

EXHIBIT U

**CORPS OF ENGINEERS
PERMIT**

EXHIBIT U - CORPS OF ENGINEERS PERMIT



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
Central Evaluation Section

FEB 15 2011

SUBJECT: MVN 2000-3275-EQ

Estate of Frederick Sigur
Post Office Box 59
Arabi, Louisiana 70032

Dear Mr. Sigur:

Additional drawings enclosed, six (6) drawings dated 8 February 2011, furnished with your application dated 2 December 2009 covering the relocation of the marina from the west end to the east end of the property and the change in layout of the canals, roadways and residential lots within phase 3 of the Rigolets residential development and marina in Slidell, St Tammany Parish, Louisiana, are approved and will be included in your plans for the work authorized by the Secretary of the Army in permit dated 12 February 1979 and subsequently extended on 17 January 2007 from the District Engineer at New Orleans, Louisiana. The time limit for completion of this work is extended to 31 January 2016.

The following special conditions are added to the authorization:

- 1.) 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.
- 2.) The permittee shall install and maintain, at the permittee's expense, any safety lights, signs, and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on the permittee's authorized facilities.

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- 3.) 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, shall be mailed to the U.S. Coast Guard District, 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.
- 4.) The use of the permitted activity shall not interfere with the public's right to free navigation on all navigable waters.
- 5.) Adequate erosion/sediment/turbidity control measures shall be implemented to insure that no sediments or other activity related debris are allowed to enter state waters. Accepted measures include the proper use of vegetated buffers, silt fences or other Environmental Protection Agency construction site stormwater runoff control best management practices. These techniques shall be maintained in effective operating condition until a point that sediment runoff from construction activities is controlled and maintained.
- 6.) 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 shall 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.
- 7.) The permittee shall assure that any contractors, foremen, and/or workers associated with construction of the development are equally aware of the conditions and restrictions associated with this approval.
- 8.) All dredging operations shall take place between May 1st through September 30th.
- 9.) The bucket drop procedure developed by the U.S. Fish and Wildlife Service (FWS) shall be utilized during all dredging operations to discourage sturgeon presence in the dredging area. Prior to dredging, the bucket will be dropped into the water and retrieved empty. Once the bucket is retrieved, no work will be conducted for one minute. Personnel will observe the work area during this one-minute period in an effort to detect Gulf Sturgeon. If sturgeons are detected, no work will occur until the sturgeon leave the work area on their own accord. If turbidity makes visual observations impossible, then work will process after the one-minute no-work period. The bucket drop procedure will be repeated when 15 minutes or more has elapsed with no in-water dredging.
- 10.) The permittee shall notify dredging personnel that Gulf sturgeon may be present within the area and that they are working within Gulf sturgeon critical habitat.

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- 11.) Turbidity curtains shall be utilized around the project area to reduce the amount of suspended sediments.
- 12.) The permittee shall implement the National Marine Fisheries Service's *Sea Turtle and Smalltooth Sawfish Construction Conditions* (copy enclosed) during all in water work.
- 13.) The permittee shall implement the NOAA Fisheries Service's *Vessel Strike Avoidance Measures and Reporting for Mariners* standard measures (copy enclosed) during all in water work.
- 14.) All contract personnel associated with the project shall be informed of the potential presence of manatees and the need to avoid collisions with manatees, which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. All construction personnel are responsible for observing water-related activities for the presence of manatee(s). Temporary signs shall be posted prior to and during all construction/dredging activities to remind personnel to be observant for manatees during active construction/dredging operations or within vessel movement zones (i.e., work area), and at least one sign shall be placed where it is visible to the vessel operator. Siltation barriers shall be made of material in which manatees could not become entangled, and shall be properly secured and monitored. If a manatee is sighted within 100 yards of the active work zone, special operating conditions shall be implemented, including: no operation of moving equipment within 50 feet of a manatee; all vessels shall operate at no wake/idle speeds within 100 yards of the work area; and siltation barriers shall be re-secured and monitored. Once the manatee has left the 100-yard buffer zone around the work area on its own accord, special operating conditions are no longer necessary, but careful observations shall be resumed. Any manatee sighting shall be immediately reported to the FWS Lafayette, Louisiana Field Office (337-291-3100) and the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225-765-2821).
- 15.) The bottom elevation of the marina and access canal shall slope downward towards Rigolets Pass to facilitate flushing and minimize impact to water quality.
- 16.) Any change in use or overall layout of the present project proposal shall be submitted to this office for our review, prior to implementation of that change.

All other conditions, to which the work is made subject, excepting the time limit for completion, remain in full force and effect.

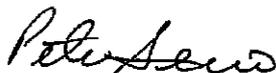
If the structure or work authorized is not completed on or before the date herein specified, this authorization, if not previously revoked or specifically further extended, will cease and become null and void.

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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, and a copy of the original permit and drawings, at the project site until the work is completed.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Pete J. Serio
Chief, Regulatory Branch
For
Edward R. Fleming
Colonel, U.S. Army
District Engineer

cc:

National Marine Fisheries Service
Attn: Ryan Hendren
263 13th Avenue South
St. Petersburg, Florida 33701-5505

Fish and Wildlife Service
646 Cajundome Boulevard, Suite 400
Lafayette, Louisiana 70506

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006





Vessel Strike Avoidance Measures and Reporting for Mariners NOAA Fisheries Service, Southeast Region

Background

The National Marine Fisheries Service (NMFS) has determined that collisions with vessels can injure or kill protected species (e.g., endangered and threatened species, and marine mammals). The following standard measures should be implemented to reduce the risk associated with vessel strikes or disturbance of these protected species to discountable levels. NMFS should be contacted to identify any additional conservation and recovery issues of concern, and to assist in the development of measures that may be necessary.

Protected Species Identification Training

Vessel crews should use an Atlantic and Gulf of Mexico reference guide that helps identify protected species that might be encountered in U.S. waters of the Atlantic Ocean, including the Caribbean Sea, and Gulf of Mexico. Additional training should be provided regarding information and resources available regarding federal laws and regulations for protected species, ship strike information, critical habitat, migratory routes and seasonal abundance, and recent sightings of protected species.

Vessel Strike Avoidance

In order to avoid causing injury or death to marine mammals and sea turtles the following measures should be taken when consistent with safe navigation:

1. Vessel operators and crews shall maintain a vigilant watch for marine mammals and sea turtles to avoid striking sighted protected species.
2. When whales are sighted, maintain a distance of 100 yards or greater between the whale and the vessel.
3. When sea turtles or small cetaceans are sighted, attempt to maintain a distance of 50 yards or greater between the animal and the vessel whenever possible.
4. When small cetaceans are sighted while a vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until the cetacean has left the area.
5. Reduce vessel speed to 10 knots or less when mother/calf pairs, groups, or large assemblages of cetaceans are observed near an underway vessel, when safety permits. A single cetacean at the surface may indicate the presence of submerged animals in the vicinity; therefore, prudent precautionary measures should always be exercised. The vessel shall attempt to route around the animals, maintaining a minimum distance of 100 yards whenever possible.

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6. Whales may surface in unpredictable locations or approach slowly moving vessels. When an animal is sighted in the vessel's path or in close proximity to a moving vessel and when safety permits, reduce speed and shift the engine to neutral. Do not engage the engines until the animals are clear of the area.

Additional Requirements for the North Atlantic Right Whale

1. If a sighted whale is believed to be a North Atlantic right whale, federal regulation requires a minimum distance of 500 yards be maintained from the animal (50 CFR 224.103 (c)).
2. Vessels entering North Atlantic right whale critical habitat are required to report into the Mandatory Ship Reporting System.
3. Mariners shall check with various communication media for general information regarding avoiding ship strikes and specific information regarding North Atlantic right whale sighting locations. These include NOAA weather radio, U.S. Coast Guard NAVTEX broadcasts, and Notices to Mariners. Commercial mariners calling on United States ports should view the most recent version of the NOAA/USCG produced training CD entitled "A Prudent Mariner's Guide to Right Whale Protection" (contact the NMFS Southeast Region, Protected Resources Division for more information regarding the CD).
4. Injured, dead, or entangled right whales should be immediately reported to the U.S. Coast Guard via VHF Channel 16.

Injured or Dead Protected Species Reporting

Vessel crews shall report sightings of any injured or dead protected species immediately, regardless of whether the injury or death is caused by your vessel.

Report marine mammals to the Southeast U.S. Stranding Hotline: 877-433-8299
Report sea turtles to the NMFS Southeast Regional Office: 727-824-5312

If the injury or death of a marine mammal was caused by a collision with your vessel, responsible parties shall remain available to assist the respective salvage and stranding network as needed. NMFS' Southeast Regional Office shall be immediately notified of the strike by email (takereport.nmfsser@noaa.gov) using the attached vessel strike reporting form.

For additional information, please contact the Protected Resources Division at:

NOAA Fisheries Service
Southeast Regional Office

263 13th Avenue South
St. Petersburg, FL 33701

Tel: (727) 824-5312

Visit us on the web at <http://sero.nmfs.noaa.gov>

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P19830007

Final Plans (Modification) (Administrative Amendment)

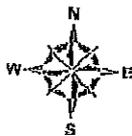
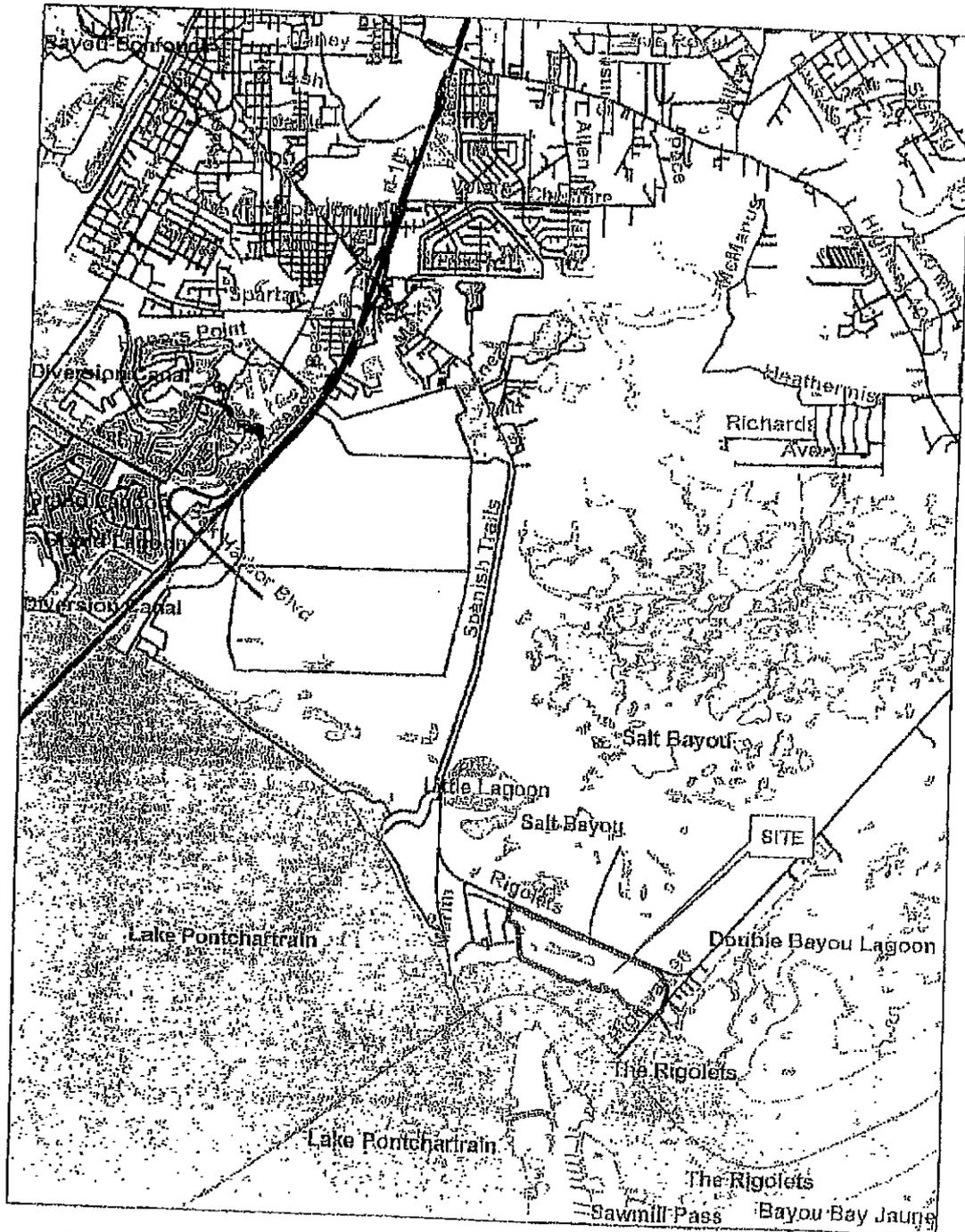
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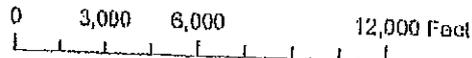
Final Plans

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VICINITY MAP



Krebs LaSalle Environmental

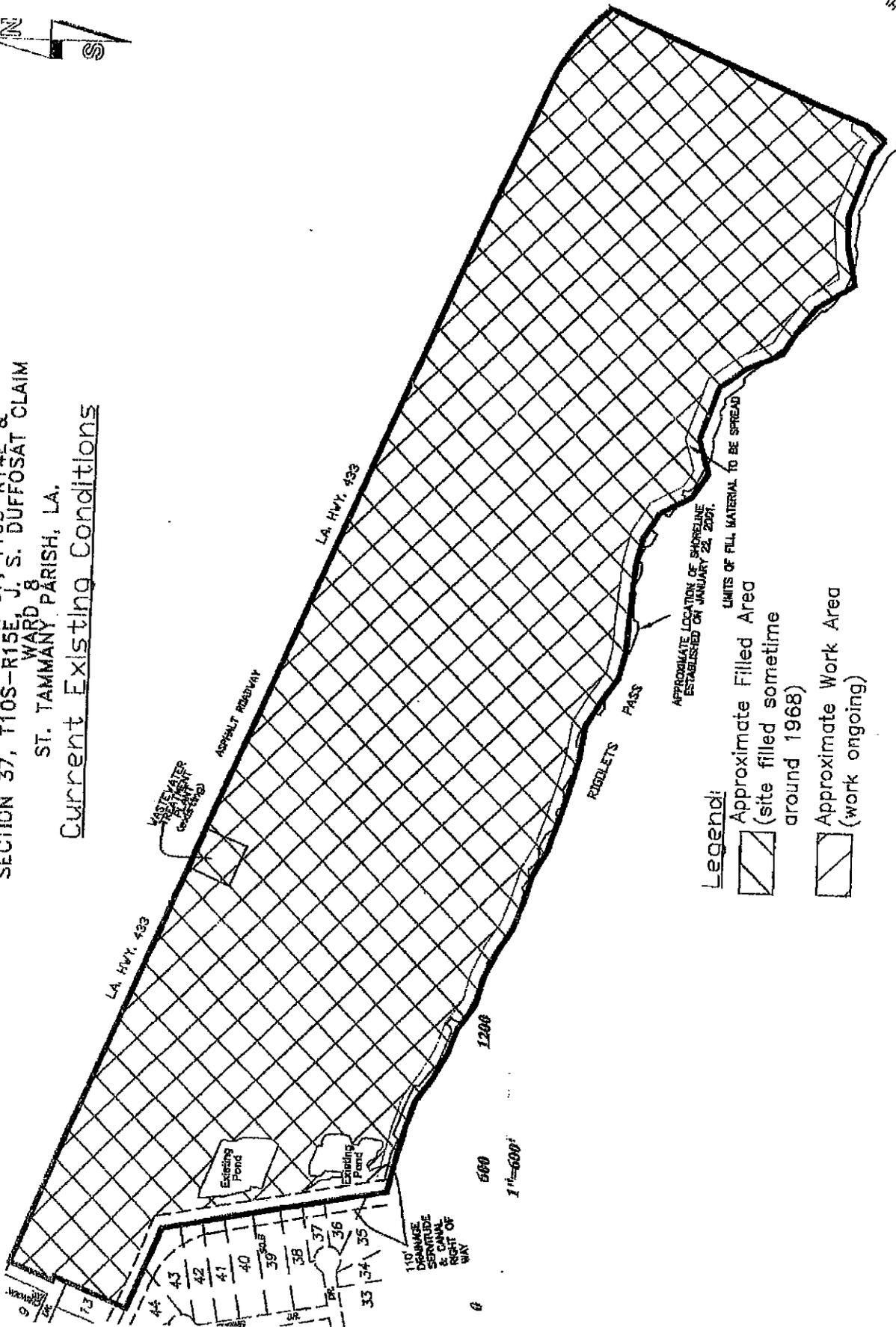
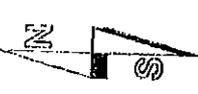
Rigolets Estates
Phase 3
Drawing 1 of 6

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RIGOLETS ESTATES PHASE 3
 PORTION OF SECTION 37, T10S-R14E &
 SECTION 37, T10S-R15E, J. S. DUFFOSAT CLAIM
 WARD 8
 ST. TAMMANY PARISH, LA.

Current Existing Conditions



Legend:

-  Approximate Filled Area (site filled sometime around 1968)
-  Approximate Work Area (work ongoing)

Notes:
 Areas of ongoing site work are bulldozed and graded

EXISTING PERMIT MVN 2000-3275 EQ
 EXISTING CUP P19830007

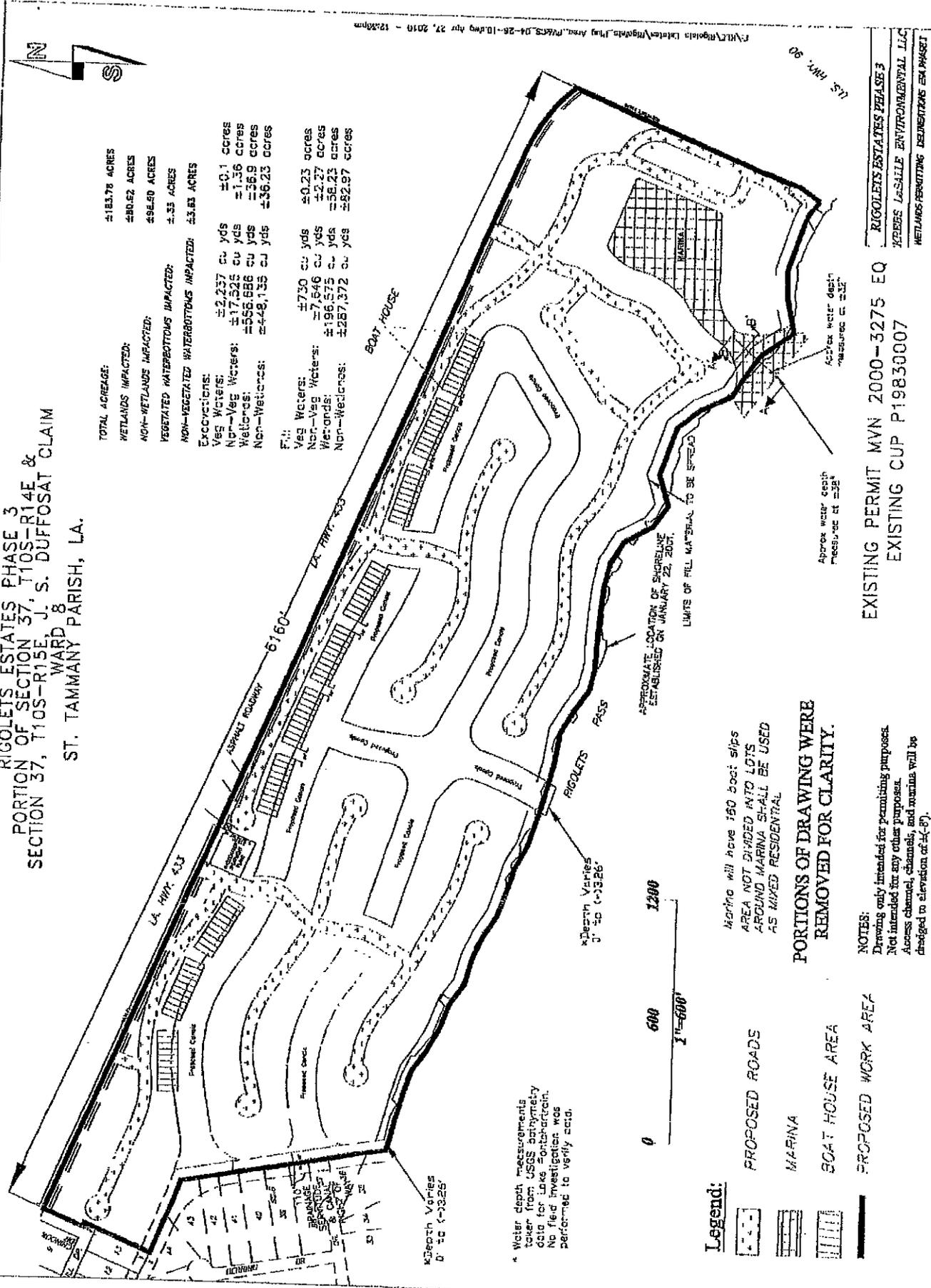
RIGOLETS ESTATES PHASE 3
 KERRIS LASALLE ENVIRONMENTAL, LLC
 METIAROS PERMITTING DELIBERATIONS E&A PHASE 1

Plan View 1

U.S. HWY. 90

RIGOLETS ESTATES PHASE 3
 PORTION OF SECTION 37, T10S-R14E &
 SECTION 37, T10S-R15E, J. S. DUFFOSAT CLAIM
 WARD 8
 ST. TAMMANY PARISH, LA.

TOTAL ACREAGE:	±183.78 ACRES
WETLANDS IMPACTED:	±80.62 ACRES
NON-WETLANDS IMPACTED:	±98.60 ACRES
VEGETATED WATERBODIES IMPACTED:	±.33 ACRES
NON-VEGETATED WATERBODIES IMPACTED:	±3.83 ACRES
Excavations:	
Veg Wetlands:	±2,237 cu yds ±0.1 acres
Non-Veg Wetlands:	±17,826 cu yds ±1.36 acres
Wetlands:	±56,888 cu yds ±36.9 acres
Non-Wetlands:	±48,135 cu yds ±36.23 acres
Fill:	
Veg Wetlands:	±730 cu yds ±0.23 acres
Non-Veg Wetlands:	±7,846 cu yds ±2.27 acres
Wetlands:	±196,575 cu yds ±58.23 acres
Non-Wetlands:	±287,372 cu yds ±82.87 acres



* Water depth measurements taken from USGS bathymetry data for Lake "on-bottom". No field investigation was performed to verify data.



- Legend:**
- PROPOSED ROADS
 - MARINA
 - BOAT HOUSE AREA
 - PROPOSED WORK AREA

Marina will have 160 boat slips
 AREA NOT DIVIDED INTO LOTS
 AROUND MARINA SHALL BE USED
 AS MIXED RESIDENTIAL

**PORTIONS OF DRAWING WERE
 REMOVED FOR CLARITY.**

NOTES:
 Drawing only intended for permitting purposes.
 Not intended for any other purpose.
 Access channels, channels, and marina will be
 designed to elevation of ±(-8').

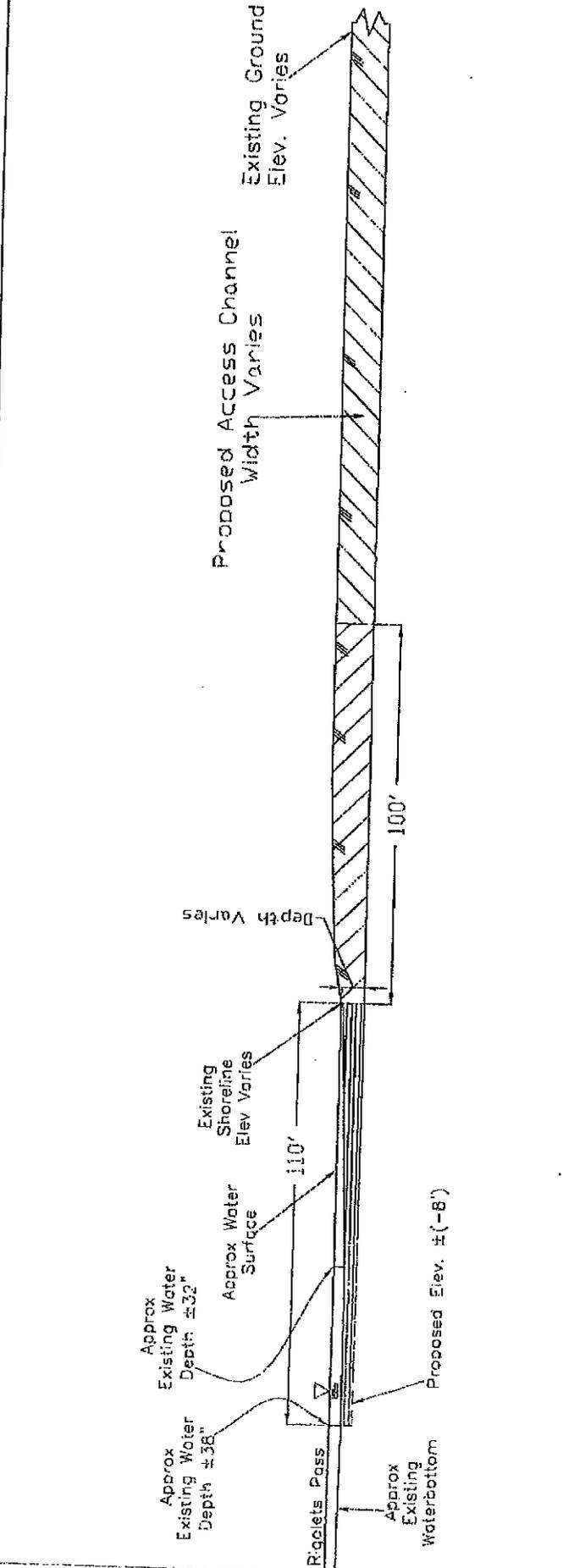
EXISTING PERMIT MVN 2000-3275 EQ
 EXISTING CUP P19830007

RIGOLETS ESTATES PHASE 3
 XPRBEE LA SALLE ENVIRONMENTAL LLC
 WETLANDS PERMITTING DELINEATION EM PHASE 1

Plan View 4

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Rigolets Estates Cross Section A-A'



Water depth measurements were taken by pole depth measure on 03/26/2010.

Legend:

-  Area to be Dredged Before Plug is Broken
-  Plug to be Dredged (after interior channel and mooring complete)
-  Area to be Dredged

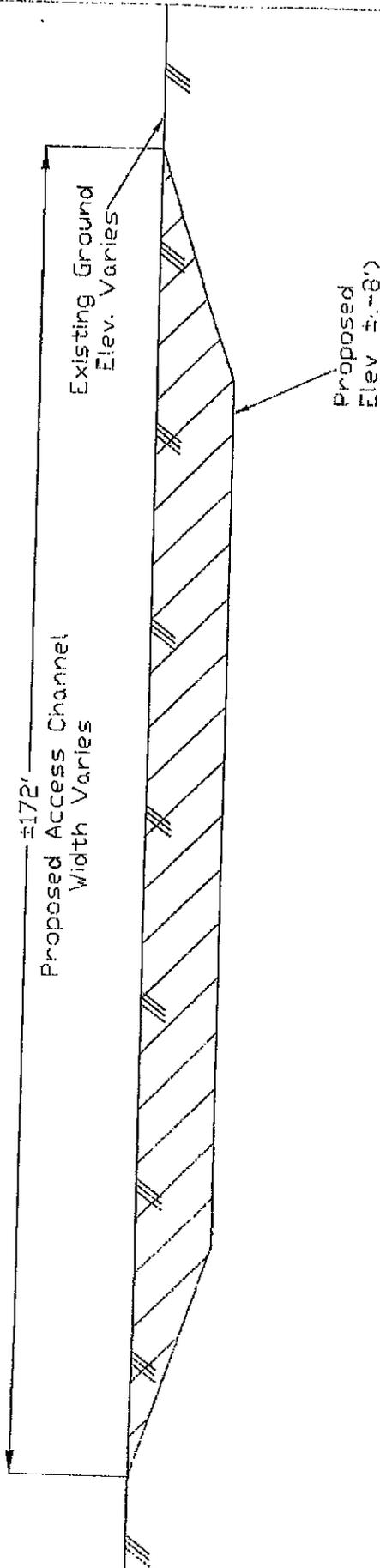
NOTES:
 Drawing only intended for permitting purposes. Not intended for any other purposes. Access channel, channels, and marina will be dredged to elevation of ±(-8').

RIGOLETS ESTATES PHASE 3
 KREBS LASALLE ENVIRONMENTAL, LLC
 WETLANDS PERMITTING DETERMINATIONS PHASE 2



Cross Section A

Rigolets Estates Typical Cross Section B-B'

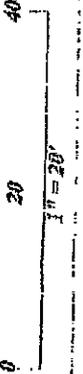


Legend:

-  Plug to be Dredged (after interior crane, and marina complete)

NOTES:
 Drawing only intended for permitting purposes.
 Not intended for any other purposes.
 Access channel, channels, and marina will be dredged to elevation of (-)8±.

RIGOLETS ESTATES PHASE 3
 KOREBS LA SALLE ENVIRONMENTAL LLC
 WETLANDS PERMITTING DELINEATIONS PER PHASE 1



Cross Section B

