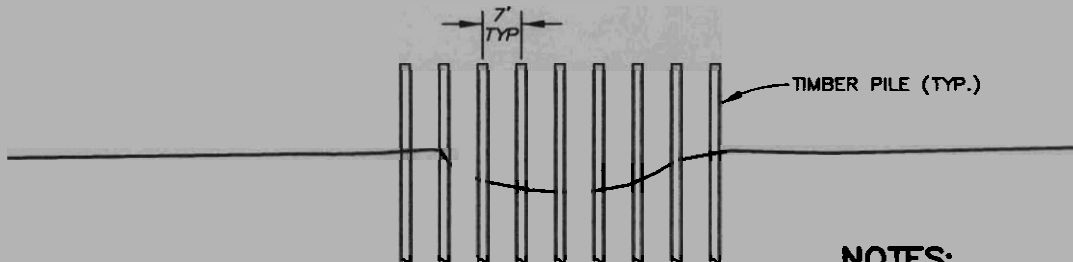
PROPOSED  
TOP OF CUT



TIMBER PILE (TYP.)

A L  
C

**PLAN**  
(NOT TO SCALE)



TIMBER PILE (TYP.)

**NOTES:**

TIMBER PILES SHALL CONFORM TO LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT (LADOTD) SPECIFICATIONS.

**TYPICAL  
SECTION C-C**  
(NOT TO SCALE)

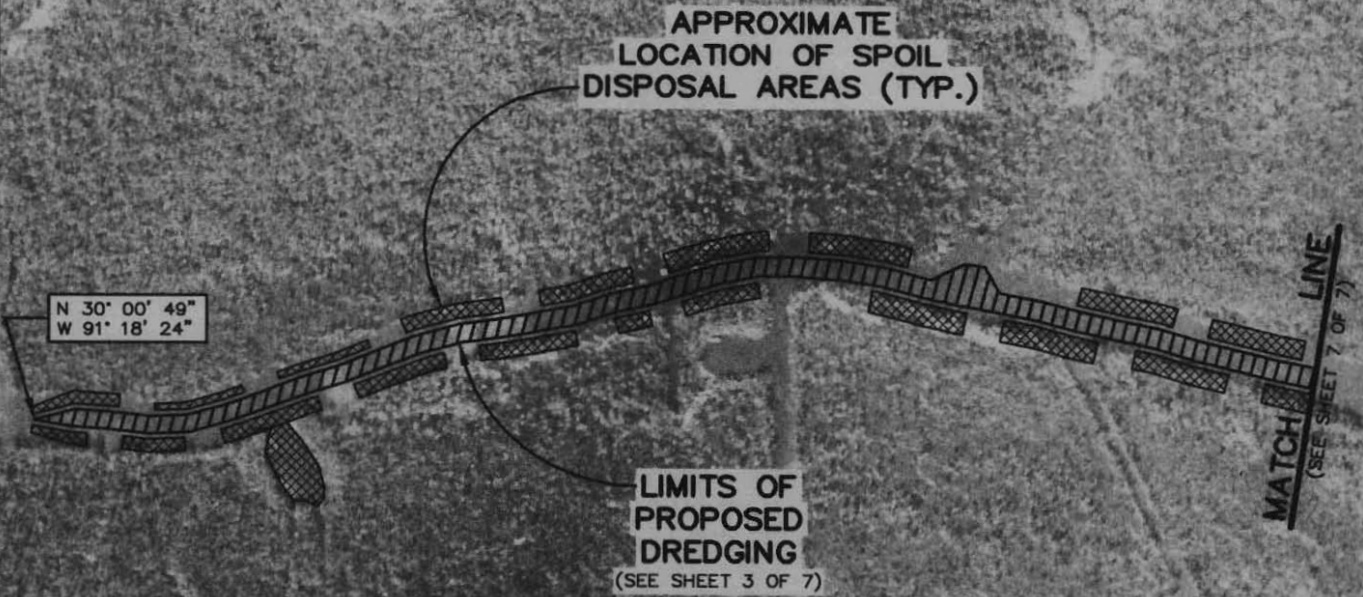


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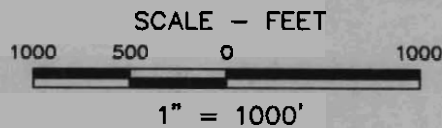
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EG JR	BY	ATCHAFALAYA BASIN PROGRAM		
		BATON ROUGE, LOUISIANA		
ADDED SHEETS 6 & 7	REVISION	BAYOU POSTILLION DREDGING PROJECT		
		PERMIT APPLICATION		
TE	1	DETAILS OF		
		TIMBER PILINGS		
		IBERIA PARISH, LOUISIANA		
		BATON ROUGE, LOUISIANA		
		DRAWN MEG JR	CHECKED KMA	APPROVED
		DATE SEPTEMBER 30, 2002	DWG. NO. A10-1020-16	

# IBERIA PARISH, LOUISIANA



SOURCE: U.S.G.S. AERIAL PHOTOGRAPHY DATED 1998.



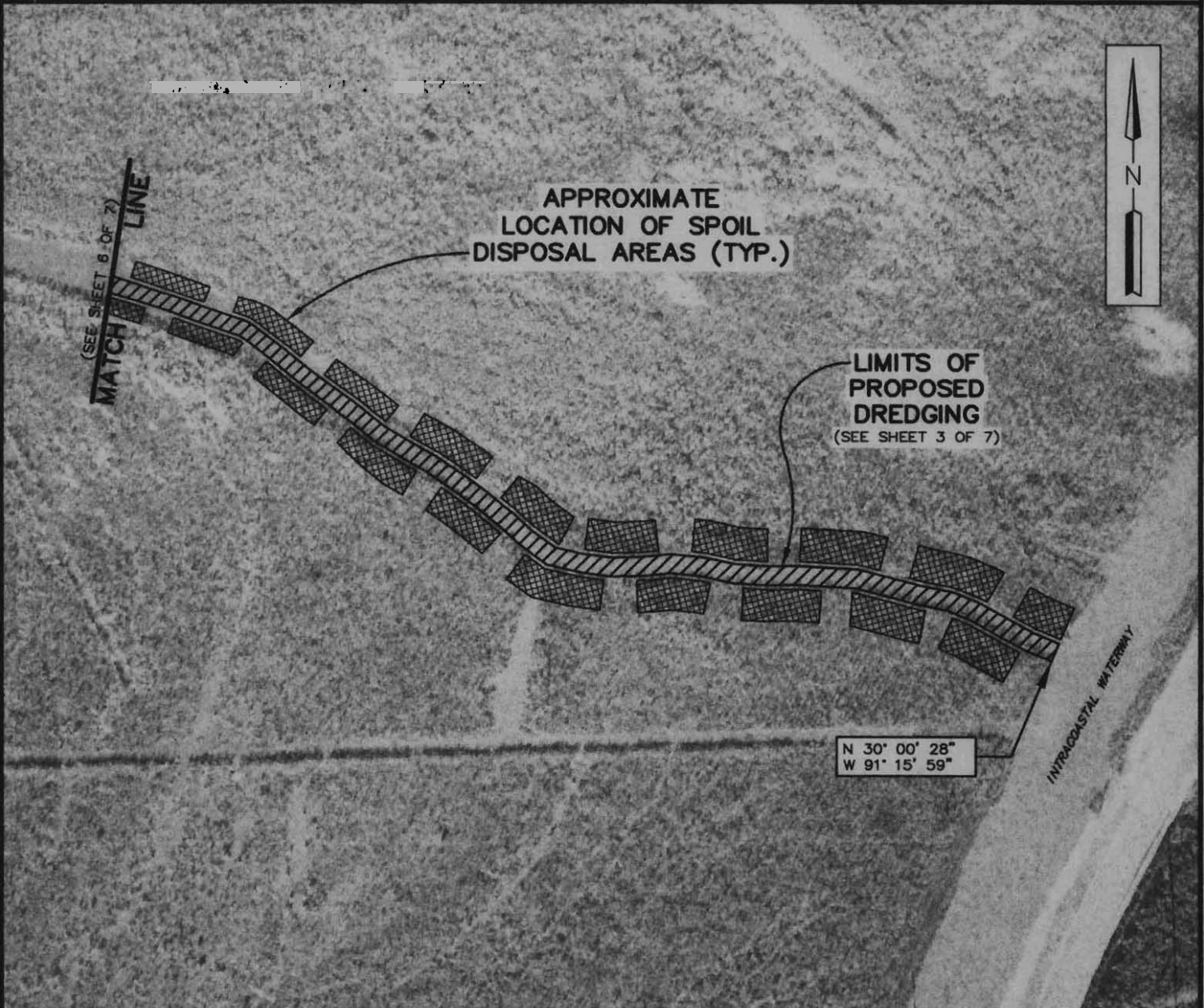
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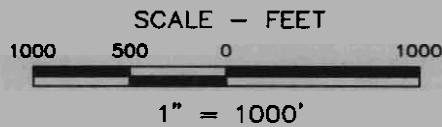
BY	ATCHAFALAYA BASIN PROGRAM BATON ROUGE, LOUISIANA		
	BAYOU POSTILLION DREDGING PROJECT PERMIT APPLICATION		
REVISION	<b>DREDGING &amp; SPOIL DISPOSAL PLAN</b> IBERIA PARISH, LOUISIANA		
	 Hydr- Consultants, inc. BATON ROUGE, LOUISIANA		
DATE	DRAWN	CHECKED	APPROVED
	MEG JR	KMA	<i>MIA</i>
DATE		DWG. NO.	
OCTOBER 31, 2002		A10-1020-16	



# IBERIA PARISH, LOUISIANA



SOURCE: U.S.G.S. AERIAL PHOTOGRAPHY DATED 1998.



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BY	ATCHAFALAYA BASIN PROGRAM BATON ROUGE, LOUISIANA		
	BAYOU POSTILLION DREDGING PROJECT PERMIT APPLICATION		
REVISION	DREDGING & SPOIL DISPOSAL PLAN IBERIA PARISH, LOUISIANA		
	 BATON ROUGE, LOUISIANA		
DATE	DRAWN MEG JR	CHECKED KMA	APPROVED <i>MCA</i>
	DATE OCTOBER 31, 2002	DWG. NO. A10-1020-16	

# PERMIT

## FILE COPY

DATE: PROJ MANAGER: Darrell Barbara  
PUBLIC NOTICE DATE: April 5, 2002

CEMVN-OD-SW: EFF-20-020-0240 (Bayou Postillion Dredge Project)

APPLICANT: Sandra Thompson-Decoteau (Atchafalaya Basin Program)

LETTER ADDRESS: Sandra Thompson-Decoteau, Atchafalaya Basin Program, Louisiana Department of Natural Resources, Capitol Station, Baton Rouge, Louisiana 70804-4027.

ENVELOPE ADDRESS: Same

PROJECT DESCRIPTION: Dredge a section of Bayou Postillion for enhancement of navigation and increased water circulation.

PROJECT LOCATION: In St. Martin Parish, located off of the Intracoastal Waterway, within the Atchafalaya Basin, near Pigeon, Louisiana.

NUMBER OF ORIGINAL DRAWINGS: 7 [ ] UNDATED [ x ] DATED September 30, 2003 AND no Revisions [ ] UNDATED [ ] DATED

EXPIRATION DATE: July 31, 2008

SPECIAL CONDITIONS: see attached

MAINTENANCE DREDGING CONDITIONS: ( ) YES

CORPS FEE: \$ 100.00

ACTION: 10 ( ) 404 ( ) 10/404 (X)

*Okie*  
OD-SW

*Jentola*  
OD-S

**Conditions:**

7. Many local governing bodies have instituted laws and/or ordinances in order to regulate dredge and/or fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves dredging and/or placement of fill, therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your proposed activities with local floodplain ordinances, regulations or permits.

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. 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.

10. 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.

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12. If deemed necessary, the permittee shall make available personnel and/or equipment as necessary to facilitate on-site inspections of the project site by Corps representatives and any other federal, state, or local authorities on an as-needed basis. Inspections may require the use of boats and/or aerial reconnaissance to evaluate the final project area outcome and survey results.



13. All work shall be confined to the proposed work areas shown on the attached drawings. Mechanized land clearing for access, 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 on vegetated wetland areas not considered under this authorization would require Department of the Army authorization prior to commencement of work activities.

14. All low areas (sloughs, bayous, etc.) that currently facilitate water flow/exchange within the Bayou Postillion area should not be blocked as a result of dredge material deposition. If sloughing of dredge material banks or accumulation of debris within gaps through dredge material disposal areas reduces or prohibits water exchange, then dredging may be required to re-establish natural exchange patterns between adjacent wetlands and Bayou Postillion.

15. The Atchafalaya Basin Program's (ABP) monitoring assessment for this project should be continued to determine project related impacts on the local aquatic environment. If post-project monitoring indicates adverse impacts to water quality have occurred, then project modifications (e.g., bank shaving, gap construction, etc.) may need to be implemented to enhance water quality conditions. Department of the Army authorization will be required prior to implementation of such modifications.

16. Future proposals for maintenance dredging of the waterway will require re-evaluation by this office and a separate DA permit. Authorization of future maintenance dredging activities will be determined based on project related benefits to the aquatic environment as documented by monitoring data.

17. Any and all temporary spoil deposition areas authorized under this permit, shall not exceed the specified spoil heights shown on the permit drawings and shall not exceed the overall footprint of those spoil deposition areas.

18. The proposed project, to the maximum extent practicable, must not permanently restrict or impede passage of normal or expected high flows, relocate water courses, or cause more than minimal water quality degradation of any stream.

19. Our Real Estate Division has indicated that your project is located in an area over which the federal government holds real estate interest. **No work may be performed under this permit until a real estate instrument is issued by our Real Estate Division.** If you require further information regarding real estate matters, call Mrs. Linda Labure at (504) 862-1295.

20. The permittee shall notify this office, Attn: Darrell Barbara, within **5 working days** of project completion.

21. The permittee shall provide as-built drawings, a post habitat impact assessment of vegetative community occupancy and acreage, and pre- and post-project photographs that clearly depict the entire permitted work area. Photo location shall be documented via a site index map or by written description. The information shall be submitted within **30 days** of completion of the proposed work. If it is determined that the proposed activities resulted in adverse or permanent impacts to wetland resources and/or hydrologic flow characteristics not authorized by this permit, additional on-sight remediation or compensatory mitigation may be required to offset these impacts. All required information should be addressed as follows:

CEMVN-OD-SE  
ATTN: Darrell Barbara  
RE: Permit # EFF-20-030-0238  
New Orleans District, Army Corps of Engineers  
7400 Leake Avenue  
New Orleans, Louisiana 70118-3651

22. Following our review of the required as-built drawings, post habitat impact assessment of vegetative community occupancy and acreage, and pre- and post-project photographs, the permittee will be required to provide compensatory mitigation for all unavoidable impacts through creation and/or restoration of a determined acreage of wetland fringe areas and spoil embankments along the proposed Swing Chute dredge locations within the Attakapas Wildlife Management Area, under (COE Permit # 20-020-0238), in accordance with **Attachment I** of this authorization.

23. If the survival rate shown in Attachment I of this authorization is not achieved, the permittee shall replace all dead or missing seedlings the following planting season. Supplemental plantings shall be conducted on an annual basis until the mandatory survival rate is attained, or it is determined that alternative mitigation is necessary.

24. The permittee shall monitor survivorship rates of the initial, and any supplemental plantings that may be required, at the end of the growing season in which the plantings were conducted. The permittee shall monitor the mitigation project at the end of the *first and fourth* growing seasons following successful attainment of the one-year survival criterion. A written monitoring report describing planting unit growth and survival rates, as well as expansion in area coverage, shall be furnished, along with photographic documentation, to CEMVN-OD-SE, Attn: Darrell Barbara, by December 31 of the calendar year in which monitoring is conducted.

25. In the event the mitigation project is determined to be unsuccessful in achieving the expected level of benefit by the end of Year 4, the permittee is aware that alternative mitigation may be required to compensate project related impacts.

26. The applicant must obtain any necessary authorizations from the Attakapas Island State Wildlife Management Area, prior to commencement of work within the refuge. Final design, construction, and any future maintenance of all portions of the mitigation project area that are located within the Attakapas Wildlife Management Area should be coordinated with Mr. Kerney Sonnier of the LDWF, Opelousas office and/or Mr. Pat Deshotels of the LDWF (Attakapas Island Refuge Manager).

27. The compensatory mitigation identified above has been determined to be a necessary part of this permit approval. Failure by the permittee to perform the compensatory mitigation, in accordance with these permit conditions, is considered grounds for permit suspension, permit revocation, and/or restoration of the project site.

MAY 2 2003

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PH (228) 365-5990  
FAX (228) 392-9743

April 29, 2003

Hydro Consultants, Inc.  
ATTN: Ernie Gammon  
10275 Siegen Lane  
Baton Rouge, LA 70810

**RE: Proposed Mitigation Plan  
Department of the Army Permit WQ-20-030-0240 & WQ-20-030-0238  
C-K Associates' Project No. 70-0269**

Dear Ernie:

Per our recent conversations regarding the above referenced Department of the Army Permits, and based on field observations, C-K Associates, Inc. proposes the following mitigation plan as outlined herein.

**PROPOSED MITIGATION PLAN**

The Louisiana Department of Natural Resources, through its Atchafalaya Basin Program, is currently proposing two dredging projects within the Atchafalaya Basin. As part of the proposed dredging projects in Bayou Postillion and Schwing Chute, Department of the Army Permit No's WQ-20-030-0240 and WQ-20-030-0238 respectively, the applicant proposes the following for mitigation in the Schwing Chute area for impacts that the above referenced projects will have on forested wetlands.

The proposed dredging in Schwing Chute will result in the creation of spoil areas adjacent to the channel that are irregular in both size and shape. The proposed plantings will be conducted along the toe and the top of the spoil areas as conditions allow. The final elevation is not known and once complete, the elevations will dictate species composition depending on the estimated overflow during the growing season. Upon completion of the dredging project, all material will be allowed to de-water and consolidate for a period of no less than 60 days, or until proper consolidation has occurred. The areas of spoil disposal will be monitored and inspected prior to planting to ensure conditions are conducive to planting.

Based on the proposed design, approximately 40 acres will be available for baldcypress swamp community establishment; however, the exact impact is still unknown and will be assessed during and after construction.

Approximately 40 acres of newly created spoil bank will be forested (i.e. spoil bank planted) on area lands by planting appropriate tree seedlings. A mixture of hard mast and soft mast-producing species will be planted in accordance with the species selection list and target range of percentages for these species listed below. If seedling availability renders a discrepancy of more than 5 percent of any given species, the USACE project manager for this permit will be notified to modify the plan. The species composition is as follows:

#### Baldcypress Swamp

Baldcypress (*Taxodium distichum*)(60-70%)

Tupelogum (*Nyssa sylvatica*) (15-20%)

Drummond Red Maple (*Acer rubrum* var. *drummondii*)(10-15%)

Pumpkin Ash (*Fraxinus tomentosa*) (10-15%)

Overcup Oak (*Quercus lyrata*) (5%)

Depending on seedling availability and consolidation of the soils, the areas may be planted during the 2003-2004 planting season or in the planting season following consolidation of soils.

The applicant proposes using a two year whip where available as this would enhance survivability in the proposed environment. These species would be properly stored and handled to ensure viability, and will be planted in the prepared tract during the period of December 15 through March 15 (non-growing season). The end of the non-growing season may be extended into late spring depending on floodwater levels.

As a general rule, seedlings will be planted at an initial density of at least 240 trees per acre, and will be planted in a random mixture as dictated by terrain and edaphic conditions. All seedlings will be covered with herbivore tubes which will be secured to the ground with bamboo stakes. Where possible, like species will be grouped together (5 to 10 in a row) to avoid dominance of faster growing species. After planting, the site will be maintained as necessary to promote seedling survival, by use of mechanical or chemical controls or some combination, thereof.

For a given planting, our goal is to achieve a minimum survival of 50 percent or 120 planted seedlings per acre, consonant with the planted ratio of hard mast to soft mast-producing species, through the end of the first growing season

Mr. Ernie Gammon

April 29, 2003

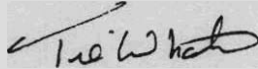
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following the planting (i.e., Year 1). This criterion will apply to initial plantings as well as subsequent replanting that may be needed. In the event this is not achieved, credit will be pro-rated and given for the acreage that meets this criteria.

Please review this information and forward to the U.S. Army Corps of Engineers project manager for consideration. If during your review, you or members of your staff have any questions, or require any additional information, please do not hesitate to call. Thank you for the opportunity to assist you in this matter and we look forward to a continued relationship.

Sincerely,

C-K Associates. Inc.



Tre' Wharton

Manager, Ecological Group

TEW/nmc