

MC AOC APP NO: 20170003
MC AOC PERMIT NO: _____

LEASE: Private Land
FILED: 08/08/17

APPLICATION FOR MARICULTURE PERMIT FOR ALTERNATIVE OYSTER CULTURE IN PRIVATE WATERS

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

New Orleans, Louisiana

Name of Applicant: Terrence Shelley
Address of Applicant: 154 Hi Ridge Rd, Port Sulphur, LA 70083
Commercial License: 24000 Harvester License: 64184

Transferred Date: / /

Name: _____
Address: _____

Transferred Date: / /

Name: _____
Address: _____

Transferred Date: / /

Name: _____
Address: _____

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Comments: _____

The undersigned herewith applies for a mariculture permit to conduct alternative oyster culture activity on privately owned water bottoms measuring 5 acres, more or less, located in the Parish of Plaquemine and more particularly described as follows:

Lot 29-18-53.9820 / Long 89-44-06.876W

(Note: A copy of all relevant documents establishing the undersigned's rights to the property and area at issue shall be attached to this application.)

An application fee \$1000.00 dollars is paid herewith. An annual fee of \$1,000.00 will be due beginning one year from the date of issuance of the permit for the life of the project.

The undersigned prays that this application be registered, that a permit be issued to Applicant, which permit, issued by the Louisiana Department of Wildlife and Fisheries, will be considered as an acceptance of this application and a completion and execution of the contract.

This application is made and the permit is to be issued subject to the applicable provisions of Louisiana Revised Statutes Title 56, Subpart D and 56:579.1 and the rules and regulations of the said Department and Applicant hereby agrees to pay said Department for services in connection herewith in accordance with the scale of charges printed and herein mentioned.

The undersigned certifies that Applicant is qualified under law to receive the requested permit to conduct mariculture in privately owned waters, specifically alternative oyster culture; and that Applicant has taken cognizance of the statutes, rules, and regulations identified herein and makes them a part of this application, as they may be amended from time to time.

The undersigned further certifies that:

a. If Applicant is not a natural person, the person signing this application is duly authorized to do so on behalf of Applicant.

b. The alternative oyster culture activities that Applicant seeks to conduct are:

- ☒ On-bottom cages, racks, or bags
- ☐ Off-bottom cages, racks, or bags, suspended by poles or floats
- ☒ String or longline culture
- ☐ Other (describe):

c. The equipment or gear that Applicant seeks to use, and the quantities thereof are:

Seapa 600 Baskets, Seapa adjustable longline system,

d. The facilities (items other than equipment or gear) that Applicant seeks to use are:

dockboat for construction & maintenance.

e. All other local, state, and federal permits necessary for the activity sought to be permitted, or documentation from the relevant agencies establishing that such permits are unnecessary, have been obtained and supplied to the Louisiana Department of Wildlife and Fisheries, specifically including:

1. State coastal use permit (R.S. 49:214.30).
2. Federal obstruction to navigation section 10 (33 U.S.C. §403) and/or section 9 (33 U.S.C. §401) permit.
3. Clean Water Act section 404 fill permit (33 U.S.C. §1344).
4. State water quality certification (33 U.S.C. §1341).
5. Any other permit or authorization that may be required by a state or federal agency for the AOC activity sought to be permitted.

Name: Sign:

Print:

Address:

Quadrangle:

CONDITIONS

1. This permit is terminable by the Department of Wildlife and Fisheries (the "Department") upon significant or repeated violation of the permit or any applicable statutes, rules, or regulations by the permittee or anyone authorized by the permittee to engage in alternative oyster culture ("AOC") mariculture activities on the permitted area.

2. The permittee hereby indemnifies and holds harmless the State of Louisiana, political subdivisions of the state, the United States, and any agency, agent, contractor, or employee thereof against and from any claim arising as a result of operations by or for the permittee pursuant to this permit.

3. The permittee and anyone using this permit hereby holds the State of Louisiana, political subdivisions of the state, the United States, and any agency, agent, contractor, or employee thereof harmless from any claims arising under or as a result of the issuance of this permit in relation to diversions of fresh water or sediment, dredging or direct placement of dredged or other materials, any other actions taken for the purpose of integrated coastal protection, or adverse effects on water quality, including but not limited to increased sedimentation or eutrophication or fluctuations in salinity or pH.

5. All terms of the permit shall be subject to all applicable federal and state laws and regulations. The permittee shall comply with all terms of this permit, and with all terms of all other local, state, and federal permits necessary for the permitted activity.

6. Vessels engaged in permitted AOC activities shall have the permit on board the vessel, and the permittee or authorized user shall show the permit upon demand to any duly authorized agent of the Department. The Department shall also have access to any area and/or vessel that is used for or where AOC activities are ongoing for purposes of inspection, enforcing permit conditions and/or state law and the applicable regulations.

7. The permit may be used only by the named permittee, or by a user authorized by the permittee who holds a valid oyster harvester license and a valid commercial fisherman's license. Persons working under the direction of the permittee or authorized user do not themselves need a permit or authorization. Authorized users engaged in permitted AOC activities shall have written authorization on board the vessel, and shall show the authorization upon demand to any duly authorized agent of the Department.

8. Detailed records shall be maintained and furnished to the department upon request, including:

- a. The number of oysters bought and sold.
- b. The rate and type of food utilized.
- c. The observed recorded growth.
- d. The mortality observed.
- e. The average depth of water, current, salinity, and temperature.

9. All data obtained from monitoring projects under this permit and all documents related thereto shall be public and will be subject to annual reports to the Legislature.

10. If work has not commenced to implement the activities permitted under this permit within two years of the date of issuance, then the permit shall automatically terminate.



DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

P.O. BOX 44487
BATON ROUGE, LOUISIANA 70804-4487
(225)342-7591
1-800-267-4019

COASTAL USE PERMIT/CONSISTENCY DETERMINATION

C.U.P. No.: P20160162

C.O.E. No.: MVN- 2016- 0705- EPP

NAME: SHELLEY FARMS PREMIUM OYSTER COMPANY LLC
c/o SIMON, PERAGINE, SMITH & REDFERN LLP
1100 POYDRAS 30TH FLOOR
NEW ORLEANS, LA 70163
Attn: Andrew Wilson

LOCATION: Plaquemines Parish, LA
Work area 1 located @Lat 29-18-53.982N / Long -89-44-06.876W, See plats for additional coordinates;
Port Sulphur, 70083.

DESCRIPTION: Proposal to install eight sets of longlines for the purpose of cultivating oysters. There will be 20 lines per set, and each line will measure approximately 250' in length.

In accordance with the rules and regulations of the Louisiana Coastal Resources Program and Louisiana R.S. 49, Sections 214.21 to 214.41, the State and Local Coastal Resources Management Act of 1978, as amended, the permittee agrees to:

1. Carry out, perform, and/or operate the use in accordance with the permit conditions, plans and specifications approved by the Department of Natural Resources.
2. Comply with any permit conditions imposed by the Department of Natural Resources.
3. Adjust, alter or remove any structure or other physical evidence of the permitted use if, in the opinion of the Department of Natural Resources, it proves to be beyond the scope of the use as approved or is abandoned.
4. Provide, if required by the Department of Natural Resources, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the Department of Natural Resources determine it necessary.
5. Hold and save the State of Louisiana, the local government, the department, and their officers and employees harmless from any damage to persons or property which might result from the use, including the work, activity, or structure permitted.
6. Certify that the use has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the Department of Natural Resources. The Department of Natural Resources may, when appropriate, require such certification to be given by a registered professional engineer.
7. All terms of the permit shall be subject to all applicable federal and state laws and regulations.
8. This permit, or a copy thereof, shall be available for inspection at the site of work at all times during operations.
9. The applicant will notify the Office of Coastal Management of the date on which initiation of the permitted activity described under the "Coastal Use Description" began. The applicant shall notify the Office of Coastal Management by entering a commencement date through the online system, or by mailing said information to OCM.
10. Unless specified elsewhere in this permit, this permit authorizes the initiation of the coastal use described under "Coastal Use Description" for two years from the date of the signature of the Secretary or his designee. If the coastal use is not initiated within this two year period, then this permit will expire and the applicant will be required to submit a new application. Initiation of the coastal use, for the purposes of this permit, means the actual physical beginning of the use of activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the coastal use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, the permittee must, in good faith, and with due diligence, reasonably progress toward completion of the project once the coastal use has been initiated.
11. The following special conditions must also be met in order for the use to meet the guidelines of the Coastal Resources Program:

- a. That permittee shall insure that all sanitary sewage and/or related domestic wastes generated during the subject project activity and at the site, thereafter, as may become necessary shall receive the equivalent of secondary treatment (30 mg/l BOD5) with disinfection prior to discharge into any of the streams or adjacent waters of the area or, in the case of total containment, shall be disposed of in approved sewerage and sewage treatment facilities, as is required by the State Sanitary Code. Such opinion as may be served by those comments offered herein shall not be construed to suffice as any more formal approval(s) which may be required of possible sanitary details (i.e. provisions) scheduled to be associated with the subject activity. Such shall generally require that appropriate plans and specifications be submitted to the Department of Health and Hospitals for purpose of review and approval prior to any utilization of such provisions.



- b. The area where the project is located is all part of the aboriginal homelands of the Chitimacha Tribe of Louisiana. As such, large villages, burial sites, and sacred sites were in place in that entire area. If at any time during the course of the work, any traditional cultural properties are discovered, Permittee shall immediately contact Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator) at (337) 923-9923 or (337) 923-4395. Office hours are Monday through Thursday from 7:30 A.M. - 5:00 P.M. and on Friday between 7:30 A.M. - 11:30 A.M. If traditional cultural properties are discovered on the weekend or after business hours, the notification shall be made the next business morning.
- c. All structures built under the authorization and conditions of this permit shall be removed from the site within 120 days of abandonment of the facilities for the herein permitted use, or when these structures fall into a state of disrepair such that they can no longer function as intended. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for such removal activities.
- d. Structures must be marked/lighted in accordance with U. S. Coast Guard regulations.
- e. Applicant shall not discharge any drilling and/or workover effluent except for flocculated filtered water.
- Applicant shall not discharge any human waste which does not meet or exceed the requirements of the Department of Health and Hospitals.
- Applicant shall not discharge any produced waters.
- Applicant is subject to all applicable state laws related to damages which are demonstrated to have been caused by this proposed action.
- Applicant shall use any dredged material beneficially to create/restore emergent wetlands or place the material in open water in such a manner not to decrease the water depth greater than six inches.
- Applicant shall provide to the LDWF a water bottom assessment (unless waived by LDWF) that meets LDWF protocol prior to commencement of the activity. A waiver request must be submitted to LDWF in writing and must state the justification for the request. Applicant may, at the request of LDWF and prior written approval of OCM, be required to modify the project if the proposed location unnecessarily impacts oyster reefs.
- f. When working in the immediate area of the boardwalk (-89° 44' 19.030" 29° 18' 50.537") or constant recorder (-89° 44' 18.741" 29° 18' 52.246") locations of CRMS0172, CPRA requests a 200 meter (657 ft.) buffer zone around sampling areas. If work crews do cross into the buffer, we will require notice of entering the buffer zone. CPRA will also request that a 10 meter (32 ft.) NO ACCESS buffer zone surrounding the boardwalk (-89° 44' 19.030" 29° 18' 50.537") at CRMS0172 must be observed. In this NO ACCESS buffer zone, no foot and/or boat traffic is acceptable. The measurements taken at the boardwalk are at the millimeter scale, and footprints around it will necessitate its replacement. If the field crews enter either buffer zone CPRA must be informed of the date and time that the field crews are within the buffer zone. Please note that "normal" boat traffic along natural bayous or bays are acceptable. Should any damages occur to the sampling stations, the permit holder may be responsible for the monetary costs involving lost data and the removal and rebuilding of the CRMS station. POC is Todd Hubbell, email: Todd.Hubbell@La.Gov, 985-447-0994; CRMS Program managers are: Bill Boshart, email: Bill.Boshart@LA.GOV, 504-280-4063; or Leigh Anne Sharp, email: LeighAnne.Sharp@LA.GOV, 337-482-0659.
- g. The applicant must possess a valid LDWF "Mariculture Permit for Alternative Oyster Culture in Private Waters" prior to commencing operations, and adhere to Mariculture Permit conditions.
- h. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.



- i. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.
 - j. Permittee shall allow representatives of the Office of Coastal Management or authorized agents to make periodic, unannounced inspections to assure the activity being performed is in accordance with the conditions of this permit.
 - k. Permittee shall comply with all applicable state laws regarding the need to contact the Louisiana One Call (LOC) system (1-800-272-3020) to locate any buried cables and pipelines.
 - l. This permit authorizes the initiation of the Coastal Use described under "Coastal Use Description" for two (2) years from the date of the signature of the Secretary or his designee. Initiation of the Coastal Use, for purposes of this permit, means the actual physical beginning of the use or activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the Coastal Use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, Permittee must, in good faith and with due diligence, reasonably progress toward completion of the project once the Coastal Use has been initiated. If the Coastal Use is not initiated within this two (2) year period, an extension may be granted pursuant to the requirements contained in the Rules and Procedures for Coastal Use Permits (Title 43:1.723.D.). Please note that a request for permit extension MUST be made no sooner than one hundred eighty (180) days and no later than sixty (60) days prior to the expiration of the permit.
- The expiration date of this permit is five (5) years from the date of the signature of the Secretary or his designee. If the Coastal Use is not completed within this five (5) year period, an extension may be granted pursuant to the requirements contained in the Rules and Procedures for Coastal Use Permits (LAC 43:1.723(D)).
- Upon expiration of this permit, a new Coastal Use Permit will be required for completion of any unfinished or uncommenced work items and for any maintenance activities involving dredging or fill that may become necessary. Other types of maintenance activities may also require a new Coastal Use Permit.
- m. This determination does not eliminate the need to obtain a permit from the United States Army, Corps of Engineers or any other Federal, state or local approval that may be required by law. The drawings submitted with your referenced application are attached hereto and made a part of the record.

***** End of Conditions *****

By accepting this permit the applicant agrees to its terms and conditions.

I affix my signature and issue this permit this 4th day of October, 2016.

THE DEPARTMENT OF NATURAL RESOURCES

Karl L. Morgan, Administrator
Office of Coastal Management

This agreement becomes binding when signed by Administrator of
the Office of Coastal Management Permits/Mitigation Division, Department of Natural Resources.

Attachments

Page: 4 of 4
C.U.P. No.: P20160162
C.O.E. No.: MVN- 2016- 0705- EPP



Final Plats:

1) P20160162 Final Plats 07/27/2016

cc: Martin Mayer, COE w/attachments
Dave Butler, LDWF w/attachments
Johan Forsman, DHH w/attachments
Jessica Diez, OCM w/attachments
Frank Cole, OCM/FI w/attachments
Plaquemines Parish w/attachments

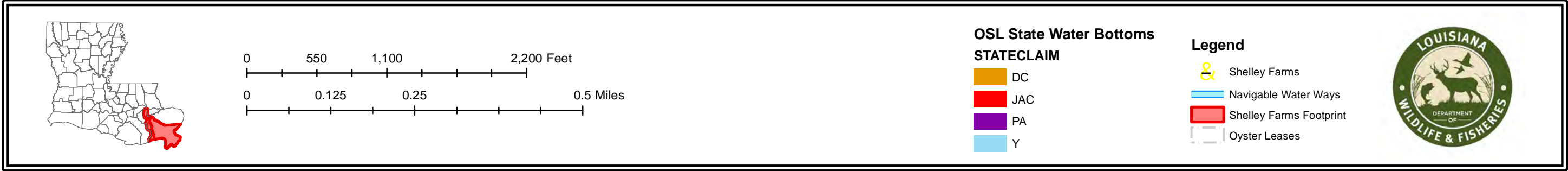
SHELLEY FARMS PREMIUM OYSTER COMPANY LLC w/attachments

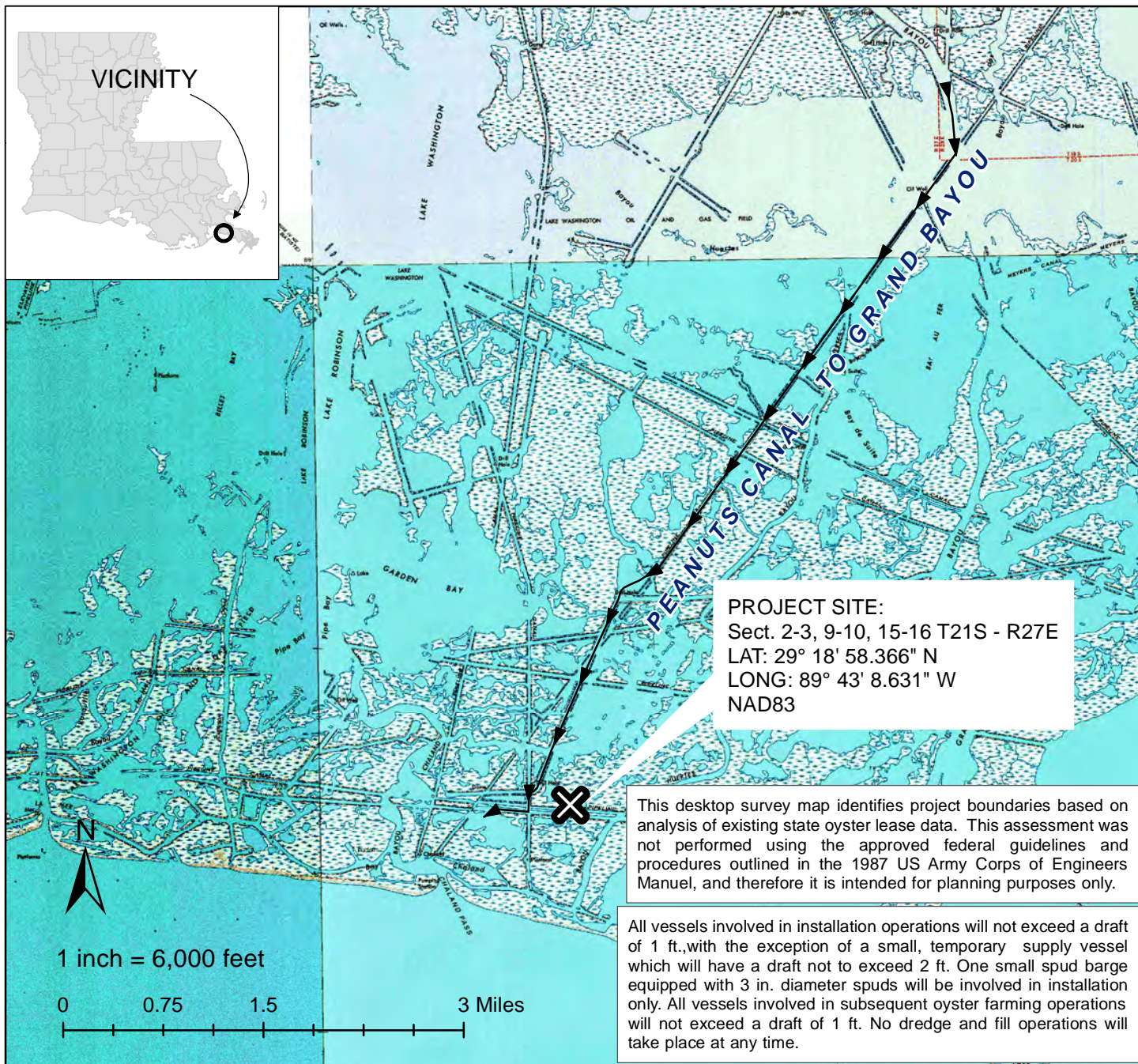
Louisiana Department of Wildlife and Fisheries
Preliminary Mariculture Permit Map - AOC on Private Lands

4



Jefferson / Plaquemines Parish, Louisiana





PARISH: PLAQUEMINES
 T/R/S: T21S R27E Sec. 2, 3, 9, 10, 11, 15, & 16.
 LATITUDE: 29° 18' 58.366" N
 LONGITUDE: 89° 43' 8.631" W

VICINITY MAP

OYSTER FARM FACILITY SITE VICINITY MAP

BASTIAN BAY, LOUISIANA



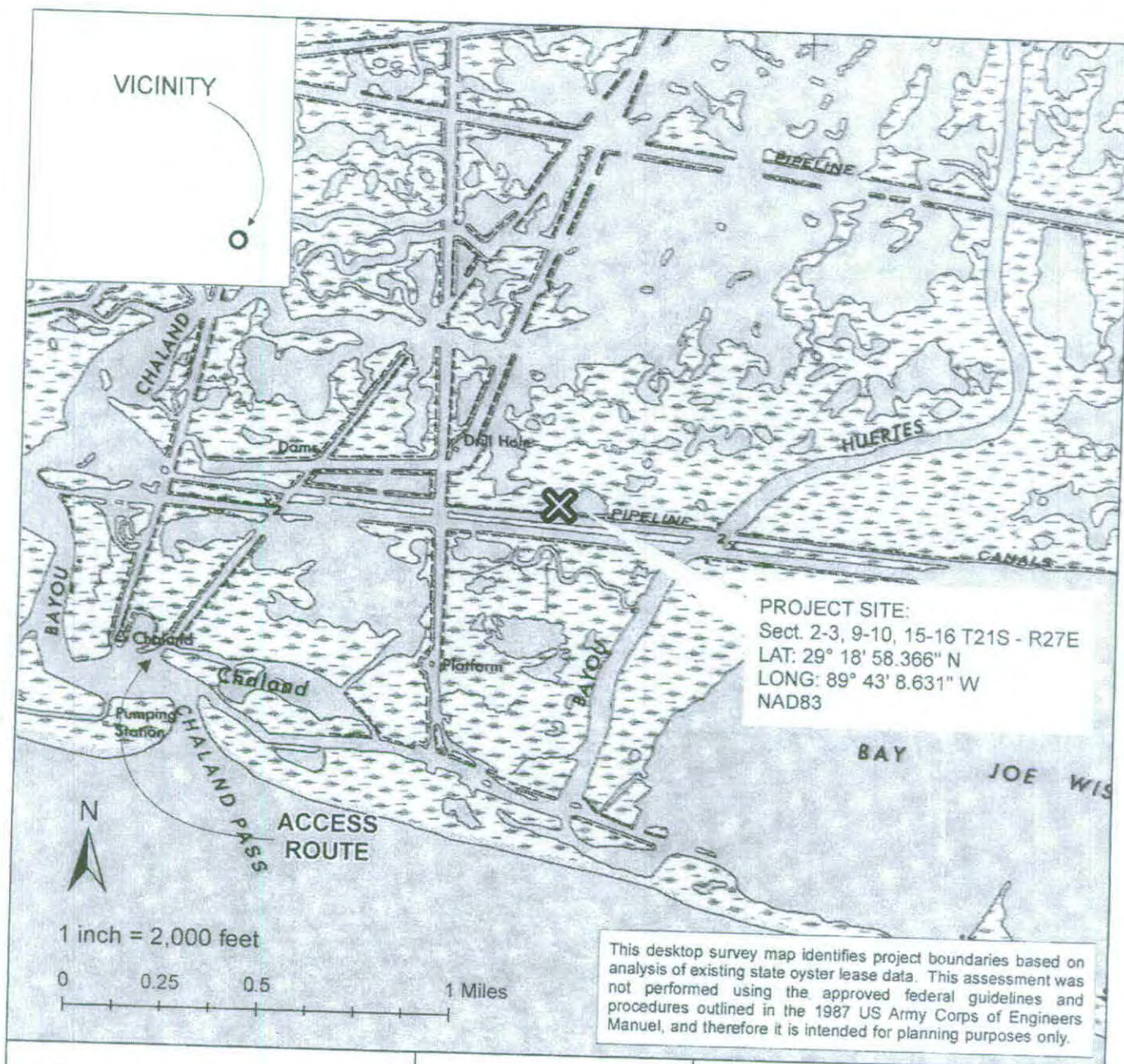
COASTAL ENVIRONMENTS, INC.

BATON ROUGE, LA, 70802 225-383-7455

APPLICATION BY: SHELLEY FARMS PREMIUM
 OYSTER COMPANY LLC
 PURPOSE: COASTAL USE PERMIT
 MAP SOURCE: USGS QUADS 1993-94
 MAP DATE: 23 JUNE 2016

SHEET NO. _____ OF _____

1. As-built drawings and/or plats shall have written on them the date of completion of said activities and shall be submitted to the Louisiana Department of Natural Resources, Office of Coastal Management, P. O. Box 44487, Baton Rouge, LA 70804-4487 within 30 days following project completion.
2. All structures built under the authorization and conditions of this permit shall be removed from the site within 120 days of abandonment of the facilities for the herein permitted use, or when these structures fall into a state of disrepair such that they can no longer function as intended. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for such removal activities.
3. Structures must also be marked/lighted in accordance with U. S. Coast Guard regulations.
4. In order to ensure the safety of all parties, the permittee shall contact the Louisiana One Call System (1-800-272-3020) a minimum of 48 hours prior to the commencement of any excavation (digging, dredging, jetting, etc.) or demolition activity



PARISH: PLAQUEMINES
T/R/S: T21S R27E Sec. 2, 3, 9, 10, 11, 15, & 16.
LATITUDE: 29° 18' 58.366" N
LONGITUDE: 89° 43' 8.631" W

VICINITY MAP

OYSTER FARM FACILITY SITE VICINITY MAP

BASTIAN BAY, LOUISIANA



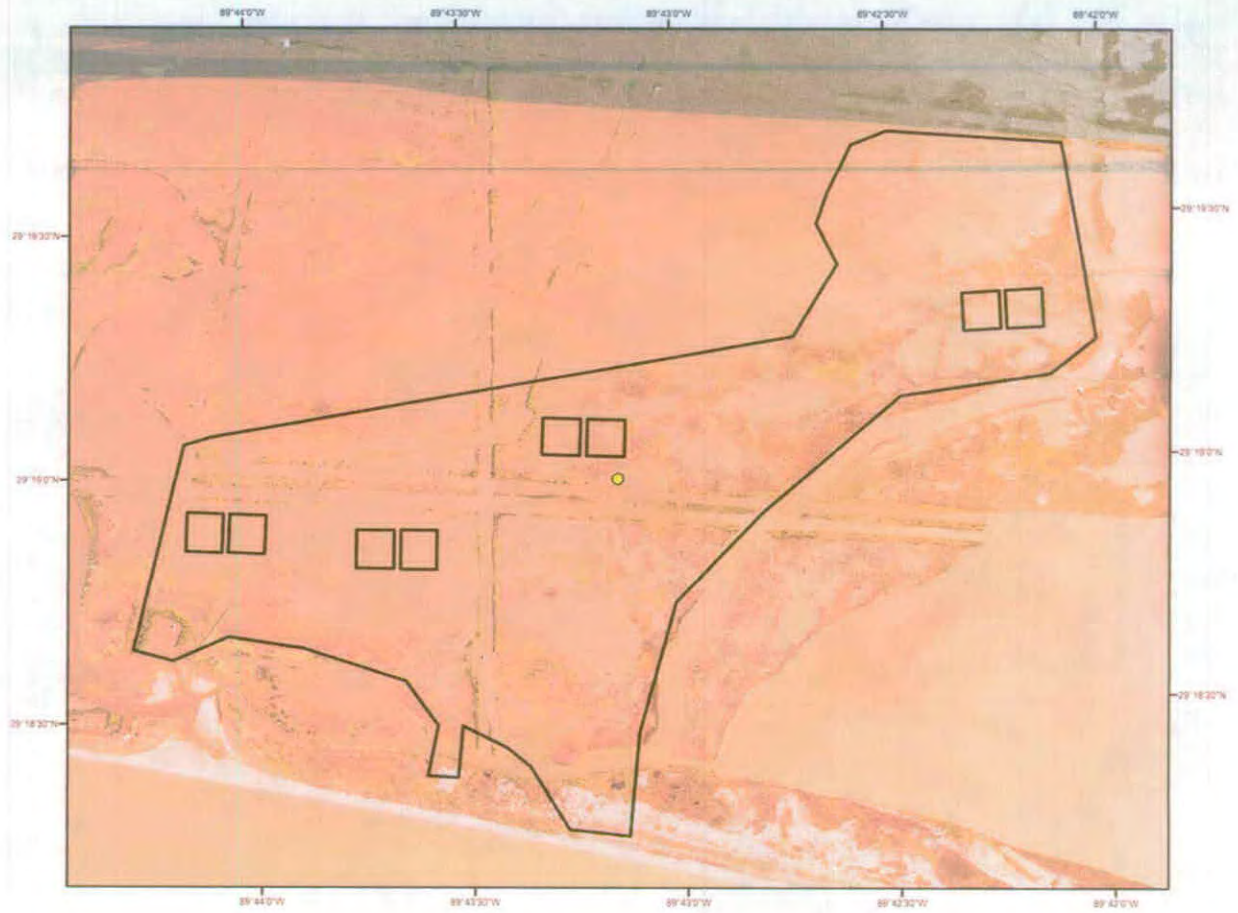
COASTAL ENVIRONMENTS, INC.
BATON ROUGE, LA 70802
225-383-7488

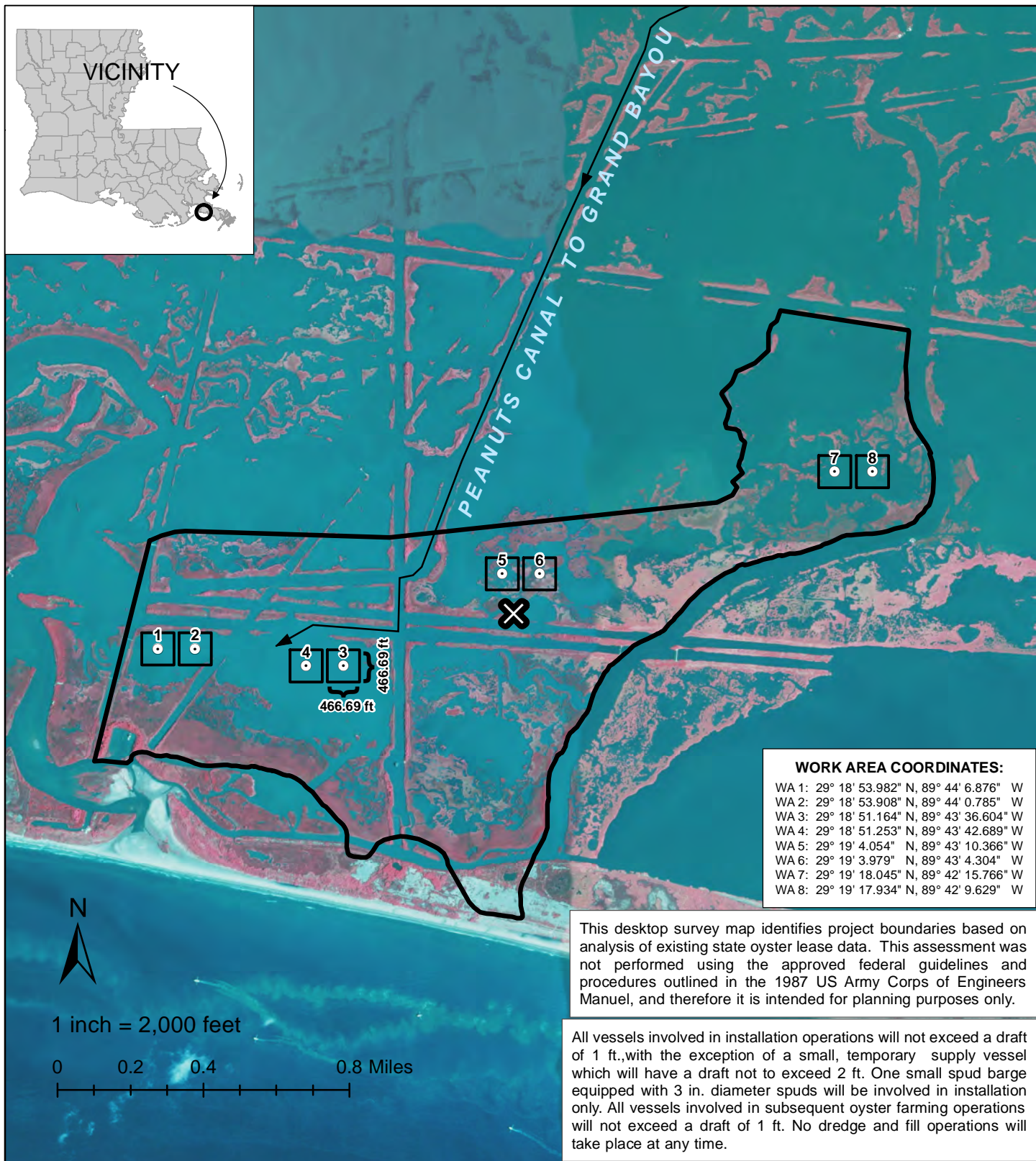
APPLICATION BY: SHELLEY FARMS PREMIUM
OYSTER COMPANY LLC
PURPOSE: COASTAL USE PERMIT
MAP SOURCE: USGS QUAD BASTIAN BAY, 1993
MAP DATE: 24 AUG 2015

SHEET NO. _____ OF _____

1. As-built drawings and/or plats shall have written on them the date of completion of said activities and shall be submitted to the Louisiana Department of Natural Resources, Office of Coastal Management, P. O. Box 44487, Baton Rouge, LA 70804-4487 within 30 days following project completion.
2. All structures built under the authorization and conditions of this permit shall be removed from the site within 120 days of abandonment of the facilities for the herein permitted use, or when these structures fall into a state of disrepair such that they can no longer function as intended. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for such removal activities.
3. Structures must also be marked/lighted in accordance with U. S. Coast Guard regulations.
4. In order to ensure the safety of all parties, the permittee shall contact the Louisiana One Call System (1-800-272-3020) a minimum of 48 hours prior to the commencement of any excavation (digging, dredging, jetting, etc.) or demolition activity.

Map depicting 5 acre plots for deployment of oyster culture gear.





LOCATION MAP

PARISH: PLAQUEMINES
T/R/S: T21S R27E Sec.2, 3, 9, 10, 11, 15 & 16
LATITUDE: 29° 18' 58.366" N
LONGITUDE: 89° 43' 8.631" W



COORDINATE LOCATION



ACCESS ROUTE



PROPOSED WORK AREA (+/- 5.00 ac.)



SUBJECT PROPERTY (+/- 901.75 ac.)

OYSTER FARM FACILITY SITE LOCATION MAP

BASTIAN BAY, LOUISIANA



COASTAL ENVIRONMENTS, INC.

BATON ROUGE, LA., 70802 225-383-7455

APPLICATION BY: SHELLEY FARMS PREMIUM
OYSTER COMPANY LLC

PURPOSE: COASTAL USE PERMIT

MAP SOURCE: USDA NAIP 2013

MAP DATE: 23 JUNE 2016

SHEET NO. _____ OF _____

VICINITY



ACCESS
ROUTE

1 inch = 2,000 feet



This desktop survey map identifies project boundaries based on analysis of existing state oyster lease data. This assessment was not performed using the approved federal guidelines and procedures outlined in the 1987 US Army Corps of Engineers Manual, and therefore it is intended for planning purposes only.

LOCATION MAP

PARISH: PLAQUEMINES
T/R/S: T21S R27E Sec.2, 3, 9, 10, 11, 15 & 16
LATITUDE: 29° 18' 58.366" N
LONGITUDE: 89° 43' 8.631" W



COORDINATE LOCATION



SUBJECT PROPERTY
(+/- 901.75 ac.)

OYSTER FARM FACILITY SITE LOCATION MAP

BASTIAN BAY, LOUISIANA



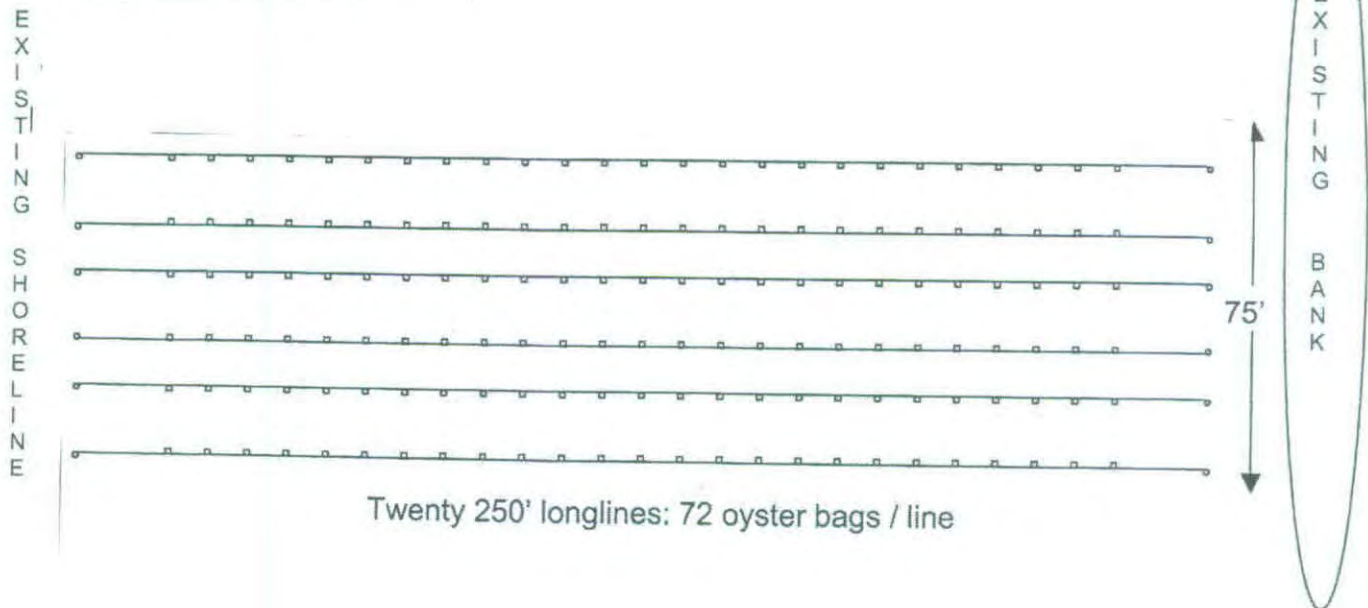
COASTAL ENVIRONMENTS, INC.
BATON ROUGE, LA 70802
225-363-7485

APPLICATION BY: SHELLEY FARMS PREMIUM
OYSTER COMPANY LLC
PURPOSE: COASTAL USE PERMIT
MAP SOURCE: ESRI, ET AL., 2013
MAP DATE: 24 AUG 2015

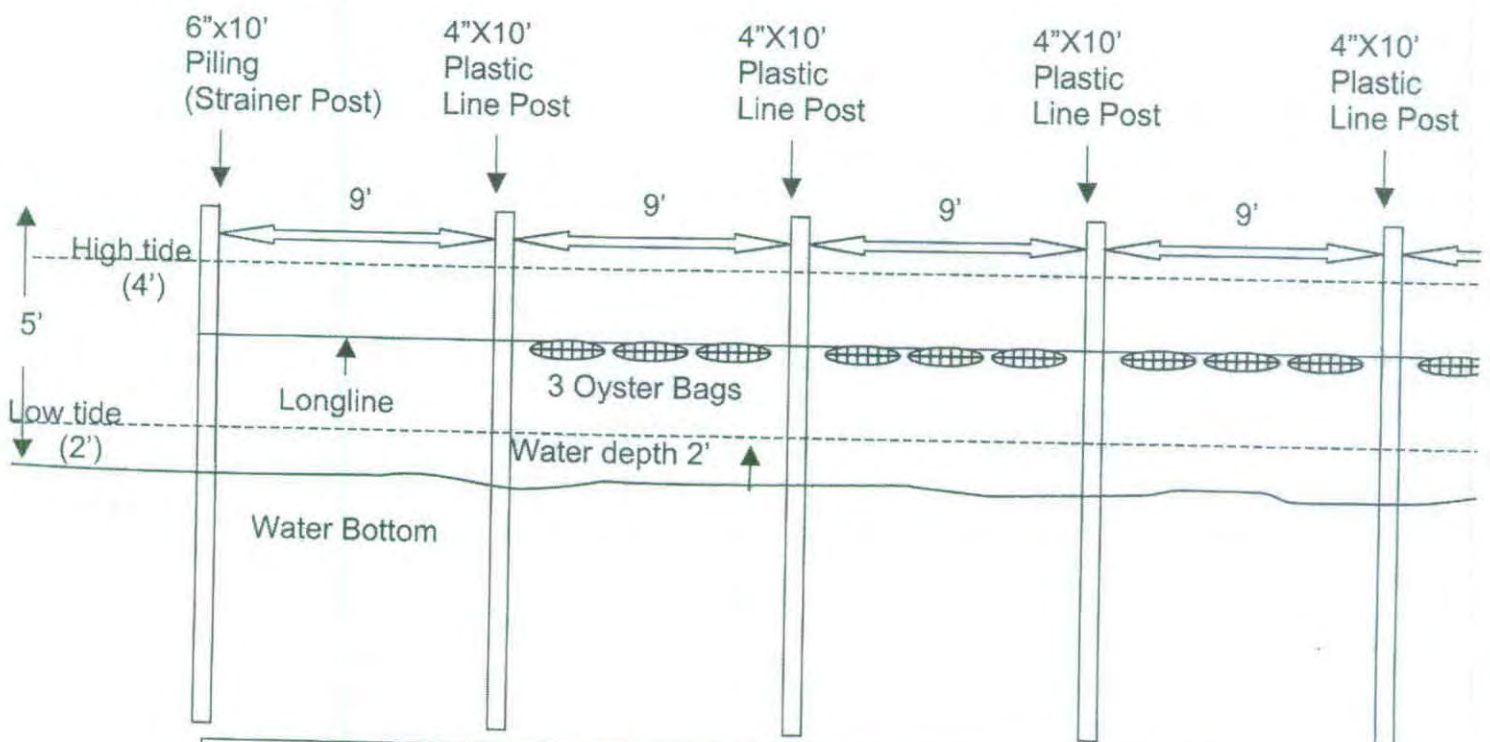
SHEET NO. _____ OF _____

Schematic of Shelley Premium Oyster Farm

Overhead view



Side view



Strainer posts are 6" x 10' pressure and chemical treated pilings.
 Line posts are 4" x 4" x 10' plastic posts with plastic clips down one side to support longlines.
 Oyster bags are 2' 6" long plastic mesh (12mm openings) held on to cable with two plastic clips.



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

JAN 09 2017

Operations Division
Eastern Evaluation Section

SUBJECT: MVN-2016-0705-EPP

Shelley Farms Premium Oyster Company, LLC
217 Derbigny Street
Gretna, Louisiana 70053

Dear Gentlemen:

Enclosed is a permit dated this date, subject as above, authorizing work under the Department of the Army permit program.

You are again reminded that any work not in accordance with the approved plans is subject to removal regardless of the expense and the inconvenience that such removal may involve and regardless of the date when the discrepancy is discovered.

Your attention is directed to all the terms and conditions of the approval. In order to have the work approved in accordance with the issued permit, all terms and conditions of the permit and plans shown on the drawings attached thereto must be rigidly adhered to.

It is necessary that you notify the District Engineer, Attention: Eastern Evaluation Section, in writing, prior to commencement of work and also upon its completion. The notification must include the permittee's name, as shown on the permit, and the permit number. Please note the expiration date on the permit. Should the project not be completed by that date, you may request a permit time extension. Such requests must be received before, but no sooner than six months before, the permit expiration date and must show the work completed and the reason the project was not finished within the time period granted by the permit.

A copy of Page 1 of the permit (ENG Form 1721) must be conspicuously displayed at the project site. Also, you must keep a copy of the signed permit at the project site until the work is completed.

Sincerely,


Michael V. Farabee
Chief, Eastern Evaluation Section

Enclosures

JAN 09 2017

DEPARTMENT OF THE ARMY PERMIT

Permittee: Shelley Farms premium Oyster Company, LLC

Permit No. MVN-2016-0705-EPP

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

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

Project Description: Install and maintain piles for a set of 8 with 20-250' longlines for 72 oyster bags, in accordance with drawings enclosed in 6 sheets, sheets 1 & 4 dated June 23, 2016, sheets 2 & 5 dated August 24, 2015 and sheets 3 & 6 undated.

Project Location: Project site is located near Bay Joe Wise, in Port Sulphur, Louisiana, in Plaquemines Parish.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **November 30, 2021**. 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 4

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - () 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  X 12-26-16
(PERMITTEE) (DATE)

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

X  X January 9, 2016
(DATE)

Michael V. Farabee, Chief Eastern Evaluation Section
for Michael N. Clancy, 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.

(TRANSFeree) (DATE)

SPECIAL CONDITIONS for MVN-2016-0705-EPP

7. 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.
8. The use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
9. Permittee must install and maintain, at permittee's expense, any safety lights, signs and signals prescribed by the US Coast Guard, through regulations or otherwise, on the authorized facilities.
10. If the authorized 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 Eighth Coast Guard District, 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 Commander (dpw) Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Room 1230, New Orleans, Louisiana 70130, about 1 month before you plan to start work. Telephone inquiries can be directed to the Eighth Coast Guard District, Waterways Management at (504) 671-2107.
11. Please be aware that you must comply with the enclosed: "STANDARD MANATEE CONDITIONS FOR IN-WATER ACTIVITIES".
12. If the authorized project requires any additional work not expressly permitted herein, the permittee must apply for an amendment to this authorization.

STANDARD MANATEE CONDITIONS FOR IN-WATER ACTIVITIES

During in-water work in areas that potentially support manatees all personnel associated with the project shall be instructed about the potential presence of manatees, manatee speed zones, and the need to avoid collisions with and injury to manatees. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. Additionally, personnel shall be instructed not to attempt to feed or otherwise interact with the animal, although passively taking pictures or video are acceptable.

All on-site personnel are responsible for observing water-related activities for the presence of manatee(s). To minimize potential impacts to manatees in areas of their potential presence, the permittee shall insure the following are adhered to:

- All work, equipment, and vessel operation shall cease if a manatee is spotted within a 50-foot radius (buffer zone) of the active work area. Once the manatee has left the buffer zone on its own accord (manatees must not be herded or harassed into leaving), or after 30 minutes have passed without additional sightings of manatee(s) in the buffer zone, in-water work can resume under careful observation for manatee(s).
- If a manatee(s) is sighted in or near the project area, all vessels associated with the project shall operate at "no wake/idle" speeds within the construction area and at all times while in waters where the draft of the vessel provides less than a four-foot clearance from the bottom. Vessels shall follow routes of deep water whenever possible.
- If used, siltation or turbidity barriers shall be properly secured, made of material in which manatees cannot become entangled, and be monitored to avoid manatee entrapment or impeding their movement.
- Temporary signs concerning manatees shall be posted prior to and during all in-water project activities and removed upon completion. Each vessel involved in construction activities shall display at the vessel control station or in a prominent location, visible to all employees operating the vessel, a temporary sign at least 8½" X 11" reading language similar to the following: "CAUTION BOATERS: MANATEE AREA/ IDLE SPEED IS REQUIRED IN CONSTRUCTION AREA AND WHERE THERE IS LESS THAN FOUR FOOT BOTTOM CLEARANCE WHEN MANATEE IS PRESENT". A second temporary sign measuring 8½" X 11" shall be posted at a location prominently visible to all personnel engaged in water-related activities and shall read language similar to the following: "CAUTION: MANATEE AREA/ EQUIPMENT MUST BE SHUTDOWN IMMEDIATELY IF A MANATEE COMES WITHIN 50 FEET OF OPERATION".
- Collisions with, injury to, or sightings of manatees shall be immediately reported to the Service's Louisiana Ecological Services Office (337/291-3100) and the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program (225/765-2821). Please provide the nature of the call (i.e., report of an incident, manatee sighting, etc.); time of incident/sighting; and the approximate location, including the latitude and longitude coordinates, if possible.