Exhibit 11 - Corps of Engineers 404 Wetlands Permit



DEPARTMENT OF THE ARMY NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P. O. BOX 60267 NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO ATTENTION OF

APR 0 8 2008

Operations Division Eastern Evaluation Section

SUBJECT: MVN-2006-1963-EFF

Slidell Development Company, LLC 2222 Arlington Avenue Birmingham, Alabama 35205

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

Enclosure

DEPARTMENT OF THE ARMY PERMIT

Permittee: Slidell Development Company, LLC

Permit No. MVN-2006-1963-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, excavate, and fill for constructing roadways, foundations, parking, and drainage amenities in developing a multi-commercial and residential development in Slidell, in accordance with the drawings attached in 36 sheets; two undated, six dated December 2007, two dated January 14, 2008, 20 dated January 15, 2008, two dated February 18, 2008 and four dated April 3, 2008.

Project Location: In St. Tammany Parish, west of Interstate 10, north of LA Highway 433 and south of US Highway 190B, within Slidell, Louisiana.

General Conditions:

1. The time limit for completing the work authorized ends on **APRIL 30, 2018**. 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.

ENG FORM 1721, Nov 86

(33 CFR 325 (Appendix A))

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 4-7.

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).
 - (x) 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.

ENG FORM 1721, Nov 86

(33 CFR 325 (Appendix A))

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 (PERMITTEE

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

associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

Michael V. Farabee, Chief Eastern Evaluation Section

for Alvin B. Lee District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the

(TRANSFEREE)

8-Hpril-2008

(DATE)

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 authorization does not obviate the permittee from obtaining any necessary approvals from other pertinent federal, state, and/or local authorities.

9. Any changes in the project layout based on the local drainage authority's assessment must be forwarded to this office for our review, prior to implementation of those changes.

10. All work shall be confined to the proposed work areas shown on the attached drawings. Mechanized land clearing or filling in wetlands for access and/or project construction, unless expressly identified on the attached drawings, is not authorized.

11. Construction activities shall not cause more than minimal and temporal water quality degradation of any adjacent wetland, stream, or water body. Appropriate erosion and siltation controls must be utilized during construction to prevent sediment runoff into adjacent wetlands and waterways. Sediment control techniques could include but are not limited to the use of secured hay bails, sediment fencing, wooden or vinyl barriers, and/or seeding of disturbed areas. These techniques should be maintained in effective operating condition until a point that sediment runoff from construction activities is controlled and maintained.

12. The proposed work shall not drain adjacent wetland areas or cause un-natural ponding on adjacent properties, not already considered under this authorization.

13. The permittee shall assure that contractors, foremen, and/or workers associated with construction of the development are aware of the conditions and restrictions of this authorization.

14. The permittee will maintain a 20 foot maintained greenspace buffer between the development and along the full boundary of the Harrison Cemetery located south of Daney Street. A restrictive covenant of this area shall be filed in the real property records of St. Tammany Parish within 90 days of this authorization and a final signed copy of the covenant shall be forwarded to this office. The permittee is responsible for clearly delineating the buffer area with fencing or similar technique to ensure it is not impacted during construction activities. In addition the permittee shall install permanent markers on the property to delineate this area and to insure said restrictive areas are not impacted in perpetuity. Successive permanent markers should be placed no greater than 150 feet apart and along the subject boundary line.

15. If archaeological materials and/or human remains are discovered during ground disturbing activities within the proposed development, you shall cease and desist all activities in the project area and contact this office and Mr. Philip Rivet of the Louisiana Office of Cultural Development, Division of Archaeology at (225) 342-8160. The applicant shall adhere to all state restrictions and conditions of the Louisiana Office of Cultural Development, Division of Archaeology at (225) 342-8160. The applicant shall adhere to all state restrictions and conditions of the Louisiana Office of Cultural Development, Division of Archaeology/State Historic Preservation Office. This authorization does not obviate the permittee from obtaining the necessary state and local approvals for project development within the limits of the Claude Family Cemetery (16ST217). The permittee should consult with the Louisiana State Archaeologist and the Louisiana Cemetery Board to determine the most appropriate course of action and to ensure compliance with the Louisiana Unmarked Human Burial Sites preservation Act.

16. The permitte is aware that future site visits and inspections may be conducted at the project area by this office and/or other regulatory and resource agencies in order to assess project compliance with this authorization.

17. 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.

18. 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.

19. The permittee shall provide post-construction drawings (As-Built Drawings) that clearly depicts final plan view layout along with drainage configuration, infrastructures, and land features such as constructed wetlands, sewer treatment amenities, stormwater discharge site plan, detention ponds and drainage ditches, swale areas, etc. Recorded drawings may be used if they include and depict all of the necessary features. The information shall be submitted to this office within 30 days of completion of each <u>phase</u> of the proposed project's groundwork and site preparation.

20. Constructed filtration wetland area(s) shall be created in conjunction with Ponds I and II located within Phase II, in the northeastern quadrant of the site, shown in this authorization. To the greatest extent practicable, they shall be constructed to a size appropriate for providing maximum water quality improvement to anticipated flows through this area and shall be implemented in accordance with the Environmental Protection Agency's (EPA) guidelines referenced under federal documentation 832-F99-025 and 832-F-00-24. They shall be constructed at the earliest time possible and/or in concurrence with construction of the ponds and the projects overall drainage design. This mechanism is designed to allow stormwater runoff to be filtered and permeated into the W-14, before its discharge from the ponds. Final project designs shall be submitted to this office for our review, as stipulated in special condition19 of this authorization.

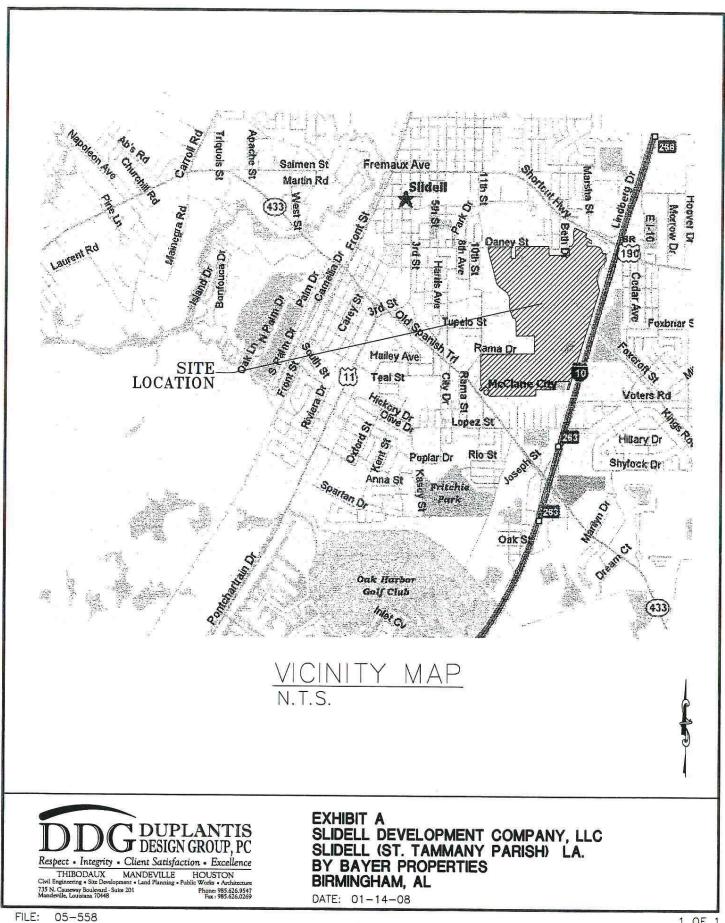
21. The permittee is required to provide for water quality enhancement methods, as each phase is developed, in addition to the BMP for construction activities. Methods in Phase I shall be implemented in accordance with the permit drawings. To the greatest extent, methods shall be implemented for providing maximum water quality enhancement to anticipated flows through all phases of the development. On-site mechanisms shall be implemented to treat the first $\frac{1}{2}$ of runoff over the drainage area for a given phase of the development. Water quality enhancement methods can be provided in a number of methods such as; wet ponds, dry ponds, vegetated swales, vegetated wetlands, bio-swales, and through approved mechanical devices such as Stormceptors. The purpose of the water quality ponds/swales is to allow for treatment of surface runoff and removal of TSS and oil and greases. All phases shall share in common water quality methods as long as the 1/2" volume is accounted for and maintained for the entire developed area draining to that particular pond, swale, or drainage amenity. To the greatest extent, any mechanism or pond shall be properly maintained so that sediment buildup does not remove the required volume necessary to meet the water quality requirements. For pond and swale applications, once the sediment buildup has taken up approximately 15% of the volume required to meet the water quality requirements, the sediment should be removed. For mechanical devices it is recommended that the initial maintenance occur following installation and site stabilization, including stabilizing landscaped areas. At that time, the units should be inspected and maintained if necessary, i.e., removal of total suspended solids. In subsequent years maintenance may be performed based on the first year's operations and observations. Units should typically be placed on a yearly maintenance schedule to remove TSS and oils and greases that have accumulated in the units. Cleaning should be required once sediment depth reaches 15% of storage capacity. In accordance with state and federal guidelines and/or in the event it becomes necessary; units should be inspected immediately after an oil, fuel or chemical spill. It is recommended that a licensed waste management company remove captured petroleum waste products from any oil, fuel or chemical spills and disposed of properly.

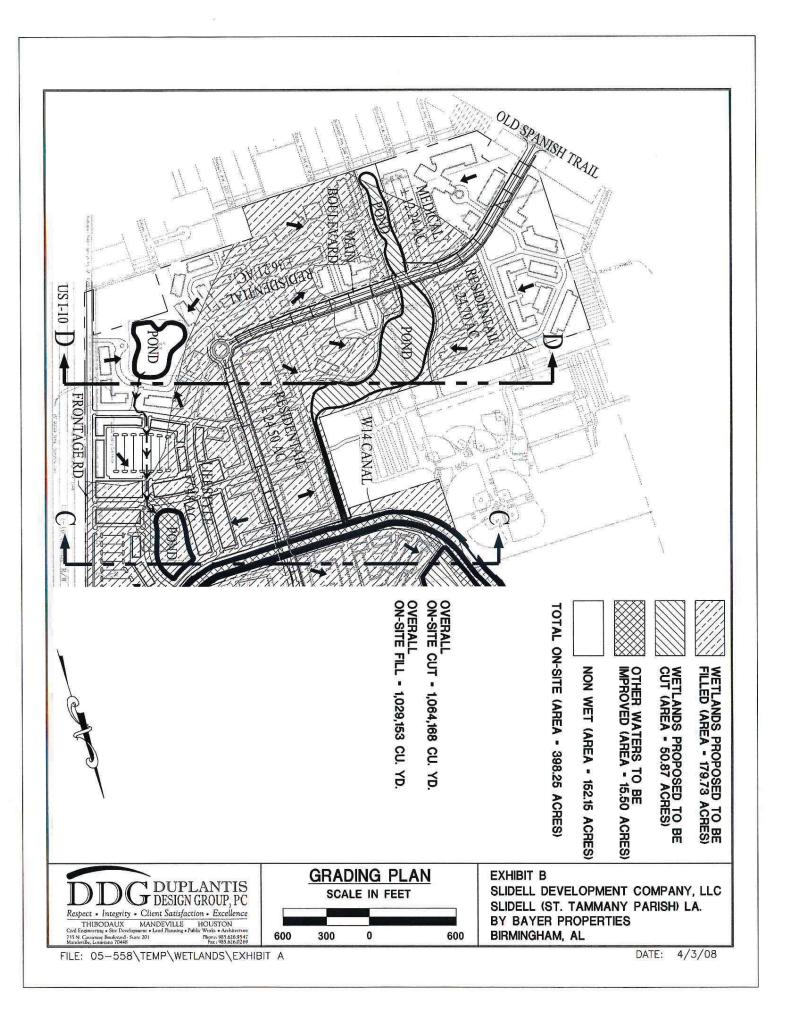
22. The following narrative should be added as a restrictive covenant of the development. "<u>USE OF FERTILIZERS AND INSECTICIDES</u>: As all residential and commercial entities of this development are located near and drain to intertidal wetland areas contiguous to Lake Ponchartrain, residents and commercial entities should be cognizant of the potential for water pollution from stormwater run off and non-point source pollution. To the greatest extent practical, fertilizers and insecticides which are environmentally friendly should be used for landscaping and lawn care practices. Non-source point pollution of any type should be avoided to the greatest extent practicable." A restrictive covenant of this stipulation shall be filed in the real property records of St. Tammany Parish within 90 days of this authorization and a final signed copy of the covenant forwarded to this office.

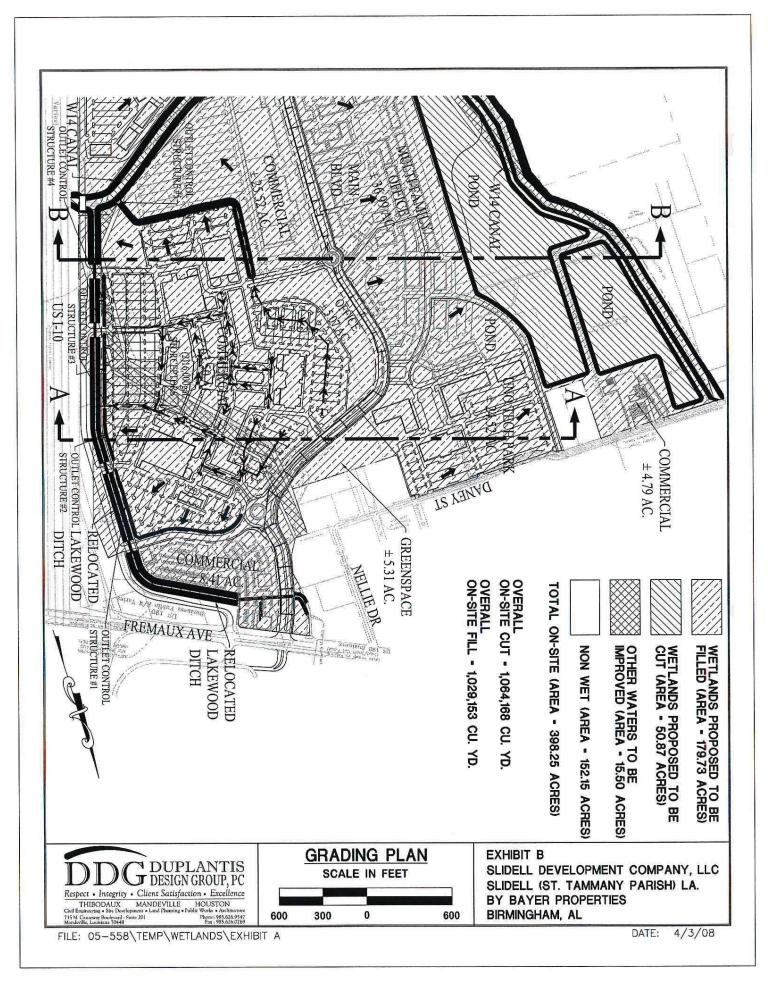
23. This authorization allows for "minor" deviations in the overall plan view layout of the project without preliminary notification to this office. The applicant should notify this office prior to commencement of any deviations or variance in the project layout which includes a change of use, redesign of the basic planned layout, or which may have adverse effects to the environment and/or adjacent resources not already considered under this authorization. Any alterations or changes in scope of the proposed project, which "would" have additional impacts to the environment, will require permit modification or a separate Department of the Army permit prior to commencing that work.

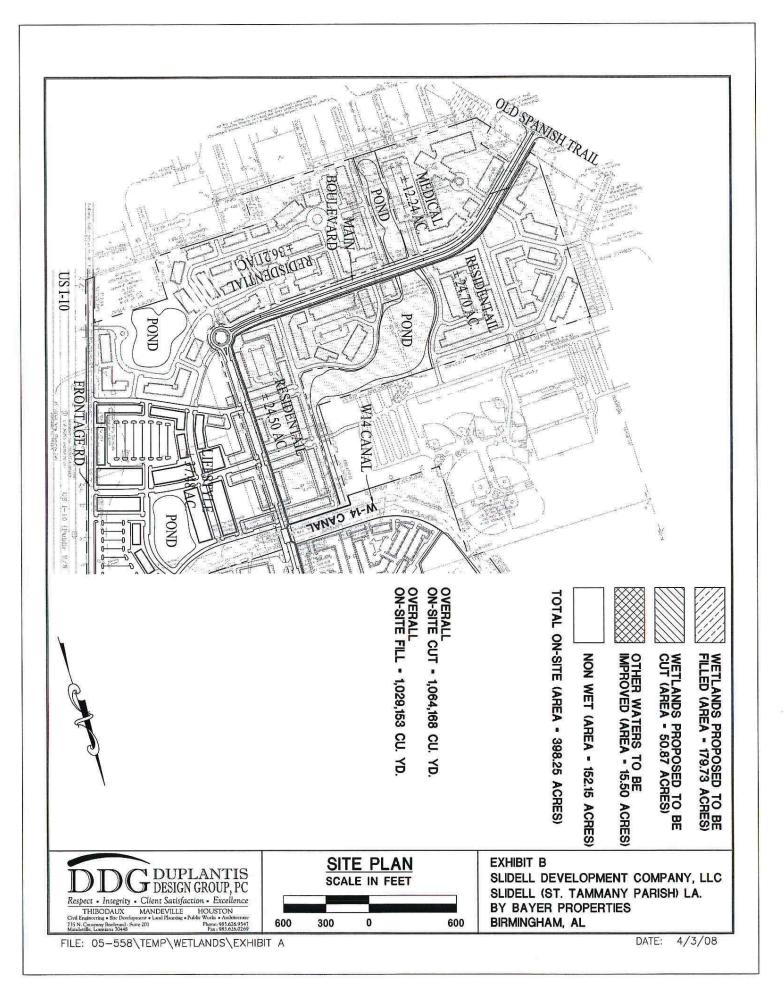
24. The permittee shall acquire all necessary authorizations and approvals for the projects individual mitigation plan (Talisheek Swamp Mitigation Site), prior to commencing work in jurisdictional wetland areas. Submittal of an application for the individual mitigation plan shall be made within 30 days of this authorization. Your mitigation plan (Talisheek Swamp Mitigation Site) has been preliminarily determined to be a potentially acceptable mitigation site for the subject development. The mitigation shall compensate all unavoidable impacts associated with the project and shall be implemented in whole to cover impacts associated with all phases of the proposed development. If at any point during review, due to unforeseen conditions or circumstances, the subject plan is determined unacceptable for mitigating project related impacts, the permittee must provide an approved alternate plan, prior to start of work in wetlands. Be aware that our authorization of any site specific mitigation plan does not obviate the permittee from acquiring any other necessary approvals from state, federal, or local agencies.

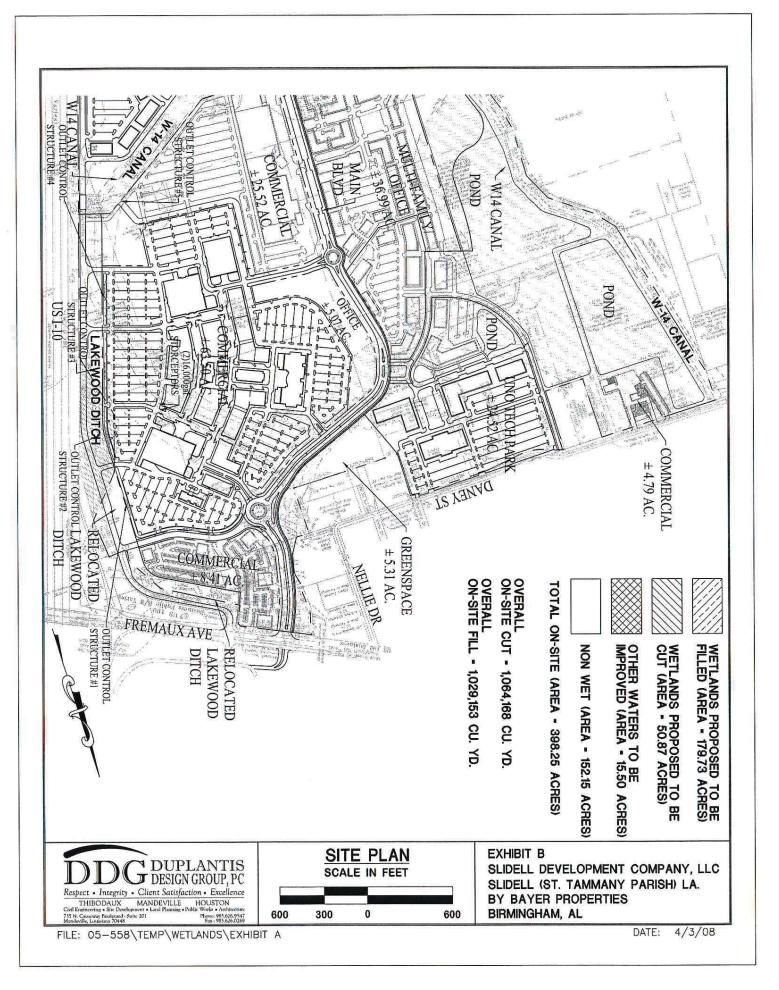
25. The compensatory mitigation requirements identified above have been determined to be a necessary and critical part of this permit approval prior to start of construction activities in wetland areas. Failure by the permittee to perform mitigation in accordance with permit conditions is considered grounds for permit suspension and revocation of this authorization.

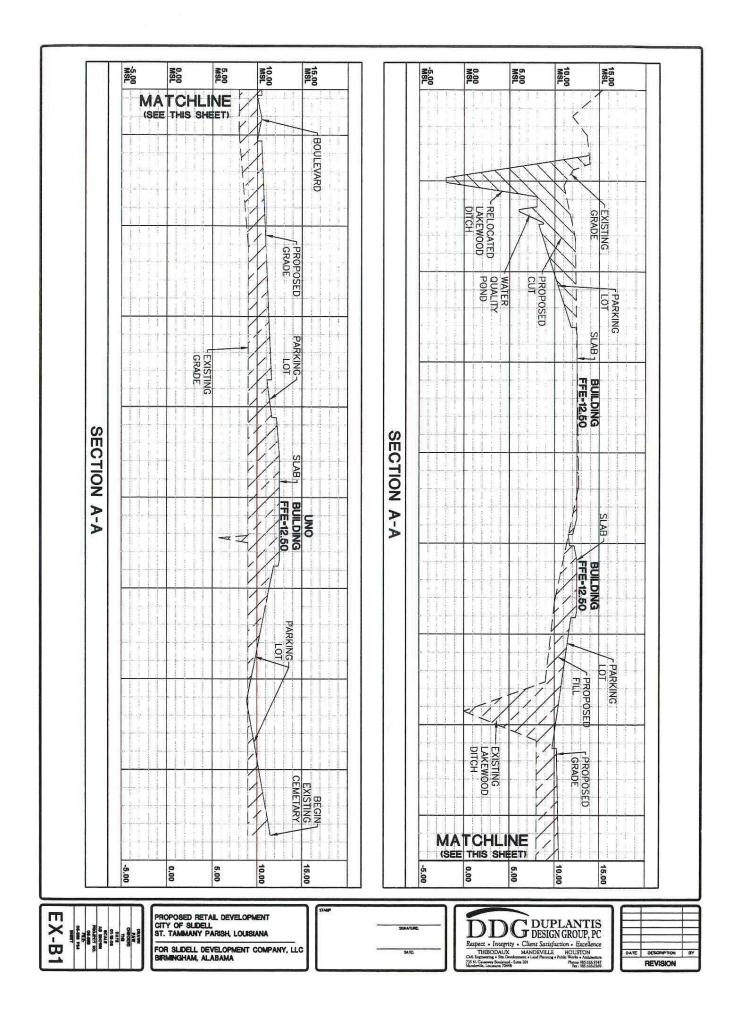


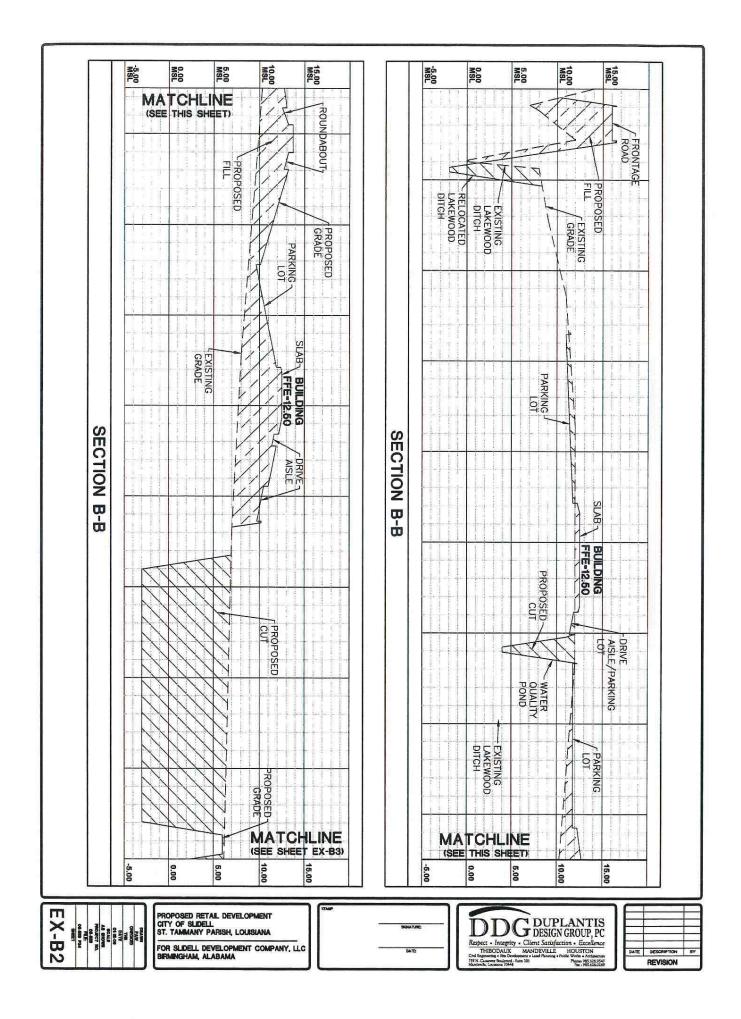


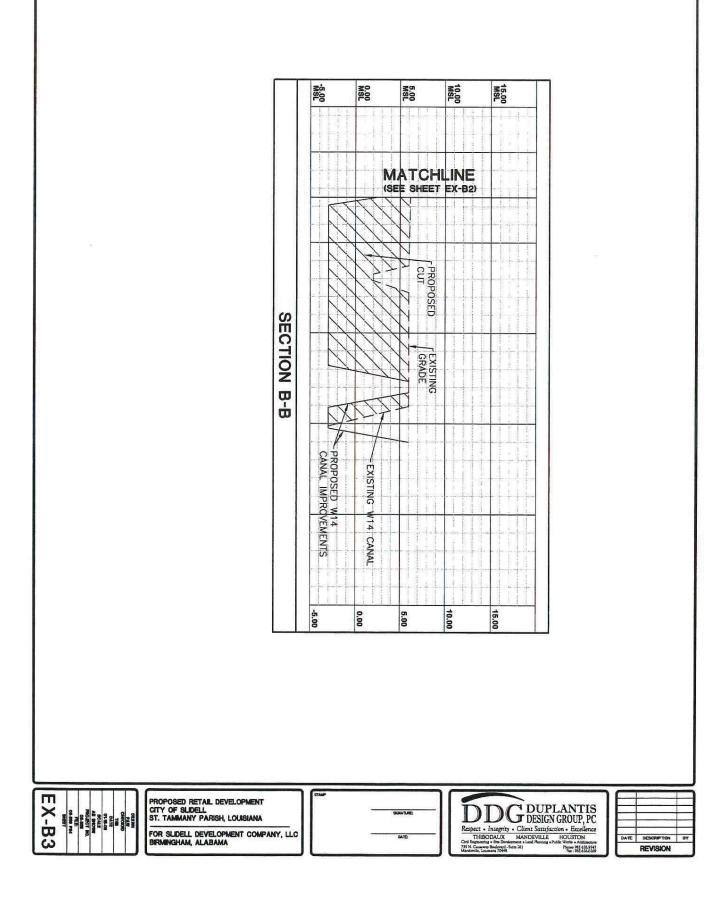


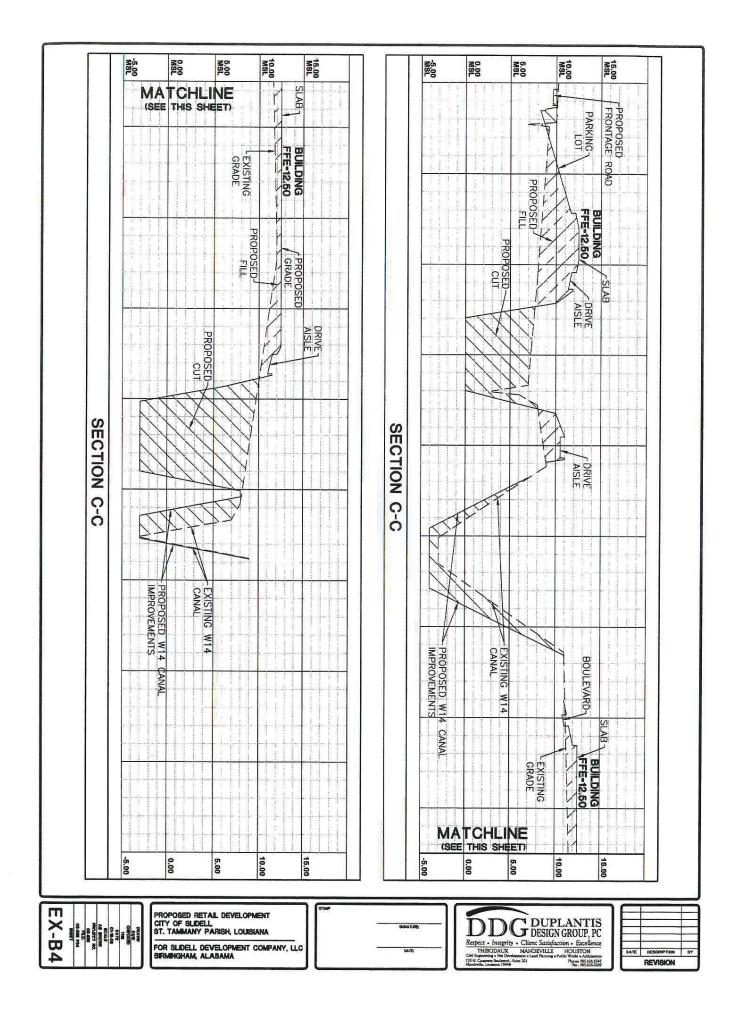


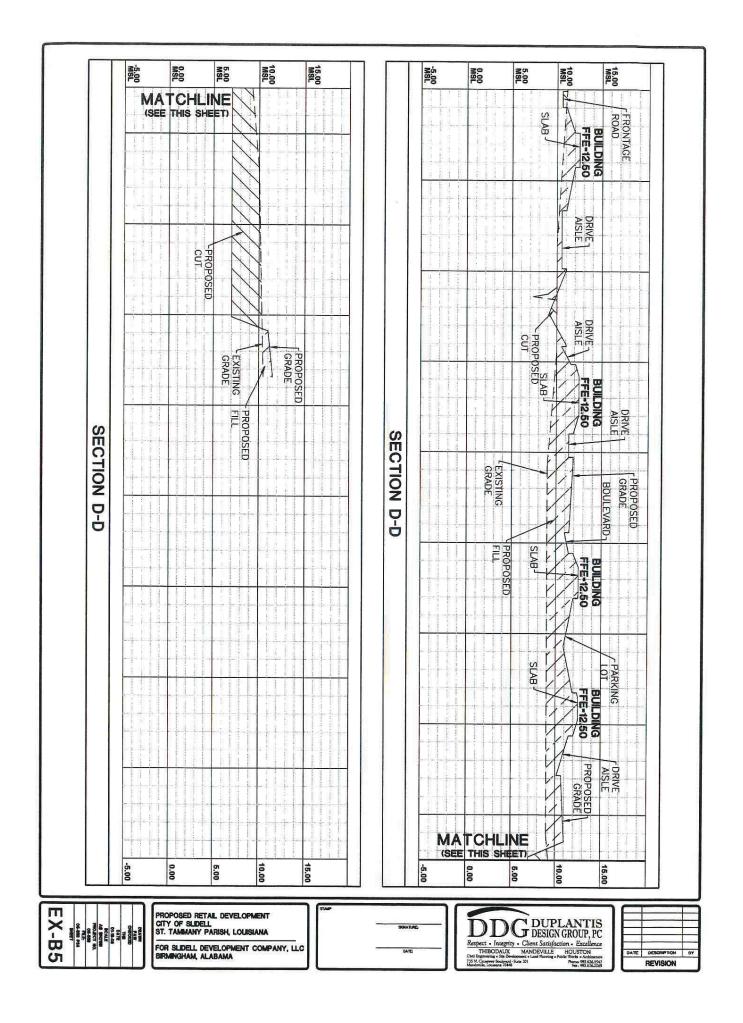


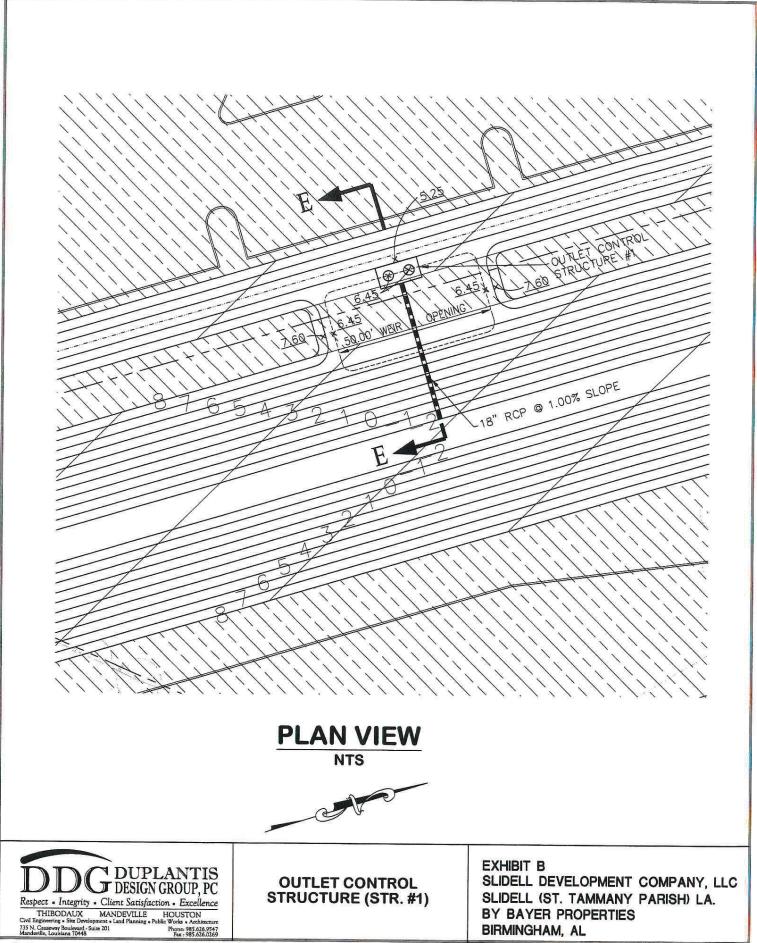




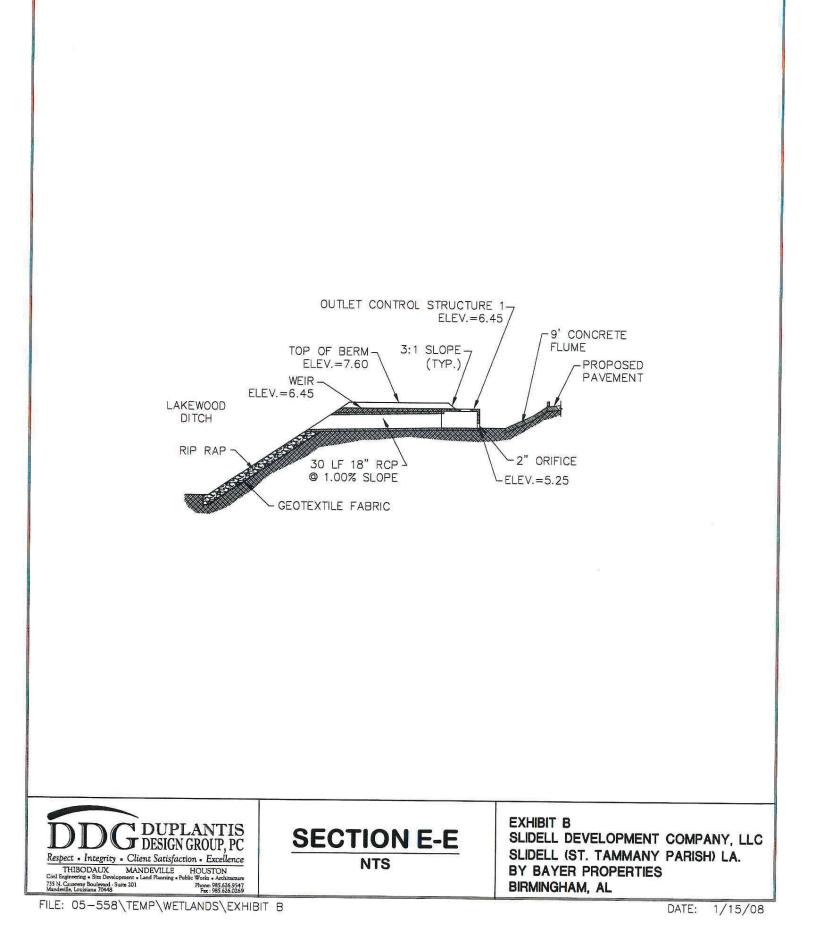


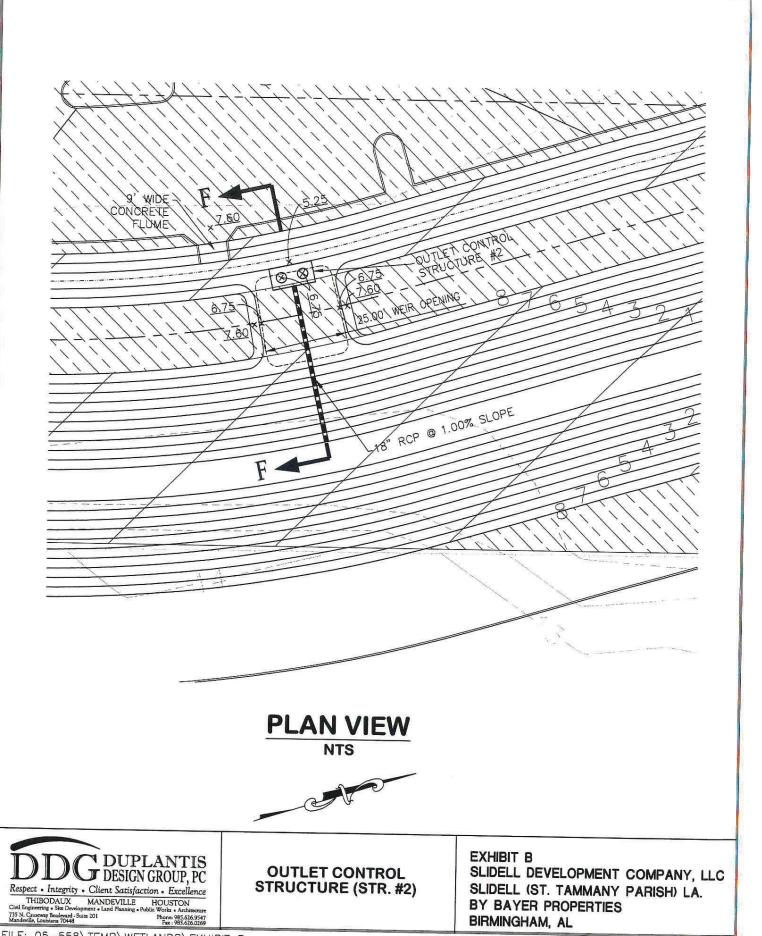


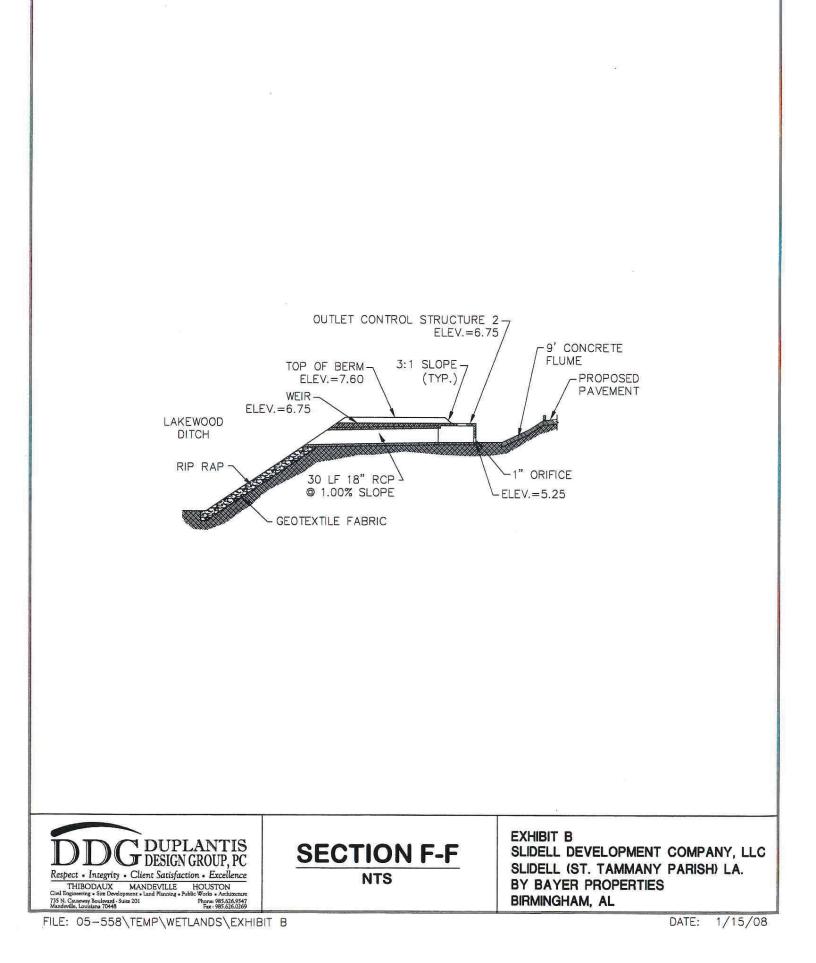


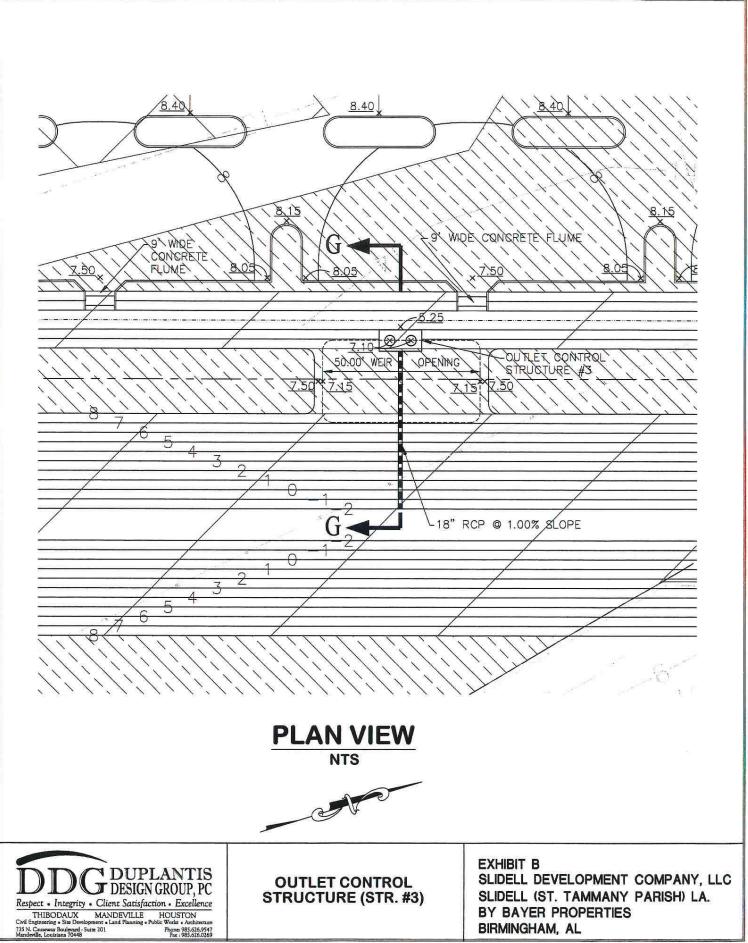


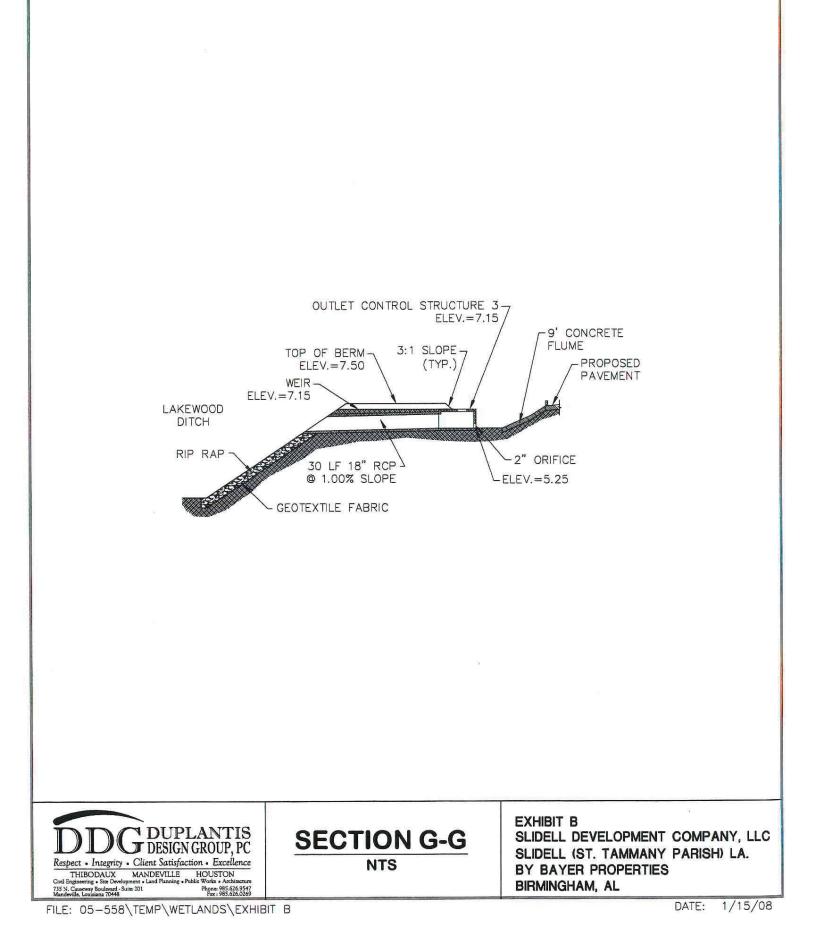
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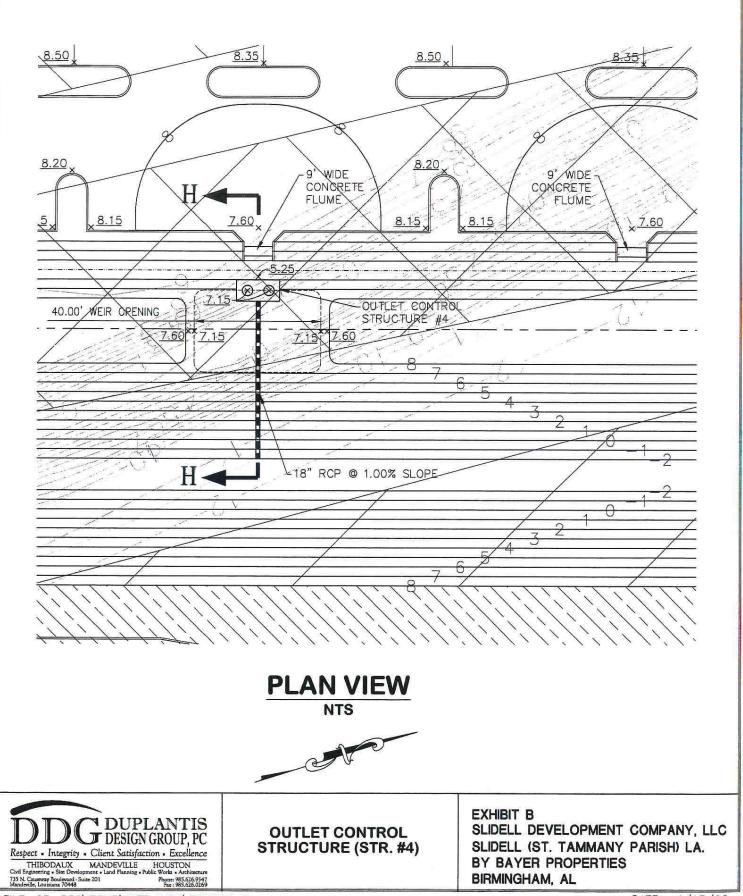


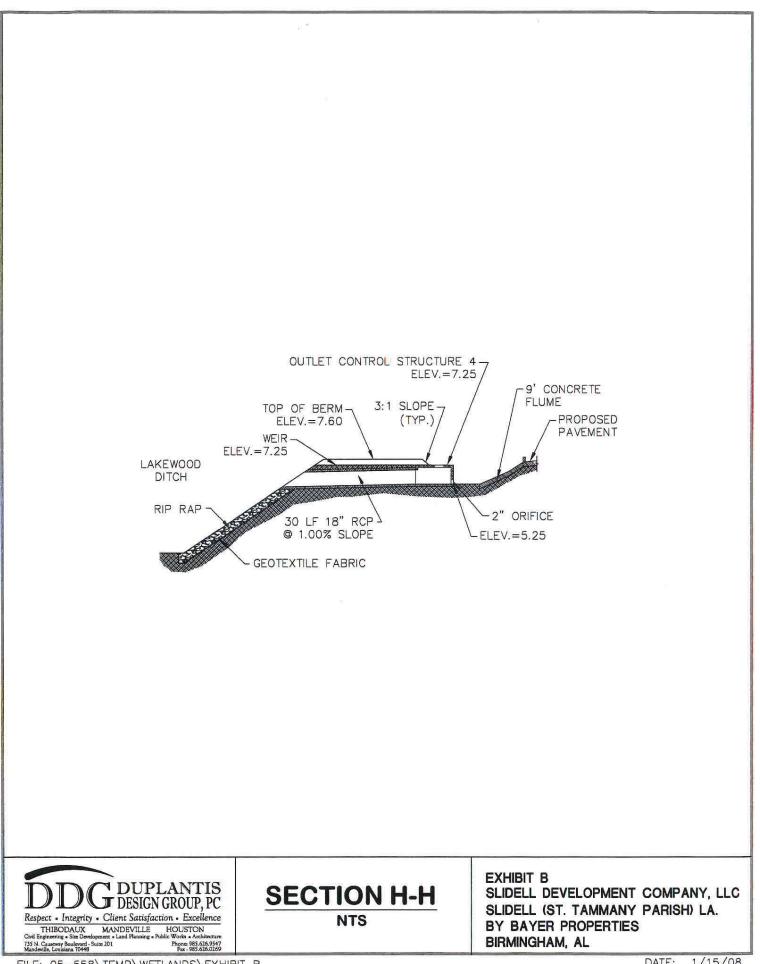


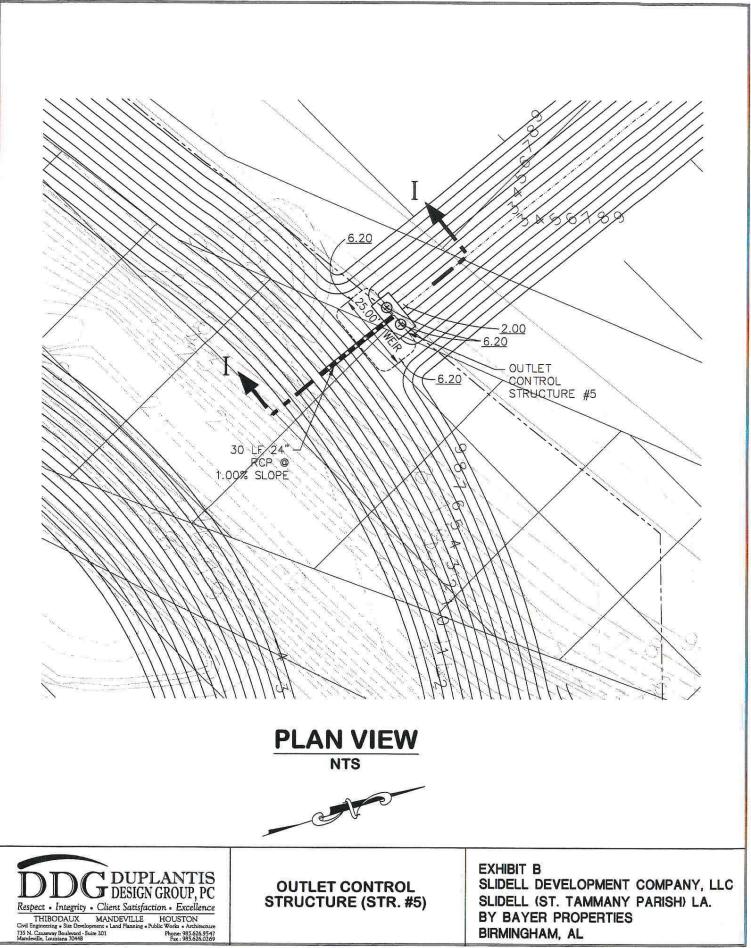




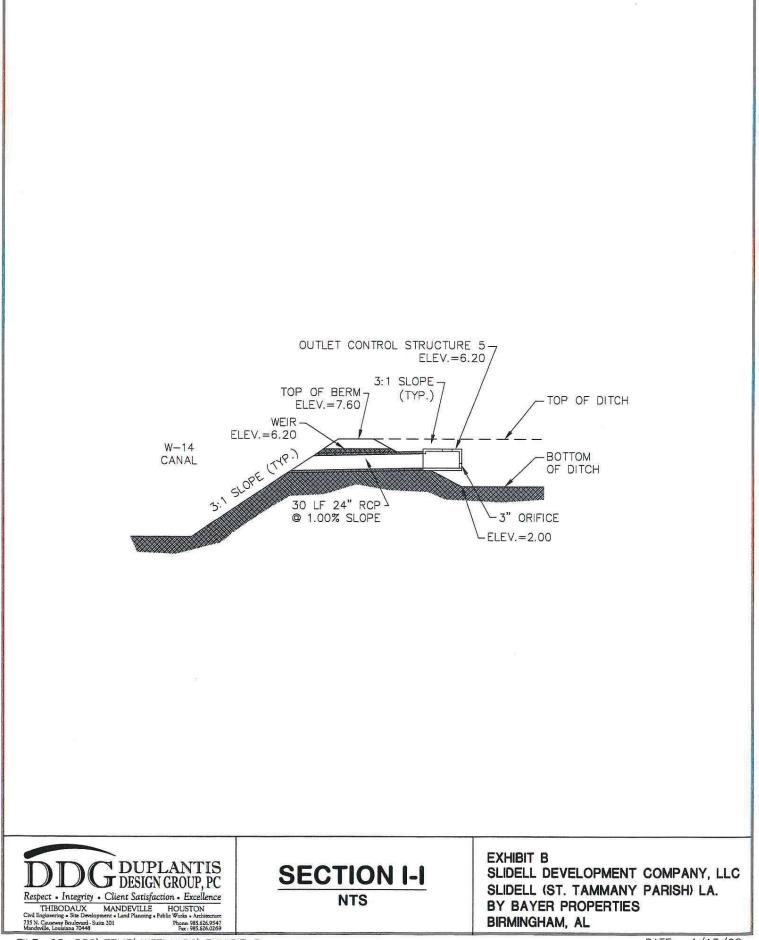




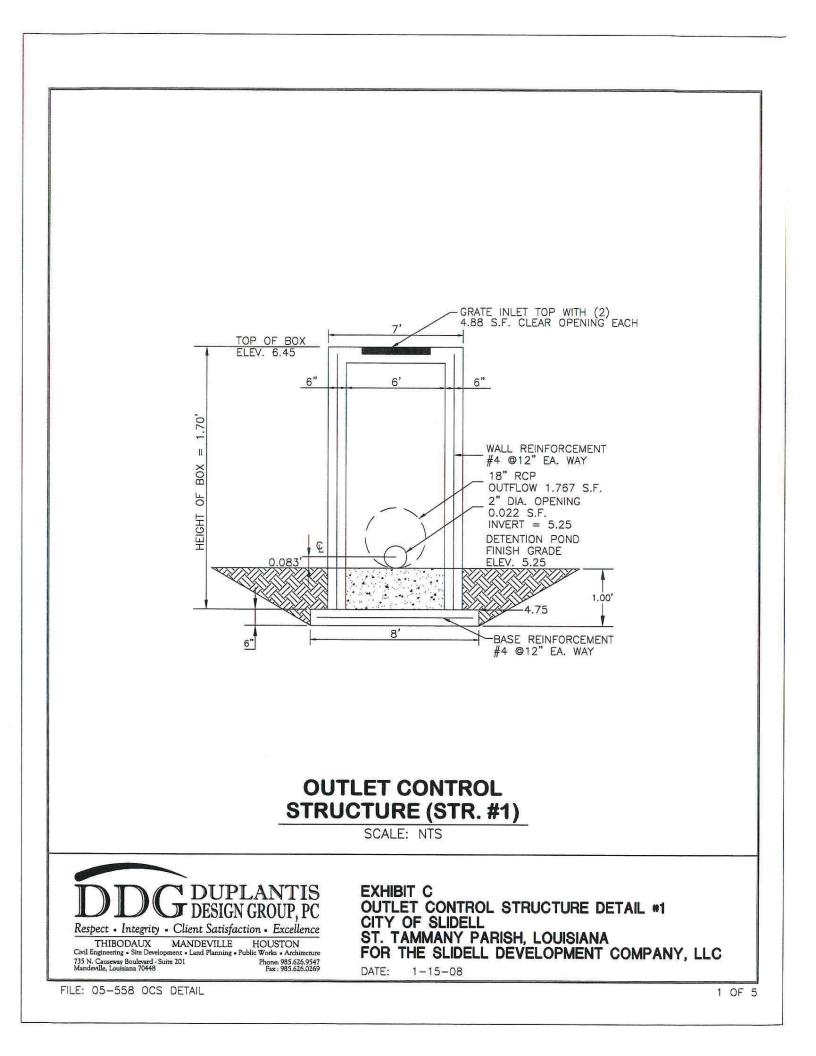


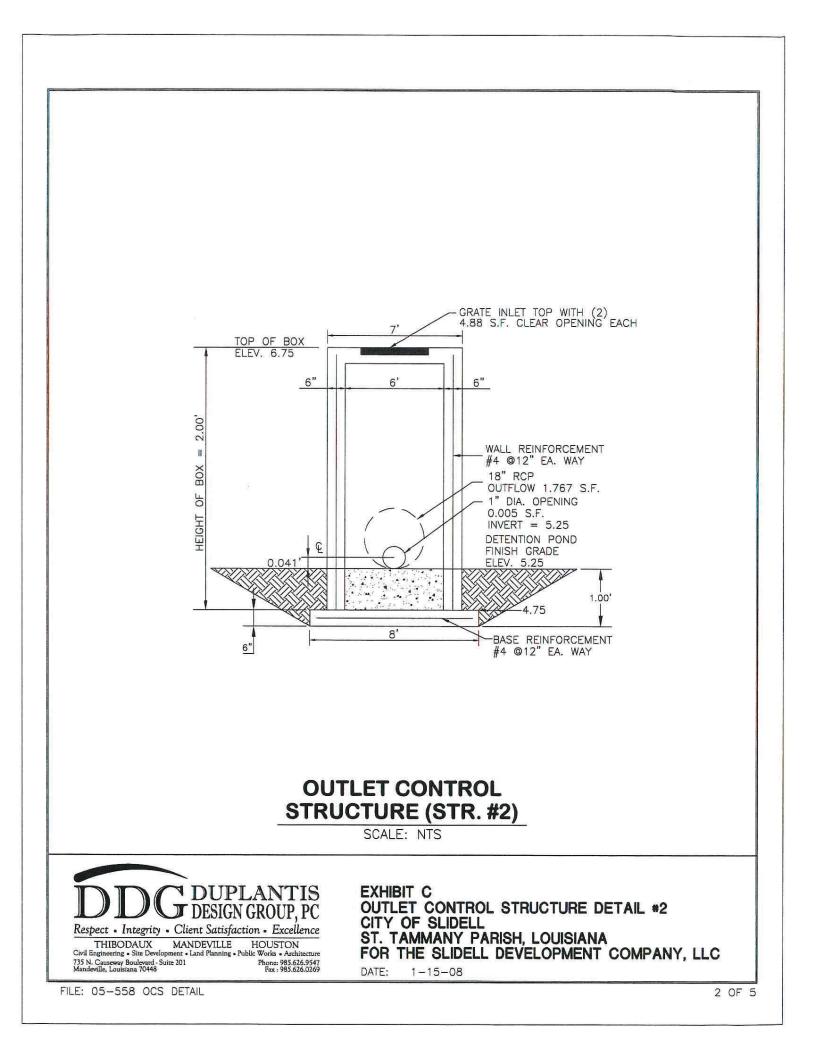


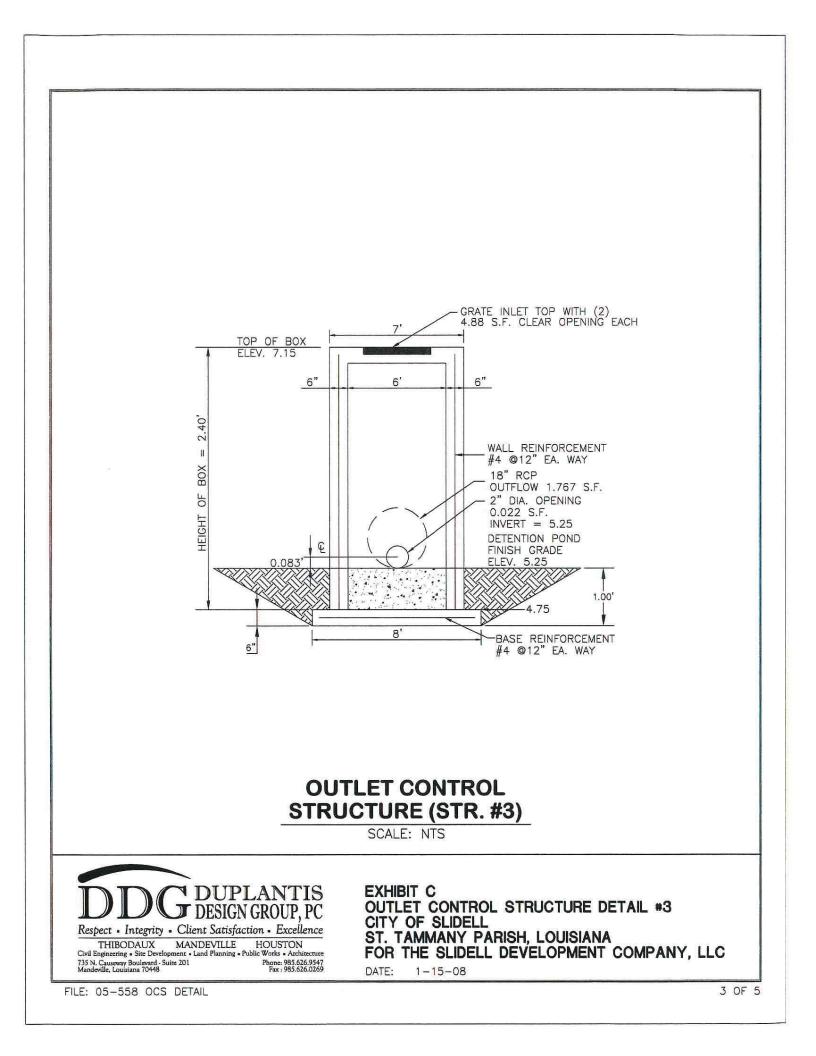
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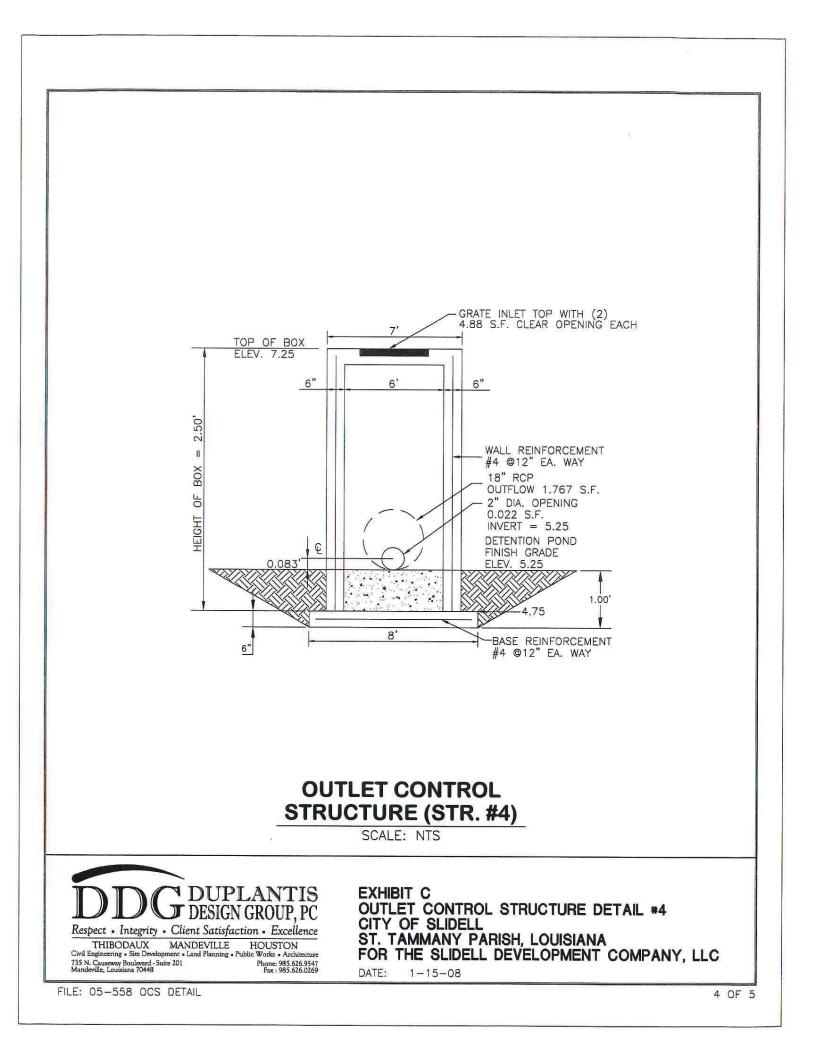


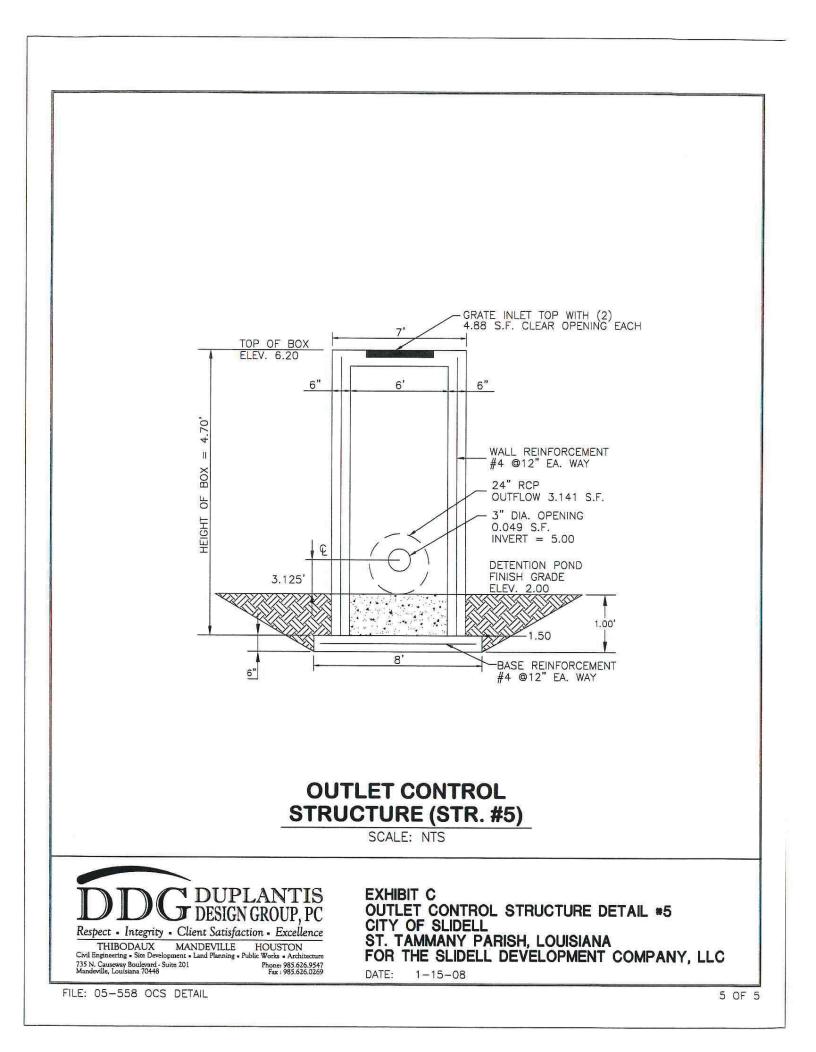
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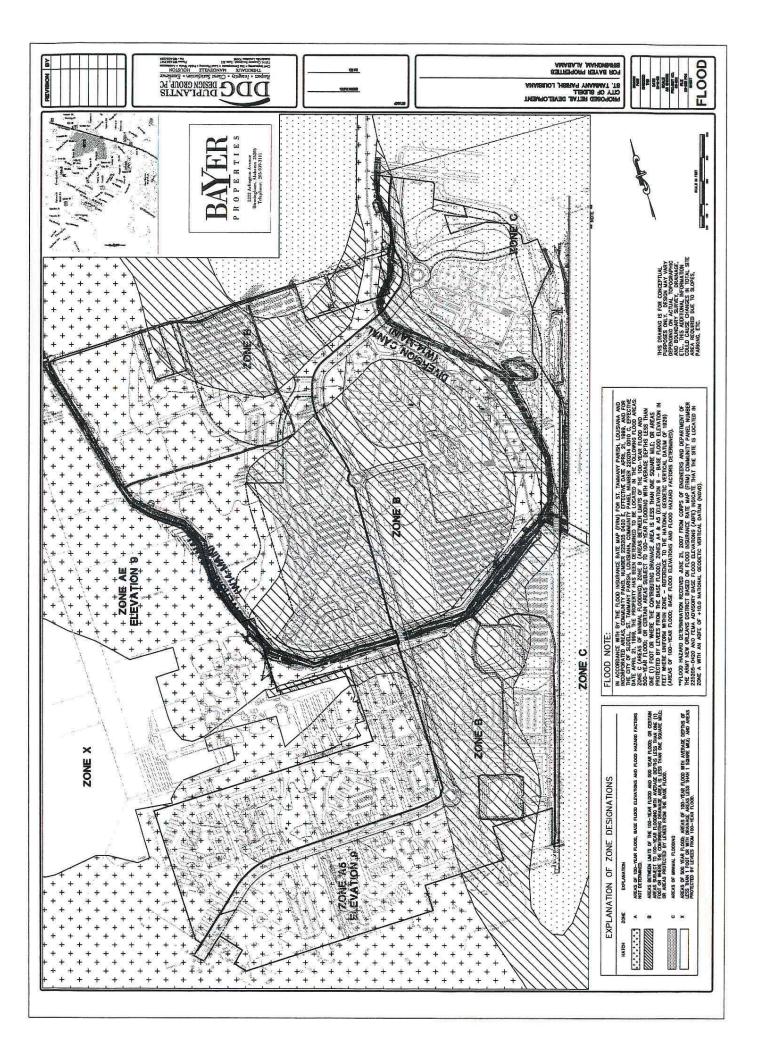


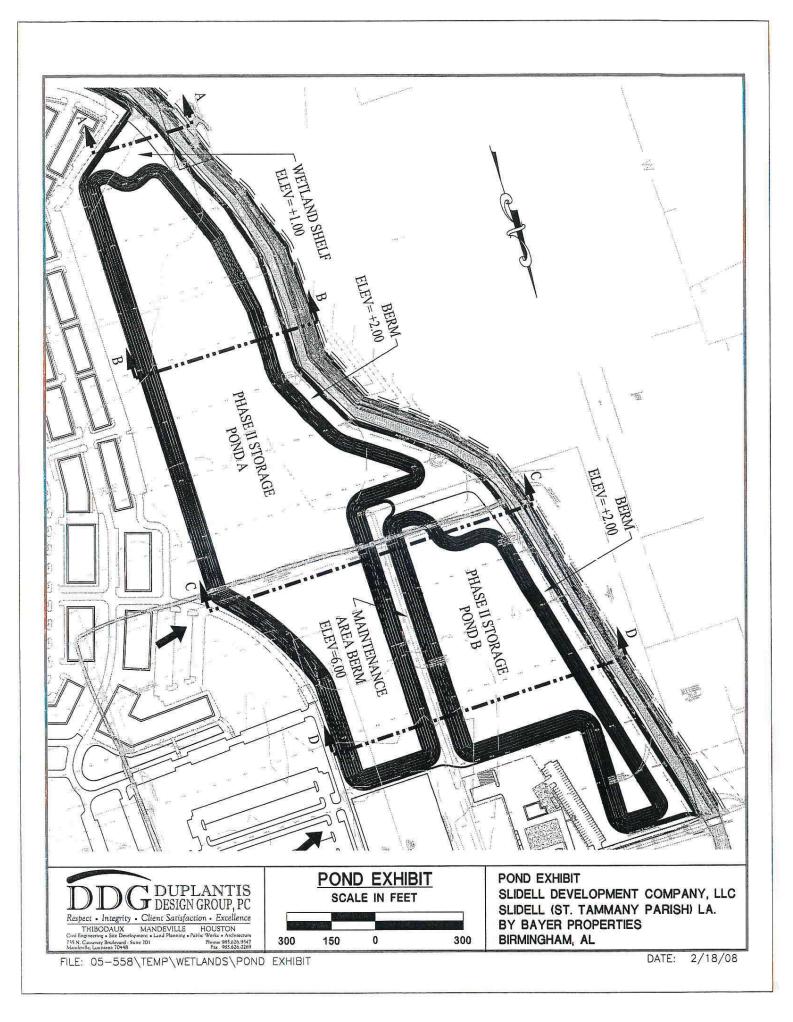


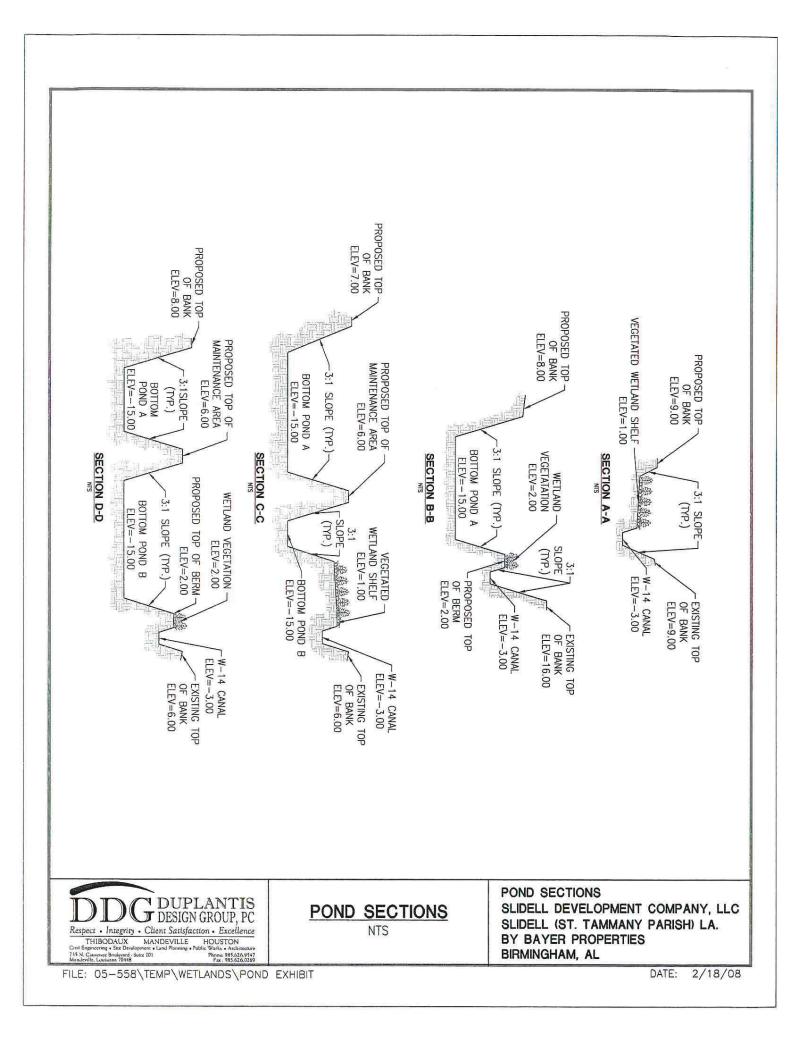






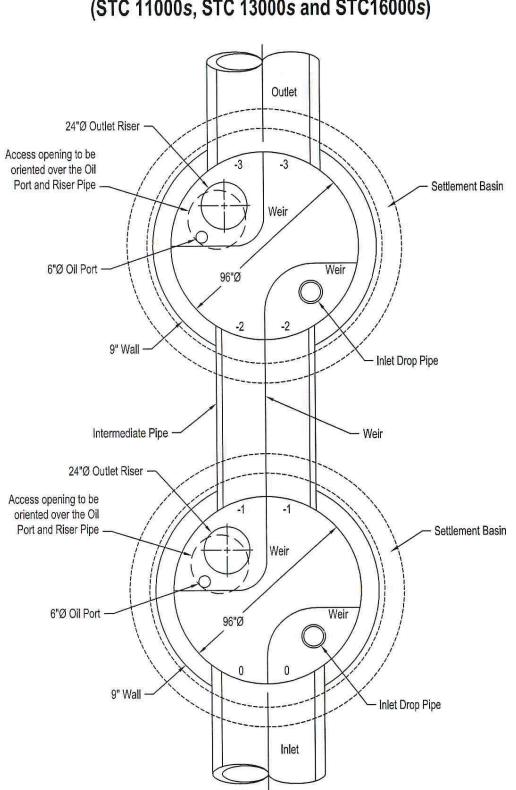








Concrete Pipe Division

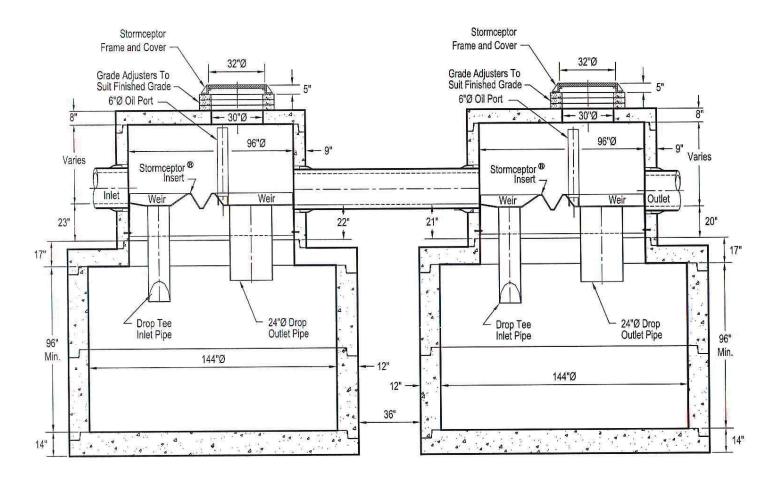


Plan View (STC 11000s, STC 13000s and STC16000s)



Concrete Pipe Division





Section Thru Chambers

Notes:

- 1. The Use Of Flexible Connection is Recommended at The Inlet and Outlet Where Applicable.
- 2. The Cover Should be Positioned Over The Outlet Drop Pipe and The Oil Port.
- 3. The Stormceptor System is protected by one or more of the following U.S. Patents: #4985148, #5498331, #5725760, #5753115, #5849181, #6068765, #6371690.
- 4. Contact a Concrete Pipe Division representative for further details not listed on this drawing.

