

DEPARTMENT OF THE ARMY PERMIT

Permittee: Tammany Holding Corporation

Permit No. MVN 2002-1717 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: Clear, grade, and fill to construct drainage, roads, lots, and appurtenances to expand a residential subdivision, in accordance with drawings enclosed in five sheets; Sheets 1 and 2 dated April 25, 2005, and Sheets 3, 4 and 5 dated May 26, 2005.

Project Location: In St. Tammany Parish, off of Interstate 10 and Howze Beach Road, near Slidell, Louisiana.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **JULY 31, 2029**. 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: Pages 4 through 6.

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 *R.P. L. Della J.* X 06-27-05
(PERMITTEE) AGENT FOR TAMMANY HOLDING INC. (DATE)

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

Ronald J. Ventola 27 June 2005
Ronald J. Ventola, Chief, Regulatory Branch (DATE)

for Stephen E. Jeselink, 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: MVN 2002-1717 EFF

7. The proposed work in wetlands must not excessively impede or increase natural drainage on adjoining properties, outside of the existing levee system. Work in wetlands that is not included in this approval but would remedy these problems would require modification of this permit prior to commencement.

8. 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.

9. This permit authorization does not obviate the permittee from obtaining any other necessary drainage and development approvals from the local parish and state authorities, prior to initiation of work.

10. This authorization does not obviate the permittee from obtaining their necessary approvals for Traffic and Highway design. The permittee must submit copies of any approvals required for Traffic and Highway design from the local parish, state, or federal authorities, to this office.

11. The permittee is aware that this authorization does not obviate the need to obtain proper approval from the Louisiana Department of Health and Hospitals for disposal of domestic wastes.

12. Work shall not cause more than minimal degradation of water quality of any stream, lake, or waterbody.

13. The permittee shall provide post-construction drawings (AS-Built Drawings) that clearly depicts all water and land features with their *dimensions*. Record drawings may be used if they include and depict all of the required features. The information shall be submitted within 30 days of completion of the proposed groundwork and site preparation. If it is determined that the proposed activities resulted in adverse or permanent impacts to wetland habitat and hydrologic flow characteristics not considered in our evaluation of the proposed work, additional on-sight remediation or compensatory mitigation may be required to offset these impacts.

14. The permittee shall notify this office of the date of work completion within 5 working days of that completion. All required information should be addressed as follows:

US Army Corps of Engineers, New Orleans District
CEMVN-OD-SE
7400 Leake Avenue
New Orleans, Louisiana 70118-3651
RE: Permit # EFF-20-020-1717 (270-acre Expansion)

SPECIAL CONDITIONS: MVN 2002-1717 EFF

15. If the permitted project requires any additional work not expressly permitted herein, you must obtain a separate approval from this office for those activities not shown on the attached drawings, prior to commencement. This authorization allows for "minor" deviations in the overall *plan view layout* of the project without notification to this office. The applicant shall notify this office prior to commencement, of any deviations in the project layout and/or land use that may exceed minimal changes and/or have adverse effects to the environment, not considered under this authorization. All changes should be included in the final (As-built/Record) drawings.

16. Sewerage generated at the site will be treated in a community sewerage system approved by the Parish Sanitarian and the Department of Environmental Quality.

17. The following restrictive covenant will be added to the restrictive covenants for the Lakeshore Development Project. "USE OF FERTILIZERS AND INSECTICIDES; as all Lots in this community are located on Lake Pontchartrain the owners must be cognizant of the potential for water pollution from storm water run off. Only fertilizers and insecticides which are environmentally friendly may be used for landscaping and lawn care. Non-source point pollution of any type will not be permitted or tolerated. This covenant will be strictly enforced by the Homeowners association to the fullest extent of the law."

18. The permittee is aware of and will comply with their state Water Quality Certification and requirements from the Louisiana Department of Environmental Quality (LADEQ).

19. The proposed project plans and first floor elevations of all buildings shall comply with FEMA flood elevation requirements.

20. The maintenance, including excavation to approved depths and capacity, of the approved interior stormwater management system, drainage system, and interior canals, is authorized. This does not obviate the permittee from obtaining any other necessary state or local authorizations for ongoing maintenance activities.

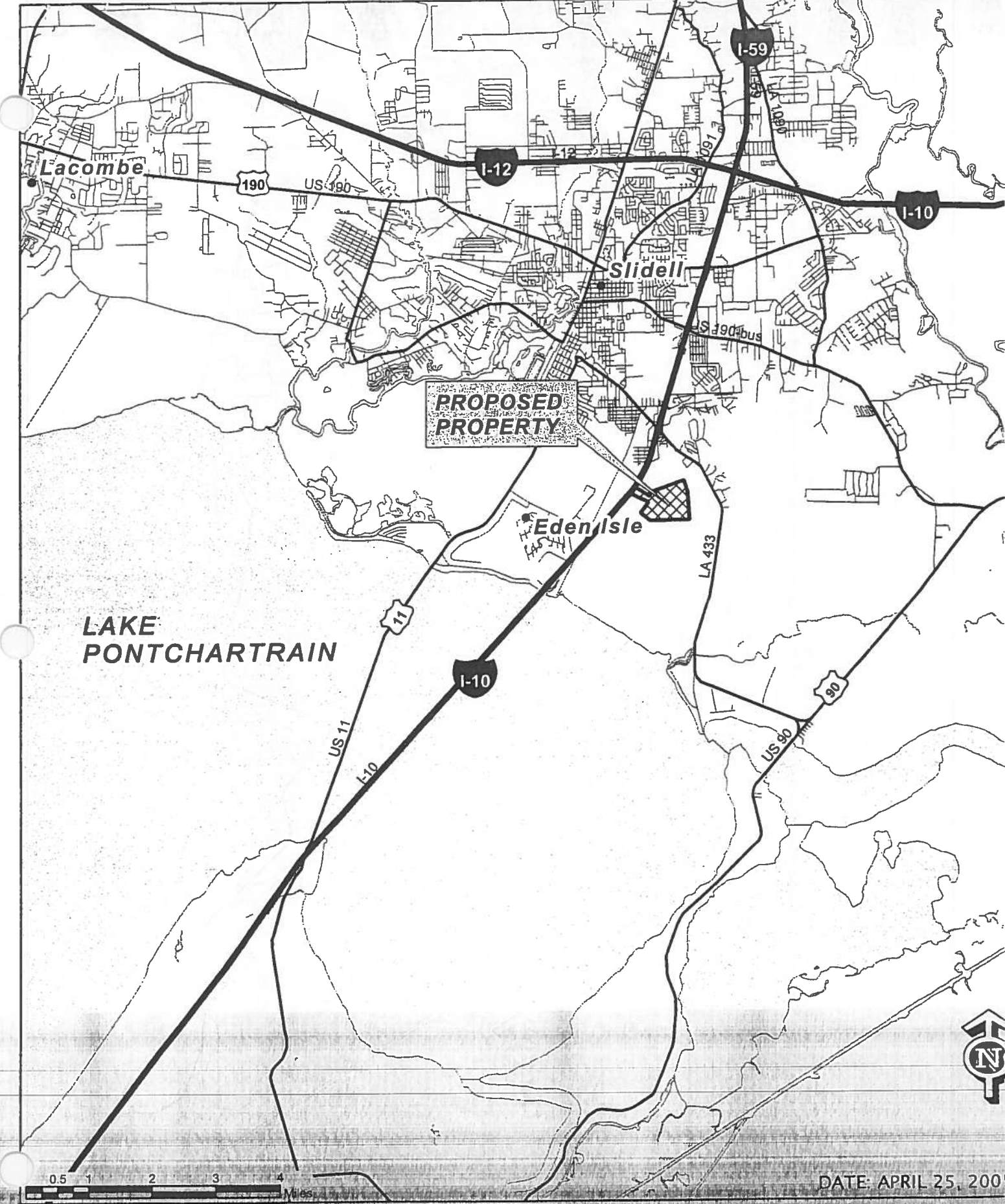
21. The permittee has agreed to compensate for unavoidable impacts to wetland functions and values by contributing funds to the Louisiana Nature Conservancy Southeastern Pine Flatwoods/Savanna Mitigation Bank for the acquisition, enhancement, management and administration of **54.0 acres** of pine flatwood/savanna wetlands at the Moneyhill unit in St. Tammany Parish.

22. The permittee shall make the contribution payable to "The Louisiana Nature Conservancy" and send it in care of Mr. Richard Martin, Post Office Box 4125, Baton Rouge, Louisiana 70821. The permittee shall include a copy of this permit with the contribution.

23. The permittee shall complete the mitigation prior to beginning work on the permitted project or within one year of permit issuance, whichever comes first. The Louisiana Nature Conservancy will provide the Corps of Engineers *verification of receipt of the contribution* and the Corps of Engineers will then contact the permittee informing him that he may proceed

SPECIAL CONDITIONS: MVN 2002-1717 EFF

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



**LAKE
PONTCHARTRAIN**

**PROPOSED
PROPERTY**



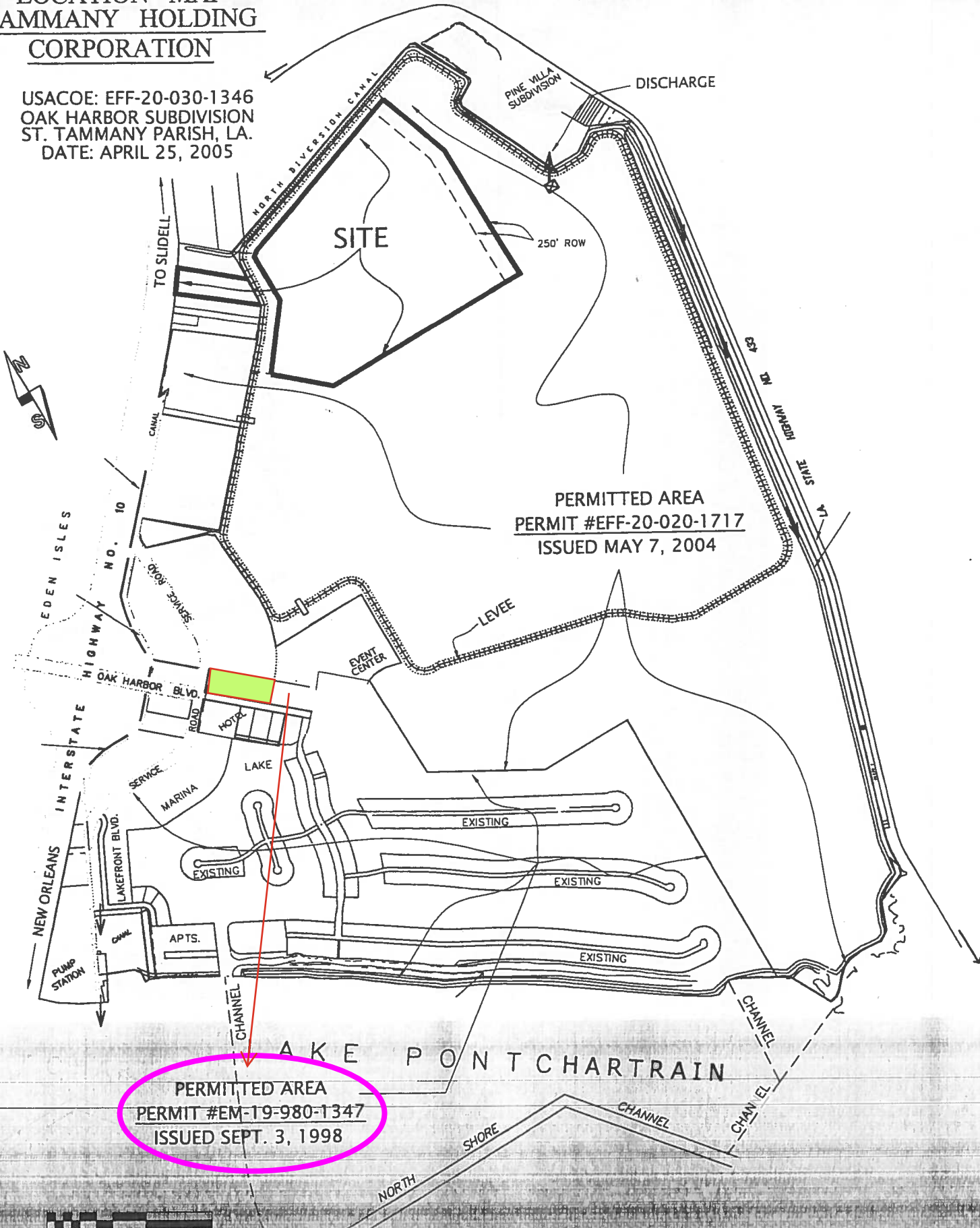
DATE: APRIL 25, 2001

VICINITY MAP
EXHIBIT NO. 1



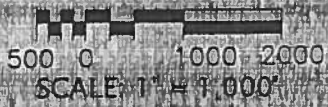
**LOCATION MAP
TAMMANY HOLDING
CORPORATION**

USACOE: EFF-20-030-1346
OAK HARBOR SUBDIVISION
ST. TAMMANY PARISH, LA.
DATE: APRIL 25, 2005



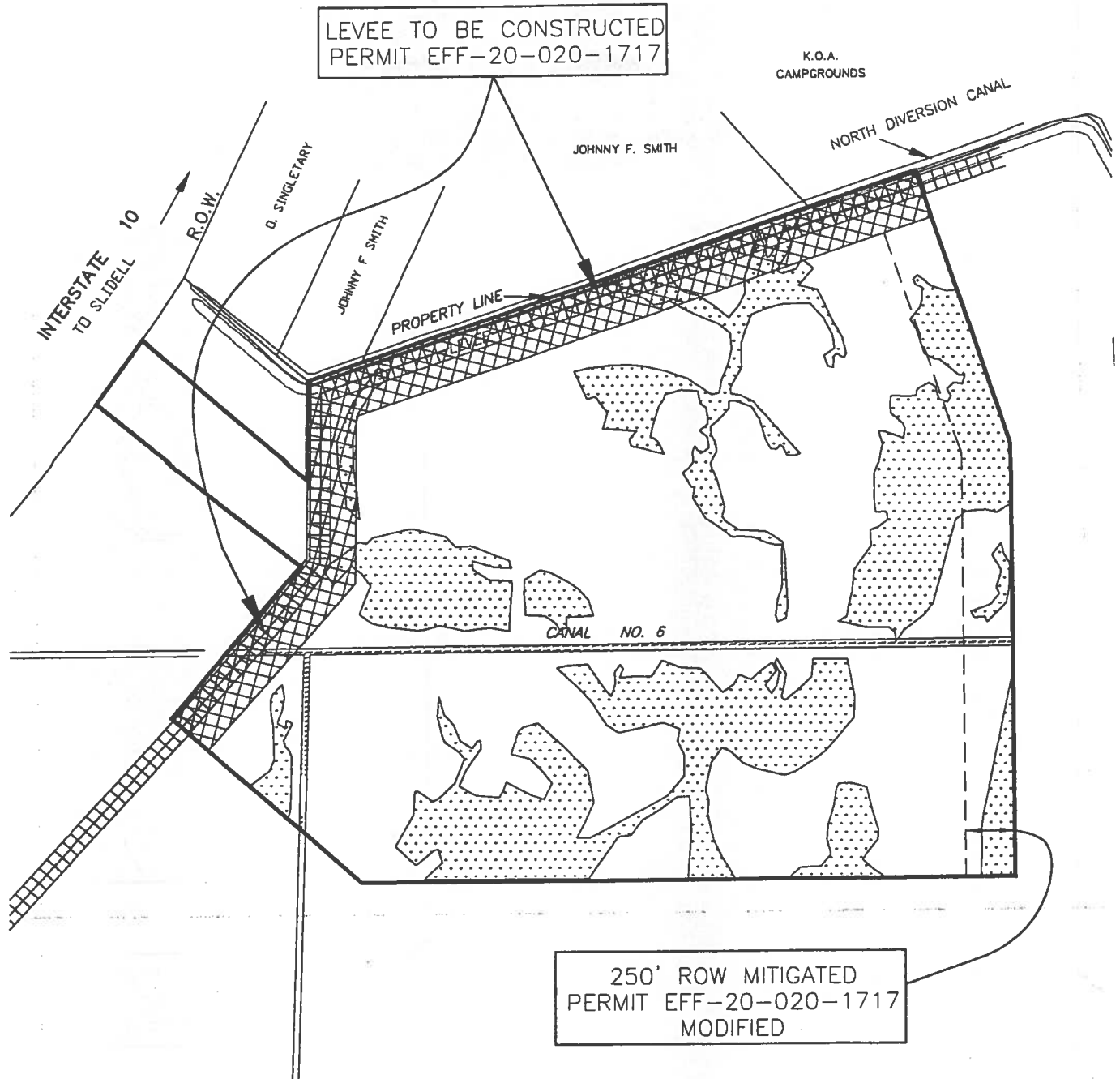
**PERMITTED AREA
PERMIT #EFF-20-020-1717
ISSUED MAY 7, 2004**

**PERMITTED AREA
PERMIT #EM-19-980-1347
ISSUED SEPT. 3, 1998**






T:\G:\DWG51\0036\Draws\EXHIBIT NO.2.dwg/LAYOUT: 2500 Printer May 26, 2005 - 10:11AM

S:\0036\dwgs\EXHIBIT N03.dwg/LAYOUT: Exhibit 3 May 26, 2005 - 12:17PM
T.A.C. G:\DW



LEGEND

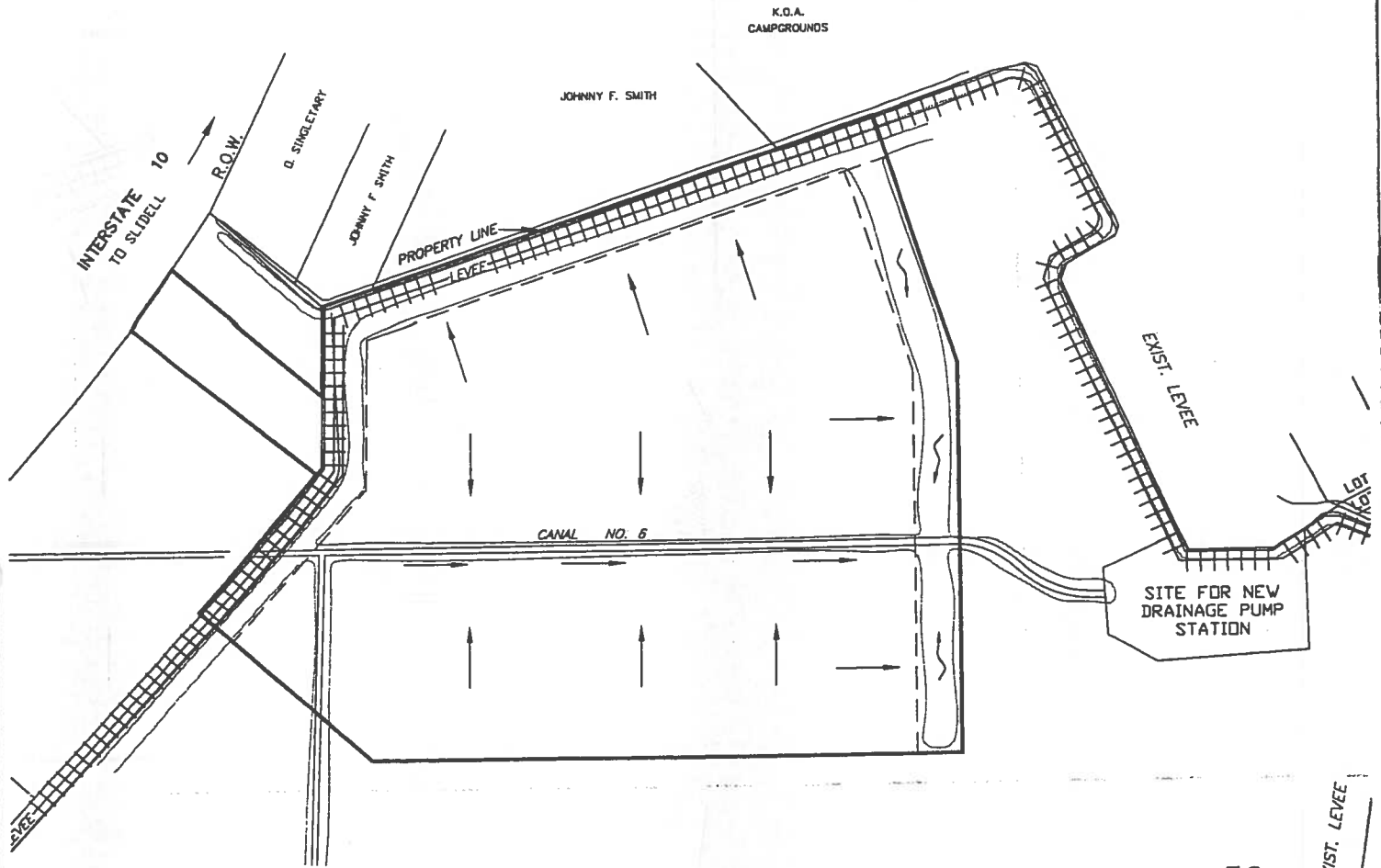
-  LEGEND
-  WETLANDS
-  WATERS

Scale: 1"=800'

NOTES:

AREA OF WETLANDS	± 67.83 ACRES
AREA OF NON-WETLANDS	± 198.92 ACRES
AREA OF WATERS	± 4.90 ACRES
AREA OF WETLANDS AND WATERS LESS THE 250 FT SERVITUDE WETLANDS	(72.7 ACRES - 10.6 ACRES) = 62.1 ACRES

**EXISTING WETLAND MAP
EXHIBIT NO 3**

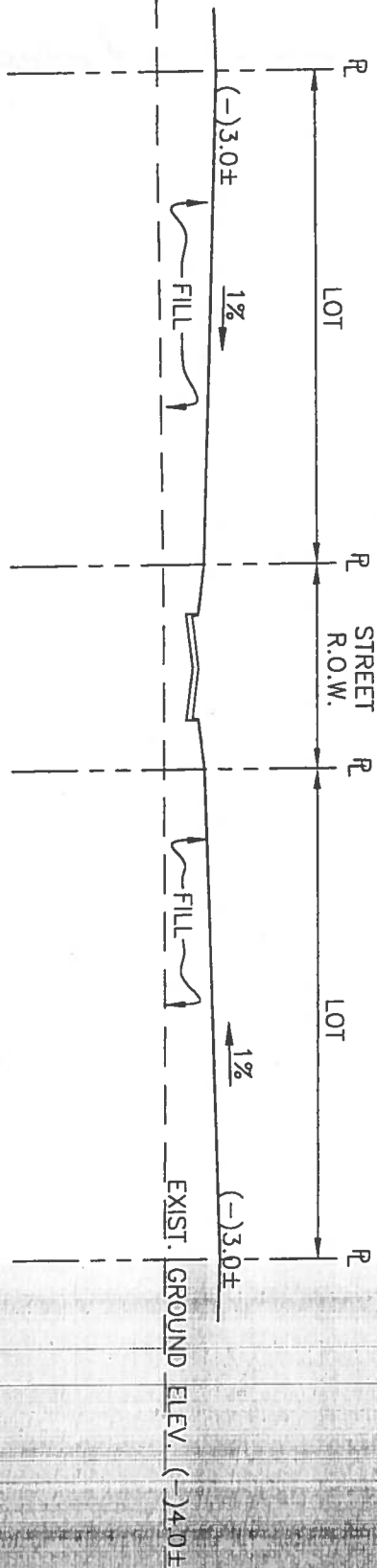


LEGEND

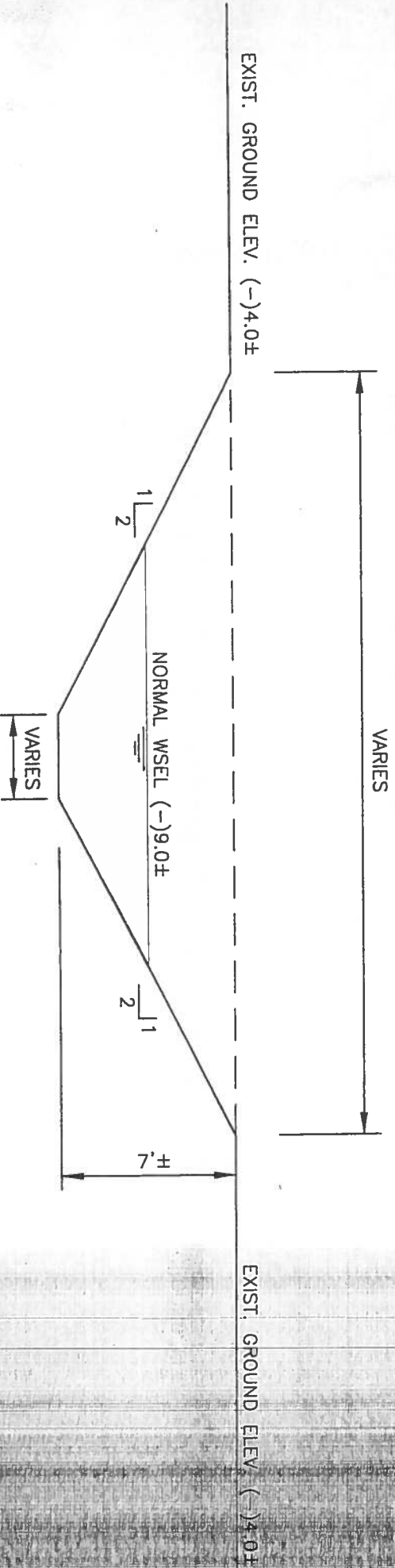
-  DRAINAGE FLOW DIRECTION
-  INTERIOR CANALS

Scale: 1"=1000'

DRAINAGE MAP
EXHIBIT NO. 4



TYPICAL STREET AND LOT SECTION



TYPICAL WATERWAY SECTION

EXHIBIT NO. 5
NOT TO SCALE