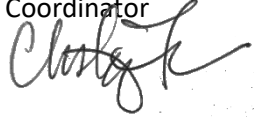




UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

MEMORANDUM FOR: FILE

FROM: Christy Fellas, DWH Environmental Compliance Coordinator  
NOAA Restoration Center, Southeast Region 

DATE: April 15, 2020

SUBJECT: Cypremort State Park Project Modifications: ESA, EFH and MMPA No Further Review Needed

This project was analyzed in the LA TIG RP/EA #4 released in 2018. A supplemental RP/EA was released in 2020 to analyze changes to the project elements. Based on my review of supplemental EA and the BE form (early 2020), the NOAA Restoration Center (RC) determined the modification of the Cypremort Point State Park Improvements project does not require further review under the Endangered Species Act or designated Essential Fish Habitat or protected under the Marine Mammal Protection Act under the jurisdiction of National Marine Fisheries Service.

This is due to the nature of the new project elements occurring in upland locations or in backwater and marsh areas where ESA-listed species are not present. There are no additional effects outside those considered in the analysis from the ESA consultation in August 2018. The best management practices and other measures included in the BE form to avoid and minimize effects to marine mammals, essential fish habitat remain and ESA-listed species in effect. The BE form has been updated to include the new elements in the project description and it is attached here.

This project will not require further evaluation under ESA, EFH or MMPA for species or habitats under the jurisdiction of NOAA. If the project is modified in a way that could change these determinations, it will be reevaluated as appropriate.

# Biological Evaluation Form

## Deepwater Horizon Oil Spill Restoration

### U.S. Fish and Wildlife Service & National Marine Fisheries Service

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This form will be filled out by the Implementing Trustee and used by the regulatory agencies. The form will provide information to initiate informal Section 7 consultations under the Endangered Species Act (ESA) and may be used to document a No Effect determination or to initiate pre-consultation technical assistance.

It is recommended that this form also be completed to inform and evaluate additional needs for compliance with the following authorities: Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Coastal Barrier Resources Act (CBRA), Bald and Golden Eagle Protection Act (BGEPA) and Section 106 of the National Historic Preservation Act (NHPA).

Further information may be required beyond what is captured on this form. Note: if you need additional space for writing, please attach pages as needed.

For assistance, please contact the compliance liaisons  
USFWS: Erin Chandler at erin\_chandler@fws.gov  
NMFS: Christy Fellas at christina.fellas@noaa.gov

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#### A. Project Identification

Federal Action Agency(one or more):USFWS  NOAA  EPA  USDA

Implementing Trustee(s): Louisiana Coastal Protection and Restoration Authority (CPRA)

Contact Name: April Newman Phone: 225-342-6412 Email: april.newman@la.gov

Project Name: Cypremort Point State Park Improvements Project Modification

DIVER ID# [Click to enter text](#) TIG: Louisiana TIG Restoration Plan # 4, Nutrient Reduction (Nonpoint Source) and Recreational Use

#### B. Project Phase and Supporting Documentation

Please choose the box which best describes the project status, as proposed in this BE form:

Planning/Conceptual  Construction/Implementation  Engineering & Design

If "Engineering & Design" was selected, please describe the level of design that has been completed and is available for review:

Portions of the proposed Cypremort Point State Park Improvements Project Modification are currently in the final design phase (this includes the beach restoration, marsh boardwalk, rock jetties, and pavement repairs). For the RV campground and boat dock/fishing pier, final engineering and design (E&D) will occur once the LA TIG approves the project through their decision on the Final Supplemental RP/EA. Final design for the RV campground and boat dock/fishing pier would take approximately 6 months, and full project construction would take approximately 14 months.

## **Supporting Documentation**

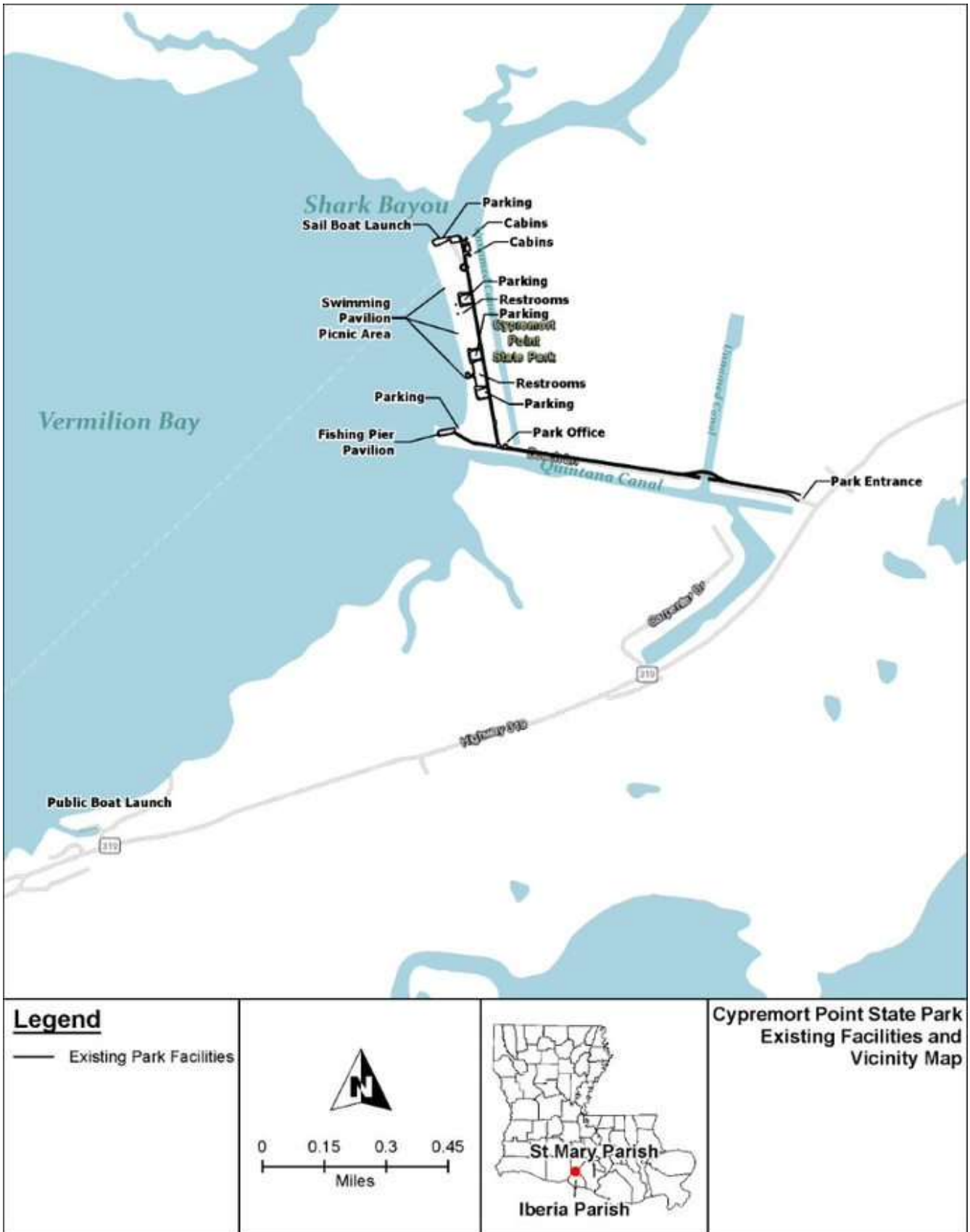
Please attach any maps, aerial photographs, or design drawings that will support the information in this BE form. Examples of such supporting documentation include, but are not limited to:

- Plan view of design drawings

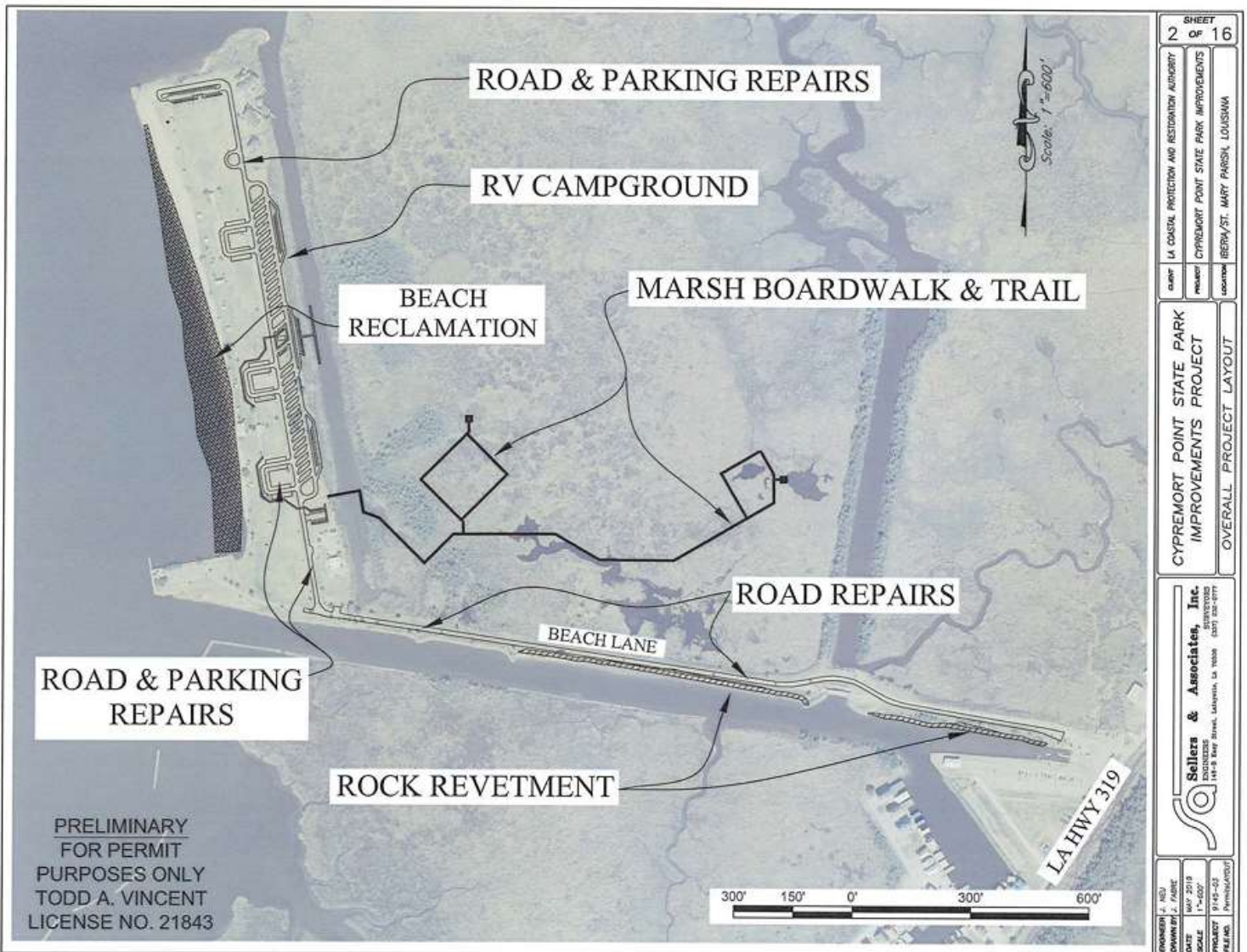
- Aerial images of project action area and surrounding area

- Map of project area with elements proposed (polygons showing proposed construction elements)

- Map of action area with critical habitat units or sensitive habitats overlaid

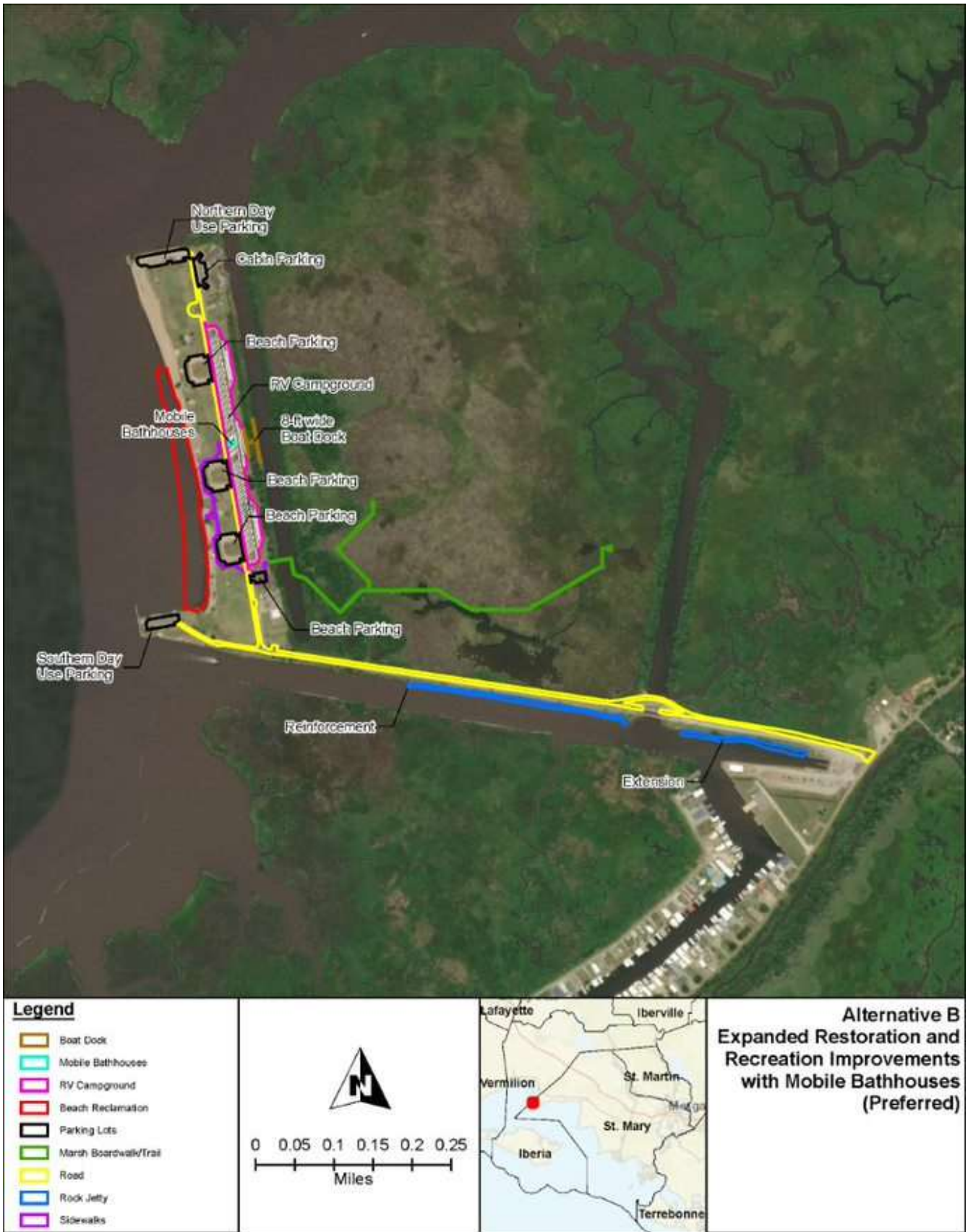


Existing Cypremort Point State Park Facilities and Vicinity Map



**Preliminary Permit Drawing for the Cypremort Point State Park Improvements Project Modification. All these elements are proposed to be built with NRDA funding through the LA TIG.**





Aerial Image of the Cypremort Point State Park Improvements Project Modification Area and Components



## Proposed Project - Wetlands



February 10, 2020

**Wetlands**

- |                                |                                   |          |
|--------------------------------|-----------------------------------|----------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland       | Lake     |
| Estuarine and Marine Wetland   | Freshwater Forested/Shrub Wetland | Other    |
|                                | Freshwater Pond                   | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)  
This page was produced by the NWI mapper

### Wetlands in the Proposed Cypremort Point State Park Improvements Project Modification Area





	<p>LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY                  REC - CYPREMORT POINT STATE PARK                  USFWS CRITICAL HABITAT MAP                  ST MARY PARISH, LOUISIANA</p>	<p> Project Boundary       USFWS Critical Habitat Area   USFWS Critical Habitat Line</p>	<p>1:24,000                  Checked By: J. Smith                  Project Number: 48078                  Date: 11/15/2019                  SRS: 1983 EG and Paper Louisiana South FIPS 17101 Foot</p>
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**Critical Habitat Map for the Cypremort Point State Park Improvements Project Modification**

**C. Project Location**

**I. State and County/Parish of action area**

Louisiana, St. Mary Parish and Iberia Parish

**II. Latitude/Longitude for action area (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83])**

[online conversion: <https://www.fcc.gov/encyclopedia/degrees-minutes-seconds-tofrom-decimal-degrees>]

29.734956°N, 91.852775°W

**D. Existing Compliance Documentation**

**NEPA Documents**

Are there any existing draft or final NEPA analyses (not PDARP/PEIS) that cover all or part of this project?

YES

NO

*Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Final Restoration Plan and Environmental Assessment #4: Nutrient Reduction (Nonpoint Source) and Recreational Use,*



[https://www.gulfspillrestoration.noaa.gov/sites/default/files/2018-07%20LA%20Final%20RPEA%204\\_070618\\_508.pdf](https://www.gulfspillrestoration.noaa.gov/sites/default/files/2018-07%20LA%20Final%20RPEA%204_070618_508.pdf)

A supplemental RP/EA specific to this proposed project is currently being drafted and will be reviewed by the LA TIG.

**Permits**

Have any federal permits been obtained for this project, if so which ones and what is the permit number(s)?

YES

NO

Permit Number and Type: C.U.P. No. P20190949, C.U.P. No. P20190364

Have any federal permits been applied for but not yet obtained, if so which ones and what is the permit number(s)?

YES

NO

Permit Number and Type: Corps permit: MVN-2019-00416-WPP

Name of Person Completing this Form: Meggan Dugan

Name of Project Lead: Sue Wilmot

Date Form Completed: 2/13/2020

Date Form Updated: 3/30/2020

### **E. Description of Action Area**

*Provide a description of the existing environment (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). Describe all areas that may be directly or indirectly affected by the action.*

*If CH is not designated in the area, then describe any suitable habitat in the area*

#### **a. Waterbody**

*If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If applicable, please describe water quality, depth, hydrology, current flow, and direction of flow.*

The Cypremort Point State Park Improvements Project Modification action area includes the area where activities would occur for construction, operations, and maintenance of park improvements, which include rock jetty upgrades, beach restoration, boardwalk and trail construction, road and parking lot repairs, RV campsite construction, sewer and water tie-ins, mobile bathhouse installation, and boat dock/fishing pier construction. The action area is located in the Vermilion subbasin (HUC-08080103), which is part of the Vermillion-Teche basin. The action area is characterized as swamp/marsh to the coastline boundary (U.S. Environmental Protection Agency [EPA] 2020) and includes Vermilion Bay to the west and Shark Bayou to the north of Cypremort Point State Park. Vermilion Bay is classified as an estuary and covers an area of approximately 216.5 square miles. Shark Bayou is located on the north end of the park, and Quintana Canal runs along a portion of the west-east segment of Beach Lane at the southern end of the park. Two unnamed canals are within the action area, including a canal running perpendicular to Beach Lane just west of the park's entrance, and a canal adjacent and parallel to the north-south segment of Beach Lane. The canal running parallel to the north-south segment of beach lane, where the boat dock/fishing pier is planned to be constructed, has a maximum depth of 5 feet.

The Cypremort Point State Park Improvements Project Modification action area includes estuarine emergent and scrub-shrub wetlands and various natural channels and ponds within the wetlands. The waters surrounding the onshore portions of the action area are characterized as an estuarine, subtidal deepwater habitat with unconsolidated bottoms (U.S. Fish and Wildlife Service [USFWS] 2019). The area surrounding the north-south segment of Quintana Canal and running along the entire length of Beach Lane is classified as estuarine and marine deepwater intertidal wetland habitat (USFWS 2019).

*Does the project area include a river or estuary?*

YES  NO

*If yes, please approximate the navigable distance from the project location to the marine environment.*

The Proposed Project is within the estuarine environment and is open to Vermillion Bay, which is classified as an estuary.

#### b. Existing Structures

*If applicable. Describe the current and historical structures found in the action area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina). If known, please provide the years of construction.*

Existing park facility structures are present throughout the Cypremort Point State Park Improvements Project Modification action area, including pavilions, restrooms, information (park office) and entrance buildings, roadways, parking lots, fishing pier, boat launch, boat slips, docks, cabins, bulkheads, jetties, and groins (see Existing Cypremort Point State Park Facilities and Vicinity Map).

#### c. Seagrasses & Other Marine Vegetation

*If applicable. Describe seagrasses found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the action area.*

The Cypremort Point State Park Improvements Project Modification action area is surrounded by low-salinity brackish systems that lack suitable environments for seagrass and other marine vegetation and is outside of mapped distributions of submerged aquatic vegetation (Love et al. 2013; National Oceanic and Atmospheric Administration [NOAA] Fisheries 2020). Therefore, surveys for seagrass and other marine vegetation are not scheduled for the Cypremort Point State Park Improvements Project Modification.

#### d. Mangroves

*If applicable. Describe the mangroves found in action area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the action area.*

The Cypremort Point State Park Improvements Project Modification action area is surrounded by low-salinity brackish systems that lack suitable environments for mangroves and is located outside of mapped distributions of mangroves (Love et al. 2013; NOAA 2020).

#### e. Corals

*If applicable. Describe the corals found in action area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the action area. Click here to enter text.*

Not applicable. The Cypremort Point State Park Improvements Project Modification action area is located outside of mapped distributions and known locations of corals (Love et al. 2013; NOAA 2020), and corals are not expected to be in the low-salinity brackish systems of the action area.

#### f. Uplands

*If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).*

The Cypremort Point State Park Improvements Project Modification action area contains maintained herbaceous uplands and man-made beach habitat.

#### g. Marine Mammals

*Please select the following marine mammals that could be present within the project area:*

Dolphins YES  NO   
Whales YES  NO   
Manatees YES  NO

*If applicable. Indicate and describe the species found in the action area. Use NMFS' Stock Assessment Reports (SARs) for more information, see <http://www.nmfs.noaa.gov/pr/sars/region.htm>*

The Cypremort Point State Park Improvements Project Modification action area contains the Vermillion Bay, West Cote Blanche Bay, and Atchafalaya Bay stock of common bottlenose dolphins (*Tursiops truncatus truncatus*) (NOAA Fisheries 2018). The action area includes marine and estuarine habitats that may also be suitable for the West Indian manatee (*Trichechus manatus*) (USFWS 2016, 2019). However, because low-salinity brackish systems in the bay do not support dense seagrass or marine vegetation (Love et. al. 2013; NOAA 2020) and dolphin and manatee occurrences in the area are rare, they are unlikely to occur or may occur transiently in the action area (USFWS 2019; Louisiana Department of Wildlife and Fisheries [LDWF] 2018).

#### h. Soils and Sediments

*If applicable. Indicate topography, soil type, substrate type.*

The Cypremort Point State Park Improvements Project Modification action area is located in the Mississippi Alluvial Plain (73) Level III ecoregion and the Deltaic Coastal Marshes and Barrier Islands (73o) Level IV ecoregion (Daigle et al. 2006). The Mississippi Alluvial Plain is mostly a broad, flat alluvial plain with river terraces, swales, and levees, which provide the main elements of relief. Elevations range from 0 to 15 feet above mean sea level, and local reliefs range from 0 to 10 feet.

The action area is characterized by Holocene deltaic deposits of the Teche delta lobe that include peat, silt, clay, and sand (Louisiana Geological Survey 2012). Soils in the action area include Aquents, dredged, 1 to 5 percent slopes, occasionally flooded, which make up the majority (approximately 98%) of the action area, with the remaining area (approximately 2%) made up of Bancker muck, tidal; Clovelly muck, very frequently flooded; and Dupuy silt loam, 0 to 1 percent slopes, occasionally flooded (Natural Resources Conservation Service [NRCS] 2020). None of these soils are highly erodible. Extensive organic deposits lie mainly below sea level in permanently flooded settings, resulting in the development of mucky surfaced Histosols. Entisols may also be present. Sediments of silts, clays, and peats contain large amounts of methane, oil, and hydrogen sulfide gas. Inorganic sediments found within the ecoregion are soft and have high water contents (Daigle et al. 2006).

#### i. Land Use

*If applicable. Indicate existing or previous land use activities (agriculture, dredge disposal, etc).*

The community of Cypremort Point, Louisiana, is located on a peninsula between West Cote Blanche Bay to the east and Vermilion Bay to the west. The community is made up predominantly of waterfront fishing camps along Vermilion Bay and Bayou Cypremort, which drain northeast to southwest into the bay from the Intracoastal Waterway. Cypremort Point State Park is located northeast of the community of Cypremort Point along the eastern shoreline of Vermilion Bay and west of Bayou Cypremort. The majority of the Cypremort Point State Park Improvements Project Modification action area comprises maintained herbaceous uplands. The western edge of the Proposed Project is buffered by Cypremort Point Beach. Additional habitats within the action area include estuarine emergent and scrub-shrub wetlands broken up by natural channels and human-made ditches and canals. There is a residential community along LA-319 in Cypremort Point, beyond the action area. The action area is located within St. Mary and Iberia parishes, both of which do not have approved active local coastal programs. There are no agricultural land uses in the action area.



## j. Essential Fish Habitat

*If applicable. Describe any designated Essential Fish Habitat within the project area*

The Cypremort Point State Park Improvements Project Modification action area is located within the Gulf of Mexico Eco-Region 4 (Northwest Gulf of Mexico from Freeport, Texas, east to the Mississippi River Delta) and contains a variety of estuarine habitats including water bottoms, water column, and emergent marsh. Essential fish habitat (EFH) has been designated for various life stages of the following federally-managed species: brown shrimp, white shrimp, red drum, gray snapper, lane snapper, blacktip shark, scalloped hammerhead shark, bull shark, and Atlantic sharpnose shark. (GMFMC 2005) .

No Habitat Areas of Particular Concern (HAPC) or EFH Areas Protected from Fishing (EFHA) were identified within the Cypremort Point State Park Improvements Project Modification action area.

## F. Project Description

*1. Describe the Proposed Action/Project Objectives: What are you trying to accomplish and how with this project? Describe in detail the construction equipment and methods\*\* needed; long term vs. short term impacts; duration of short term impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained.*

*Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas.*

*\*\*If construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, artificial reefs or fishery activities, list the method here, but complete the next section(s) in detail.*

The Louisiana Office of State Parks is pursuing the Cypremort Point State Park Improvements Project Modification to restore diminishing fishing and recreational opportunities, provide new opportunities for recreational use, restore beach habitat for both recreation and wildlife, provide recreational infrastructure, enhance recreational use and experiences, and improve public access to natural resources. Eight Cypremort Point State Park Improvements Project Modification components are proposed to achieve these goals, as described below. These components are shown in the Aerial Image of the Cypremort Point State Park Improvements Project Modification Area and Components figure.

The elements described below will be constructed as part of this project. The change that occurred since the project was originally considered in LA TIG RP#4 is that the replacement of an existing breakwater system with a new system of rock groins to increase shoreline erosion protection was constructed with non NRDA funds by the LA Office of State Parks. Therefore, those elements are no longer part of this project. The new elements being proposed as part of this project are a new recreational vehicle (RV) campground, mobile bathhouses, and a boat dock/fishing pier.

### **Rock Jetty**

The proposed rock jetty improvement would consist of extension and reinforcement of the existing inadequate rock jetty along the north bank of the Quintana Canal and south side of Beach Lane at the entrance to the Cypremort Point State Park. After improvements, the total rock jetty would be approximately 4,400 feet long, 15 feet wide, and 18 inches deep. Rock jetty improvements would provide protection to existing park infrastructure. Improving and expanding the existing erosion protection along Beach Lane and Quintana Canal is needed to prevent compromising the entry to the State Park. Materials for jetty construction would be transported and staged via barge in the adjacent Vermillion Bay. Improving the existing rock jetty would include:

- an approximate 1,000-foot-long extension of the existing rock jetty from the cross-canal bridge east to the northern edge of the Cypremort Point boat ramp constructed with medium to large rocks; and

- approximately 3,300 feet of reinforcement of the existing rock jetty from the cross-canal bridge west to the northern end of the Quintana Canal and park entrance constructed with medium to large rocks matching the existing material.

Approximately 5,000 to 6,000 tons of medium to large rocks, which would match the existing material, would be needed for construction of the rock jetty extension and reinforcement.

### **Beach Reclamation**

The proposed beach reclamation would restore the degraded beach area to its pre-eroded condition. The beach length is approximately 2,390 feet long and would be restored to approximately 78 feet wide using approximately 8,630 cubic yards of sand to reach a depth of 12 inches. The reclamation would include replacing the sub-soil layer as necessary, backfilling and compacting soil under the pavilions experiencing undercutting, and spreading imported sand across the approximately 186,420-square-foot beach shoreline. This beach is a very popular swimming spot, and continued erosion would further degrade beach habitat and continue to threaten nearby recreational structures (i.e., pavilions, restrooms, and other existing park infrastructure). The beach provides recreational access for swimming, sunbathing, paddle boards, and other water-based activities, as well as shorebird habitat.

### **Marsh Boardwalk and Trail**

The proposed marsh boardwalk and trail system would provide improved recreational fishing opportunities at the inland marsh area north of Beach Lane and east of the Cypremort Point State Park grounds. The Louisiana Office of State Parks determined that replacing or upgrading the existing fishing pier would not eliminate the future threat of similar damaging forces that destroyed the existing pier and protection from destruction was not feasible. An inland wooden boardwalk is proposed in the marsh area in the eastern portion of the park to replace and enhance fishing and other shoreline-based recreational opportunities provided by the existing fishing pier. The boardwalk/trail is intended to provide access to several marsh microenvironments and different inshore waterbodies and would be connected to the existing southern portion of the park's grounds by a bridge across the canal to the west. The boardwalk/trail would restore recreational fishing opportunities for all visitors and improve other recreational uses, such as bird and wildlife viewing and educational opportunities.

The proposed boardwalk/trail would be approximately 3,000 feet in length with most of the boardwalk/trail constructed above water, with mixed media and other areas constructed at ground level with crushed stone. Construction of the marsh boardwalk would include:

- an approximate 3,000-foot-long wooden boardwalk with a width of approximately 6 feet constructed from approximately six-hundred 7- to 8-inch piles driven into the sand bottom to support the boardwalk and either 6×6 or 8×8 marine-grade pressure-treated members and stainless-steel fasteners;
- ground-level trails, where possible, with a width of approximately 6 feet constructed from crushed stone;
- seating, toe rails, and handrails throughout the boardwalk;
- interpretive signage; and
- Americans with Disabilities Act (ADA)-compliant access (e.g., ramps).

Materials for construction of the proposed activities would either be stored within nearby parking lots.

### **Road, Parking Lot, and Sidewalk Repairs and Upgrades**

The Cypremort Point State Park's roads, parking lots, and sidewalks provide access to existing park facilities, including the beach access, cabins with boat slips, two pavilions and a picnic area, a sailboat launch, and restrooms, and will provide access to other proposed park improvements. Repairs and upgrades to road, parking lots, and sidewalks within Cypremort Point State Park would support continued access to park facilities and address damages associated with repeated flooding.

Repairing the park's roads and parking areas is vital for preserving public access and recreational opportunities to the park's natural resources. Road, parking lot, and sidewalk repairs and upgrades would be completed for the following:

- Four existing 2-way roads, totaling approximately 1.85 miles, with 12-foot-wide travel lanes. The total area of road surface to be repaired is approximately 410,573 square feet. Road improvements would primarily consist of pothole repairs to the road base, 2-inch asphalt overlays, and restriping of the following areas:
  - Approximately 1.37-mile-long Beach Lane (park entry)
  - Approximately 0.11-mile-long southern day-use access road
  - Three approximately 0.113-mile-long day-use beach parking access roads
  - Approximately 0.034-mile-long cabin access road
- Six paved parking areas, totaling 116,337 square feet, pothole repairs as needed, 2-inch asphalt overlays, and restriping in the following areas:
  - Approximately 15,360-square-foot southern day-use parking lot
  - Three approximately 24,443-square-foot central beach loop parking areas
  - Approximately 20,655-square-foot northern day-use beach parking lot
  - Approximately 6,993-square-foot cabin parking area
- Sidewalks throughout the park that have been damaged due to flooding or erosion

The total fill area for roads, parking lots and sidewalks repairs and upgrades would be approximately 37,600 square feet, with a total fill volume of approximately 2,080 cubic yards.

#### **RV Campground (new element)**

The RV campground would encompass approximately 4.2 acres and would be located along the north-south segment of Beach Lane—south of existing cabins parking area, and park superintendent residence, and north of the existing park maintenance area, and entrance and check-in area—all of which would remain in place. A typical RV campsite would include:

- a paved (impervious asphaltic concrete) pull-through RV site approximately 16 feet wide to accommodate a standard motor home, which is approximately 8.5 feet wide and 40 feet long;
- a grass recreational area approximately 20 feet wide that includes a firepit and grill, and a concrete patio area (approximately 9 by 16 feet) with a picnic table; and
- a limestone-surfaced utility area adjacent to the pull-through site with water, sewer, and electrical service hookups.

The paved areas for RV campsites could vary from site to site, depending on the existing base and distance to structures or marsh area, but would not exceed 20 feet wide. The campsite area would be elevated to approximately 1.5 feet, or approximately 18 inches above existing grade, which would match the elevation of adjacent roads constructed or improved under the Cypremort Point State Parks Improvements Project Modification, using compacted select fill material to provide proper drainage. Heavy equipment used to construct the campsite would include a bulldozer or grader, trucks, a backhoe, excavators, roller, generators, small trucks, and hand tools. The total fill area would be approximately 150,400 square feet with a total fill volume of approximately 8,320 cubic yards.

#### **Mobile Bathhouses (new element)**

Mobile bathhouses would be premanufactured and delivered and installed at the midway point of the RV campground area using a flatbed truck and forklift. Mobile bathhouses would encompass approximately 0.02 acre and would be at or near ground level to provide ADA-compliant access. Bathhouses would be mobile to permit movement during storm events.

#### **Sewer and Water Tie-ins (new element)**

Each RV campsite would have access to electrical services served by existing on-site facilities through tie-ins. Electric

hookups would be mounted at each campsite in a covered and grounded electrical box that is mounted to a post or in a manufactured assembly that includes a ground fault interrupter. The post would be located on the driver’s side of each campsite spur (i.e., pull-through site) at a point 0 to 15 feet from the rear of the spur. Electrical facilities at each campsite would be sized to comply with National Electrical Code (NEC): Article 551-Recreational Vehicles and Recreational Vehicle Parks: Part VI, 551.71 “Type Receptacles Provided.” Electrical tie-ins would be planned and implemented through coordination with utility providers. Each campsite would also have sewer and water tie-ins to the park’s existing onsite sewer system and water well. All utility tie-in infrastructure would be buried through trenching, using a trencher and heavy equipment and machinery similar to that previously described for construction of the campground. The depths of disturbance to accommodate electrical and water tie-ins would vary but would be buried at least 3 feet below the new grade. Gravity sewer lines would be buried a minimum of 3 feet below the new grade and as deep as practical based upon downstream elevations. Any upgrades necessary to the park’s existing onsite water well, sewer, or electric systems would be completed in conjunction with construction of utility tie-ins.

Sewer, water, and electrical tie-ins would be installed at the mobile bathhouses using the same methods as described for the RV campground. In the event of a storm, sewer, water, and electrical tie-ins at the mobile bathhouses would be disconnected and capped off, as necessary, and mobile bathhouses would be moved to higher ground to avoid flooding and contamination of stormwater.

**Boat Dock/Fishing Pier (new element)**

An 8-foot-wide, 300-foot-long (approximately 0.1 acre) boat dock/fishing pier would be located east of the mobile bathhouses along the RV campground and within the marsh area. Trucks or marsh buggies with cranes and pile drivers and hand tools would be used to construct the boat dock/fishing pier. Approximately 75 piles would be required for the boat dock/fishing pier. Construction of the boat dock/fishing pier, including pile driving, would use similar equipment and methods as the over-water portions of the marsh boardwalk. After construction, fishing would be allowed from this structure.

II. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

Proposed Start Date: Final E&D will be completed within approximately 6 months of permit issuance, after which time construction would begin.

Proposed Completion Date: Full project construction would take approximately 14 months.

III. *Specific In-Water and/or Terrestrial Construction Methods*

*Please check yes or no for the following questions related to in-water work and overwater structures*

<i>Does this project include in-water work?</i>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<i>Does this project include terrestrial construction?</i>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<i>Does this project include construction of an overwater structure?</i>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<i>Will fishing be allowed from this overwater structure?</i>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<i>Will wildlife observation be allowed from this overwater structure?</i>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<i>Will boat docking be allowed from this overwater structure?</i>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<i>Will fishing be allowed from this overwater structure?</i>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

*If this is a fishing pier, please provide the following information: public or private access to pier, estimated number of people fishing per day, plan to address hook and line captures of protected species, specific operating hours/open 24 hours, artificial lighting of pier (if any), number of fish cleaning stations, and number of pier attendants (if any).*



Cypremort Point State Park contains an existing 0.5-mile-long man-made beach, fish cleaning stations, two pavilions and a picnic area, six cabins with boat slips, a sailboat launch, restrooms, and a park office. There is a public boat ramp just outside the park entrance. These facilities allow for 24-hour public access. Yearly visitation of the state park between 2015 and 2019 ranged between approximately 32,000 and 51,000 visitors. The RV campground is anticipated to accommodate up to 120 additional overnight visitors at full capacity.

The Cypremort Point State Park Improvements Project Modification is intended to enhance recreational activities of Cypremort Point State Park and public access to natural resources through the addition of a marsh boardwalk, boat dock/fishing pier, and the reinforcement and extension of the existing rock jetty. The rock jetty already supports shore-based fishing access, and the proposed improvements are not expected to increase levels of fishing from the jetty, or increase the amount of hook and line gear in the action area. The approximately 3,000-foot-long proposed marsh boardwalk is expected to have moderate levels of localized fishing using hook and line gear, because the pier is publicly accessible within a state park. The 8-foot boat dock/fishing pier is also expected to have minor levels of localized fishing, because it is publicly accessible within a state park. Both of these new structures would be built in backwater/marsh areas where ESA-listed marine species (sea turtles) are not expected to occur.

Better public access from the development of the marsh boardwalk and boat dock/fishing pier may result in an increase in fishing pressure; however, because these structures would be built in the marsh/backwater areas where sea turtles are not expected to be present, there would be no corresponding increase in fishing-related impacts on sea turtles. Additionally the proposed boat dock/fishing pier is not expected to result in an overall increase in boat-based fishing in the area, as there are no new motorized boat launches proposed and no proposed changes to the nearby public boat launch. Parking and RV campground capacity would limit the total number of additional visitors and would therefore place an upper limit on the magnitude of fishing pressure resulting from the Cypremort Point State Park Improvements Project Modification components. There are no plans to rebuild the old fishing pier which extended out into open water on the bay-side of the park. This pier was destroyed by tropical storms in 2009. Sea turtles were documented to have been taken by anglers from this pier in the past, and the removal of this source of take is expected to reduce the overall impacts to sea turtles related to fishing in Cypremort Point State Park.

*Construction: Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicate if work will be done from upland, barge, or both.)*

iii. Use of “Dock Construction Guidelines”? [http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/guidance\\_docs/documents/dockkey2002.pdf](http://sero.nmfs.noaa.gov/protected_resources/section_7/guidance_docs/documents/dockkey2002.pdf)

- iv. Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?
- v. Height above Mean High Water (MHW) elevation?
- vi. Directional orientation of main axis of dock?
- vii. Overwater area (sq ft)?

b. *Pilings & Sheetpiles: If this project includes installation of pilings or sheets, please provide answers to questions 1-11 listed below*

1. Method of pile installation	Impact hammer
2. Material type of piles used	Wood
3. Size (width) of piles/sheets	8-inch butt pile or 8x8-inch square nominal post
4. Total number of piles/sheets	600 (marsh boardwalk) and 75 (boat dock/fishing pier)
5. Number of strikes for each single pile	132
6. Number of strikes per hour (for a single pile)	400-550
7. Expected number of piles to be driven each day	4 hours per day/ 10 feet per hour

8. <i>Expected amount of time needed to drive each pile (minutes of driving activities)</i>	240 minutes per day (4 hours)
9. <i>Expected number of sequential days spent pile driving</i>	7.5 months
10. <i>Whether pile driving occurring in-water or on land</i>	In-water
11. <i>Depth of water where piles will be driven</i>	5 feet (max)

c. *Marinas and Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

The Cypremort Point State Park includes a boat slip at each of the six existing cabins. The Proposed Action includes one publicly accessible 8-foot boat dock/fishing pier. The boat dock/fishing pier would encompass approximately 0.1 acre and would be located east of the mobile bathhouses along the RV campground and within the marsh area. The proposed boat dock/fishing pier would accommodate small fishing and recreational boats for short-term uses of the park. Boats at the dock would not be anticipated to exceed 0.1 acre (4,356 square feet) of shadow effect. The backwater area where the new boat dock/fishing pier is proposed to be built is very narrow and shallow (approximately 30 ft wide at the entrance and approximately 5 ft deep), and does not provide appropriate foraging habitat that may attract sea turtles into this area.

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

Not applicable. The Cypremort Point Improvements Project Modification does not include a boat ramp.

e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the action area.*

Upgrades to and extension of the existing rock jetty would include placing medium-sized to large rock material in the proposed areas with a track hoe or barged heavy equipment. The proposed rock jetty extension would be approximately 1,000-foot-long, and reinforcement would be completed on approximately 3,311 feet of the existing jetty. An estimated 5 and 6 thousand tons of rock would be needed for the extension and reinforcement, respectively.

f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft<sup>2</sup>) to be dredged, volume of material (yd<sup>3</sup>) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)). If digging in the terrestrial environment, please describe fully with details about possible water jetting, vibration methods to install pilings for dune walk-over structure, or other methods. If using devices/methods/turtle relocation dredging to relocate sea turtles, then describe the methods here.*

Dredging is not anticipated; however, installation of the timber pilings for the marsh boardwalk as well as the rock jetties and boat dock/fishing pier would disturb bottom sediments. The boardwalk would require pile driving of approximately 600 piles measuring 6 to 8 feet each into the bottom sand. Pile pairs, which are typically hammer driven, would be spaced 10 feet apart approximately and placed into the substrate within open water. An 8-foot boat dock/fishing pier would be constructed using marsh buggies with cranes and pile drivers and hand tools. Approximately 75 piles would be required for installation for the boat dock/fishing pier, which would be constructed in a similar manner as the marsh boardwalk.

g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

Not applicable. No blasting is planned for the Cypremort Point State Park Improvements Project Modification.

h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions [i.e., management and siting considerations, stakeholder considerations, environmental considerations, long term maintenance plan (periodic clean-up of lost*

fishing gear/debris)), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.

**Not applicable. No blasting is planned for the Cypremort Point State Park Improvements Project Modification.**

i. *Fishery Activities (Describe any use of gear that could entangle or capture protected species. This includes activities that may enhance fishing opportunities (e.g. fishing piers) or be fishery/gear research related (e.g. involve trawl gear, gillnets, hook and line gear, crab pots etc)).*

The Proposed Project is intended to enhance recreational activities of Cypremort Point. These enhancements include the addition of the marsh boardwalk and boat dock/fishing pier, which are anticipated to enhance shoreline-based fishing opportunities. Better public access from the development of the marsh boardwalk and boat dock/fishing pier may result in an increase in fishing pressure; however, because these structures would be built in the marsh/backwater areas where sea turtles are not expected to be present, there would be no corresponding increase in fishing-related impacts on sea turtles. Additionally the proposed boat dock/fishing pier is not expected to result in an overall increase in boat-based fishing in the area, as there are no new motorized boat launches proposed and no proposed changes to the nearby public boat launch. Parking and RV campground capacity would limit the total number of additional visitors and would therefore place an upper limit on the magnitude of fishing pressure resulting from the Cypremort Point State Park Improvements Project Modification components. There are no plans to rebuild the old fishing pier which extended out into open water on the bay-side of the park. This pier was destroyed by tropical storms in 2009. Sea turtles were documented to have been taken by anglers from this pier in the past, and the removal of this source of take is expected to reduce the overall impacts to sea turtles related to fishing in Cypremort Point State Park.

## **G. NOAA Species & Critical Habitat and Effects Determination Requested**

*If your project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section G. and proceed to Section H.*

This project occurs in a location that does not contain any listed NOAA species or designated Critical Habitats.

ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs.*

*2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit:*

*[http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/threatened\\_endangered/Documents/gulf\\_of\\_mexico.pdf](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf).*

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

See Critical Habitat Map for the Cypremort Point State Park Improvements Project Modification.

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Determinations (see definitions below)	For "No Effect", please select justification.
Loggerhead Sea Turtle	N/A, outside CH	Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Green Sea Turtle (T)	N/A, outside CH	Marine	May Affect, Not Likely to Adversely Affect	Choose an item.
Leatherback Sea Turtle (E)	N/A, outside CH	Marine	No Effect	No suitable habitat in action area
Hawksbill Sea Turtle (E)	N/A, outside CH	Marine	No Effect	No suitable habitat in action area
Kemp's Ridley Sea Turtle (E)	N/A, outside CH	Marine	May Affect, Not Likely to Adversely Affect	Choose an item.

## Determination Definitions

**NE = no effect.** This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

**NLAA = may affect, not likely to adversely affect.** This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

**LAA = may affect, likely to adversely affect.** This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

**Critical Habitat No Destruction** = When the proposed action will not diminish the value of critical habitat.

## H. USFWS Species & Critical Habitat and Effects Determination Requested

*If your project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats, please check the box below. If this box is checked, you may skip Section G. and proceed to Section H.*

- This project occurs in a location that does not contain any listed USFWS species or designated Critical Habitats.
- ESA effects have been accounted for under an existing consultation.

*1. List all species, critical habitat, proposed species and proposed critical habitat that may be found in the action area. Species that do not currently occur in the action area (but are listed on county species lists) do not need to be listed in drop downs.*



2. Attach a separate map identifying species/critical habitat locations within the action area. For information on species and critical habitat under NMFS jurisdiction, visit:

[http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/threatened\\_endangered/Documents/gulf\\_of\\_mexico.pdf](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/Documents/gulf_of_mexico.pdf).

Identify if Gulf sturgeon are in marine or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Gulf sturgeon CH - marine). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).

See Critical Habitat Map for the Cypremort Point State Park Improvements Project Modification.

Species and/or Critical Habitat	CH Unit (if applicable)	Location (Sea turtles and Gulf Sturgeon only)	Determinations (see definitions below)	For "No Effect", please select justification.
West Indian Manatee	N/A, outside CH	Choose an item.	May Affect, Not Likely to Adversely Affect	Select Most Appropriate
Loggerhead Sea Turtle	N/A, outside CH	Terrestrial	No Effect	No suitable habitat in action area
Leatherback Sea Turtle	N/A, outside CH	Terrestrial	No Effect	No suitable habitat in action area
Green Sea Turtle	N/A, outside CH	Terrestrial	No Effect	No suitable habitat in action area
Kemp's Ridley	N/A, outside CH	Terrestrial	No Effect	No suitable habitat in action area
Hawksbill Sea Turtle	N/A, outside CH	Terrestrial	No Effect	No suitable habitat in action area
Piping plover	N/A, outside CH		May Affect, Not Likely to Adversely Affect	
Red knot	N/A, outside CH		May Affect, Not Likely to Adversely Affect	

## Determination Definitions

**NE = no effect.** This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

**NLAA = may affect, not likely to adversely affect.** This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is concurrence with the not likely to affect determination. This conclusion is appropriate when effects to the species or critical habitat will be wholly beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

**LAA = may affect, likely to adversely affect.** This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is formal consultation for action with a likely to adversely affect determination, with a biological opinion as the concluding document. This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the

listed species or segments of the critical habitat, then the determination is "likely to adversely affect." Any LAA determination requires formal section 7 consultation and will require additional information.

**Critical Habitat No Destruction** = When the proposed action will not diminish the value of critical habitat.

## **I. Effects of the proposed project to the species and actions to reduce impacts**

*NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.*

*I. Explain the potential beneficial and adverse effects to each species listed above. Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts and where possible, quantify effects.*

*If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.*

The West Indian manatee, piping plover, red knot, and five species of sea turtles were all listed as being potentially present in St. Mary and Iberia Parishes by the USFWS Information for Planning and Consultation (IPaC) database (USFWS 2020).

### **West Indian Manatee (*Trichechus manatus*)**

**Direct and Indirect Impacts:** Habitats suitable to support marine vegetation may be present within the action area that could attract the West Indian manatee. However, no known occurrences of this species have been documented within the action area; thus, occurrences of this species are rare and there is a low probability the species would occur in the action area (LDWF 2018; NatureServe 2016). Manatees moving between areas of suitable habitat may occur within the action area.

Proposed Project in-water work includes construction of a rock jetty, boat dock/fishing pier, beach reclamation, and marsh boardwalk and trail. These activities will result in temporary, localized turbidity and construction noise (such as from pile driving activities) that may result in avoidance behaviors. Other impacts include collision with vessels that may use the boat dock/fishing pier and increased risk of entanglement with debris that may catch on anchor management systems. Standard Manatee Conditions best practices will be implemented to reduce and avoid potential impacts to this species. Adherence to the protection measures would help ensure that any manatee present in the action area would not be adversely affected. The disturbance to the manatee would be temporary, limited to project construction, and would result in temporary displacement because individuals would likely move to another area for foraging or resting purposes.

### **Impact avoidance measures for the Proposed Project may include:**

- All contract personnel associated with the project would 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 would be posted prior to and during all construction activities to remind personnel to be observant for manatees during active construction operations or within vessel movement zones (i.e., work area), and at least one sign should be placed where it is visible to the vessel operator.
- Siltation barriers, if used, would be made of material in which manatees could not become entangled, and should be properly secured and monitored.
- If a manatee is sighted within 100 yards of the active work zone, special operating conditions would 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, if used, should 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 would be resumed.

- Any manatee sighting would be immediately reported to the USFWS and the LDWF Natural Heritage Program.
- To prevent entrapment of manatee inside of beach restoration receiving areas that have dikes or other retention features that enclose an area of open water, the area would be inspected for the presence of manatee(s): 1) before complete closure of the confining features; and 2) again before material is discharged in to the receiving area. Any manatee that is sighted would be allowed to leave the area before work resumes.

Cumulative Impacts: With the implementation of best practices and avoidance measures to reduce the potential for impacts to West Indian manatee, the likelihood for cumulative impacts to this species is low. The temporary increase in potential for disturbance or strikes of individual manatees from human noise and activity and/or habitat impacts associated with construction activities may still contribute to a minor increase in adverse effects, when combined with existing levels of disturbance and human noise and activity.

### **Piping Plover (*Charadrius melodus*) and Red Knot (*Calidris canutus rufa*)**

Direct and Indirect Impacts: The piping plover and red knot wintering habitat includes beaches, tidal sand flats, mud flats, algal mats, washover passes, and small dunes where they feed primarily on small invertebrates (Campbell 2003). These habitats are present within the action area. Proposed Project work in beach habitat includes beach restoration and these activities would result in temporary, localized construction noise and human activity that may result in avoidance behaviors. Other impacts may include effects to prey species within the beach restoration footprint; however, individuals would likely move to another area for foraging purposes. Where practicable, best practices, including seasonal avoidance of construction in important wintering habitats when piping plovers are present (approximately late July through mid-May), or when red knots are present (approximately August through mid-May), may be implemented to reduce potential disturbance.

Impact avoidance measures for the Proposed Project may include:

- Provide all individuals working on a project with information in support of general awareness of piping plover and red knot presence and means to avoid birds and their critical or otherwise important habitats.
- Avoid working in important wintering sites for red knot when they are present (contact USFWS for red knot timeframes and habitats) to the maximum extent practicable. If work must be conducted when red knot are present, avoid working near concentrations of individuals or post avoidance areas to minimize disturbance.
- For projects that result in large-scale habitat changes, coordinate early with USFWS to enhance or protect habitat features preferred by the species (inlet shoals, lagoons, washover fans, ephemeral pools, baysides, and mud flats). Do not remove sand from intertidal, sand, or mud flats.
- Minimize vegetation planting in preferred habitats and avoid removal of wrack year-around along the shoreline.

Cumulative Impacts: No potential adverse, cumulative impacts on piping plovers are anticipated with implementation of best practices and avoidance measures.

### **Sea Turtles**

Five species of sea turtles may possibly occur in the action area.

#### *Nesting Loggerhead Sea Turtle:*

This species is the most common sea turtle species in Louisiana. Most sea turtle species are not known to nest in Louisiana due to lack of suitable nesting habitat; however, loggerhead sea turtle nests have been observed on Grand Isle, located approximately 120-miles west of Cypremort Point State Park. Based on the developed conditions and recreational use of the beach habitat located in the Cypremort State Park, it is unlikely that this species would utilize this habitat for nesting. Therefore, impacts to loggerhead sea turtle are discussed in terms of the marine life stage. Loggerhead sea turtles may be present in the shallow waters of the action area for feeding.

#### *Nesting Kemp's Ridley, and Green Sea Turtles:*

Due to the absence of suitable nesting beach habitats and the absence of any records of nesting for these species, these species are not expected to occur in terrestrial habitats within the Proposed Project action area (LDWF 2018; Love et al. 2013; NatureServe 2016; NOAA 2020a). Therefore, impacts to Kemp's Ridley and green sea turtles are discussed in terms of the marine life stage. These species may be present in the shallow waters of the action area for feeding.

Direct and Indirect Impacts: The Proposed Project may impact marine life stages for these species. The loggerhead, green, and Kemp's Ridley sea turtles may be present within the open water areas of the action area as it is located within the known ranges of these species (LDWF 2018; NatureServe 2016). The Proposed Project's in-water work of construction of a rock jetty, and beach reclamation may result in temporary increases in turbidity and construction noise (such as from the placement of large rock into open water) that may result in temporary avoidance behaviors. Construction activities are expected to last approximately 14 months and thus these temporary activities are not anticipated to cause long-term behavioral changes. Other effects of the Proposed Project include potential for collision with vessels and/or entrapment during beach restoration activities, and increased risk of entanglement with debris that may catch on anchor management systems.

Development of the marsh boardwalk and boat dock/fishing pier may result in an increase in fishing, which may result in potential loss of hook and line gear in the action area and could increase risk for hooking and/or entanglement with sea turtles; however, because these structures would be built in the marsh/backwater areas where sea turtles are not expected to be present, there would be no corresponding increase in fishing-related impacts on sea turtles. Additionally the proposed boat dock/fishing pier is not expected to result in an overall increase in boat-based fishing in the area, as there are no new motorized boat launches proposed and no proposed changes to the nearby public boat launch. Parking and RV campground capacity would limit the total number of additional visitors and would therefore place an upper limit on the magnitude of fishing resulting from the Cypremort Point State Park Improvements Project Modification components. There are no plans to rebuild the old fishing pier which extended out into open water on the bay-side of the park. This pier was destroyed by tropical storms in 2009. Sea turtles were documented to have been taken by anglers from this pier in the past, and the removal of this source of take is expected to reduce the overall impacts to sea turtles related to fishing in Cypremort Point State Park.

Sea turtle best practices will be implemented to reduce and avoid impacts to these species.

Impact avoidance measures for the Proposed Project may include:

- Implementation of the following in-water work guidelines:
  - NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions (revised March 23, 2006)
  - NMFS's Measures for Reducing Entrapment Risk to Protected Species (revised May 22, 2012)
  - NMFS's Vessel Strike Avoidance Measures and Reporting for Mariners (revised February 2008)
  - In-water lines would be made of materials such as stiff cable or plastic-coated lines and any ropes would be thick, heavy, and taut lines that do not loop or entangle, and would be installed in a manner to minimize the risk of entanglement of protected species.

Cumulative Impacts: With the implementation of best practices and avoidance measures to reduce the potential for impacts to sea turtles, the likelihood for cumulative impacts to these species is low. The temporary increase in potential for disturbance or strikes of individual sea turtles from construction activities is not likely to adversely affect sea turtles, even when combined with existing levels of disturbance and human noise and activity. Additionally, the cessation of fishing activities from the old bay-side fishing pier is expected to reduce the overall level of fishing-related impacts to sea turtles, compared to previous levels when the pier was operational.



II. Explain the actions to reduce adverse effects to each species listed above. For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinstate this consultation.

**Frequently Recommended BMPs:** This checklist provides standard BMPs recommended by NOAA and USFWS. Please select any BMPs that will be implemented:

- |                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <b>USFWS Standard Manatee In Water Conditions</b>                                      |
| <input checked="" type="checkbox"/> | <b>NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions<sup>1</sup></b>      |
| <input checked="" type="checkbox"/> | <b>NMFS Measures for Reducing the Entrapment Risk to Protected Species<sup>1</sup></b> |
| <input checked="" type="checkbox"/> | <b>NFMS Vessel Strike Avoidance Measures and Reporting for Mariners<sup>1</sup></b>    |

**Additional BMPs or Conservation Measures**

Chapter 6 of the PDARP included an important appendix (6.A) of best practices, see information starting on page 6-173. [http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6\\_Environmental-Consequences\\_508.pdf](http://www.gulfspillrestoration.noaa.gov/sites/default/files/wp-content/uploads/Chapter-6_Environmental-Consequences_508.pdf)

Use the box below to indicate which best management practices or conservation measures you'll be using in your project (that were not listed in Section I above)

Additional practices and measures have not yet been identified.

**J. Effects to critical habitats and actions to reduce impacts**

*NOTE: Species selected as "No Effect" with justification in table do not need to be addressed in Section I or J.*

I. Explain the potential beneficial and adverse effects to critical habitat listed above. Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, and cumulative impacts to physical and biological features, and where possible, quantify effects (e.g. acres of habitat, miles of habitat).

*Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

Not applicable. The alternative area is not located within any designated critical habitat (see Critical Habitat Map for the Cypremort Point State Park Improvements Project Modification).

II. Explain the actions to reduce adverse effects to critical habitat listed above. For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinstate this consultation.

Not applicable. The alternative area is not located within any designated critical habitat (see Critical Habitat Map for the Cypremort Point State Park Improvements Project Modification).

**K. Marine Mammals**

I. The Marine Mammal Protection Act prohibits the taking (including disruption of behavior, entrapment, injury, or death) of all marine mammals (e.g., whales, dolphins, manatees). However, the MMPA allows limited exceptions to the take prohibition if authorized, such as the incidental (i.e., unintentional but not unexpected) take of marine mammals. The following questions are designed to allow the Agencies to quickly determine if your action has the potential to take marine mammals. If the information provided indicates that incidental take is possible, further discussion with the Agencies is required.

Is your activity occurring in or on marine or estuarine waters?  NO  YES

If yes, is your activity likely to cause large-scale, ecosystem level impacts to the quality (e.g. salinity, temperature) of marine or estuarine waters?  NO  YES

II. If Yes, describe activities further using checkboxes. Does your activity involve any of the following:

NO	YES	ACTIVITY
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a) Use of active acoustic equipment (e.g., echosounder) producing sound below 200 kHz
<input type="checkbox"/>	<input checked="" type="checkbox"/>	b) In-water construction or demolition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c) Temporary or fixed use of active or passive sampling gear (e.g., nets, lines, traps; turtle relocation trawls)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d) In-water Explosive detonation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e) Aquaculture
<input checked="" type="checkbox"/>	<input type="checkbox"/>	f) Restoration of barrier islands, levee construction or similar projects
<input checked="" type="checkbox"/>	<input type="checkbox"/>	g) Fresh-water river diversions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	h) Building or enhancing areas for water-related recreational use or fishing opportunities (e.g. fishing piers, bridges, boat ramps, marinas)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	i) Dredging or in-water construction activities to change hydrologic conditions or connectivity, create breakwaters and living shorelines, etc.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	j) Conducting driving of sheet piles or pilings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	k) Use of floating pipeline during dredging activities

III. If you checked “Yes” to any of the activities immediately above or the activity could impact the quality of marine or estuarine waters, please describe the nature of the activities in more detail or indicate which section of the form already includes these descriptions. See the NOAA Acoustic Guidance for more information: <http://www.nmfs.noaa.gov/pr/acoustics/faq.htm>

Please refer to Section F for construction details of the Proposed Project. The in-water construction involves impact pile driving; however, the majority of these activities, which are related to the marsh boardwalk and trail, would occur in inland marsh areas inaccessible to marine mammals. Approximately 600 piles would be needed to construct the marsh boardwalk. Construction of the boat dock/fishing pier would involve impact pile driving in an unnamed canal, close to shore, and would be limited in scope. Approximately 75 piles would be required for construction of the boat dock/fishing pier, which would be constructed in similar manner as the marsh boardwalk. The installation process for the timber piles would not require excavation; however, the placement of piles would disturb soils or sediments that would increase turbidity. Any disturbed soils or sediments during pile driving would remain within the localized area and would quickly settle, thereby not resulting in changes to water quality that would exceed water quality standards.

IV. Frequently Recommended BMPs for marine mammals (manatees are covered in Section I above): This checklist provides standard BMPs recommended by NOAA. Please select any BMPs that will be implemented:

<input type="checkbox"/>	NMFS Southeast U.S. Marine Mammal and Sea Turtle Viewing Guidelines <sup>2</sup>
<input checked="" type="checkbox"/>	NMFS Sea Turtle and Smalltooth Sawfish Construction Conditions <sup>3</sup>
<input checked="" type="checkbox"/>	NMFS Measures for Reducing the Entrapment Risk to Protected Species <sup>3</sup>
<input checked="" type="checkbox"/>	NMFS Vessel Strike Avoidance Measures and Reporting for Mariners <sup>3</sup>
<input checked="" type="checkbox"/>	Reproducing and posting outreach signs: Dolphin Friendly Fishing Tips sign, Don't Feed Wild Dolphins sign <sup>3</sup>

If not listed above, please describe any additional BMPs or conservation measures that may be implemented for marine mammals. Please see Appendix A, Marine Mammal Mitigation Measures for: Cypremort Point State Park Improvements Project Modification, for minimization measures for marine mammals during pile driving activities.

**L. Bald Eagles**

Are bald eagles present in the action area? NO YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances, activities conducted at a distance greater than 660 feet of a nest may result in disturbance. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

Will you implement the above measures? NO YES

If these measures cannot be implemented, then you must contact the Service’s Migratory Bird Permit Office.

Texas – (505) 248-7882 or by email: [permitsR2MB@fws.gov](mailto:permitsR2MB@fws.gov)

Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: [permitsR4MB@fws.gov](mailto:permitsR4MB@fws.gov)

**M. Request approval for use of NMFS PDCs for this project**

Complete this section only if your project qualifies for streamlined ESA consultation under the ESA Framework Programmatic Biological Opinion completed by NMFS on February 10, 2016. To be eligible for streamlined ESA consultation with NMFS, you must implement all Project Design Criteria (PDCs) applicable to your project. Check “yes” for PDC categories that apply to the proposed project, and request PDC checklist from NMFS.

NO	YES	ACTIVITY
<input type="checkbox"/>	<input type="checkbox"/>	<b>Oyster Reef Creation and Enhancement</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Marine Debris Removal</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Construction of Living Shorelines</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Marsh Creation and Enhancement</b>

<input type="checkbox"/> <input type="checkbox"/> <b>Construction of Non-Fishing Piers</b>
--

**N. Submitting the BE Form**

We request that all BE forms and consultation materials be placed on Sharepoint for review. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will use the Biological Evaluation form to initiate appropriate consultations.

Questions may be directed to:

<b>NMFS ESA § 7 Consultation</b> Christy Fellas, National Oceanic Atmospheric Administration Email: Christina.Fellas@noaa.gov Phone: 727-551-5714	<b>USFWS ESA § 7 Consultation</b> Erin Chandler, Department of the Interior Email: Erin_Chandler@fws.gov Phone: 470-361-3153
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**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.:** P20190949

**C.O.E. No.:**

**NAME:** STATE OF LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY  
c/o CPRA  
150 TERRACE AVE.  
BATON ROUGE, LA 70802  
Attn: David Taylor

**LOCATION:** Iberia, Saint Mary Parishes, LA  
Lat. 29 44' 5.84"N, Long. -91 51' 9.99"W; Section 16 T15S R6E; 306 Beach Lane Cypremort Point, 70538.

**DESCRIPTION:** The proposed project is to make improvements to Cypremort Point State Park by implementing the five (5) following components: 1) Perform beach reclamation to restore eroded beach at the Vermilion Bay shoreline to pre-erosion condition; 2) Reinforce existing rock revetments along the north bank of Quintana Canal; 3) Construct a pedestrian boardwalk over the marsh on the eastern side of the park; 4) Repair existing parking areas and entrance roadway, overlay existing limestone road surface with asphalt; and 5) Construct a recreational vehicle campground and boat dock within the park extent. Approximately 33,500 cubic yards of fill will be utilized for the proposed project.

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 (2) years from the date of the signature of the Secretary or his designee on the original permit which was December 2, 2019. If the coastal use is not initiated within this two (2) 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. All logs, stumps and other debris encountered during dredging activities shall be removed from the site during or immediately after the activity and disposed of in accordance with all applicable laws and regulations.
- 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

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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. The requirement for compensatory mitigation for impacts to marsh habitat resulting from the referenced project will be determined after one full growing season (March 1 to November 1) following the completion of the permitted activities. This assessment shall include both primary impacts and secondary impacts which may result from the permitted activities.

Permittee shall provide on-ground pre- and post-construction photographic documentation, including a photograph key that shows location and direction of each photograph, that clearly shows all vegetated wetlands occurring within the permitted project area. The post-construction photos should be taken at the same location and in the same direction as the pre-construction photos. The post-construction documentation shall be acquired (photos actually taken) and submitted within 60 days of the end of the first full growing season following completion of the project. Permittee shall notify OCM of the date of completion of permitted activities within 5 working days of completion.

If OCM determines that compensatory mitigation is required, permittee shall submit a compensatory mitigation plan for approval within 30 days of notification of the compensatory mitigation requirements by OCM. All necessary approvals shall be obtained for the compensatory mitigation plan and the plan shall be implemented as directed by OCM. Permittee should be aware that compensatory mitigation projects may be required to be maintained for as many as 20 years for marsh mitigation projects and 50 years for forested wetland mitigation projects. A processing fee will be assessed for the determination of compensatory mitigation requirements and evaluation of the proposed compensatory mitigation plan in accordance with LAC Title 43, Part I, Chapter 7, §724.D. This fee shall apply regardless of which compensatory mitigation option is selected and does not include the cost incurred to implement the required compensatory mitigation.

- f. Ecological Studies: The permittee shall properly install adequate erosion/siltation control measures around construction areas that require land based earthwork (i.e. excavation and/or deposition of fill materials, land contouring, machinery rutting, fill maneuvering and redistribution, etc.) to aid in preventing project related sediments, debris, and other pollutants from entering adjacent wetlands or waters. Acceptable measures include but are not limited to the proper use and positioning of temporary silt fences, straw bales, fiber/core logs, wooden barriers, seeding or sodding of exposed soils, or other approved EPA construction site storm-water runoff control and best management practices. Control techniques shall be installed prior to the commencement of earthwork activities and maintained until the project is complete and/or the subject areas are stabilized.
- g. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.
- h. All fill material shall be clean and free of contaminants and shall not contain hazardous materials such as asbestos or asbestos residue, shingles, tires, oil/grease residue, exposed rebar, protruding objects, etc.
- i. All equipment utilized to perform activities authorized under this permit shall stay within the access routes and work

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areas designated on the permit plats utilizing the least damaging route and/or open water areas. Where access routes traverse vegetated wetlands, marsh buggy/tracked equipment access shall be limited to one pass ingress and one pass egress and shall not fall within the same tracks.

- j. Wildlife Diversity Program: No impacts to rare, threatened or endangered species or critical habitats are anticipated from the proposed project. No state or federal parks, wildlife refuges, wildlife management areas or scenic rivers are known at the specified site or within ¼ mile of the proposed project. The Wildlife Diversity Program (WDP) reports summarize the existing information known at the time of the request regarding the location in question. WDP reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. If at any time WDP tracked species are encountered within the project area, please contact our biologist at 225-765-2643.
- k. The 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 not be discharged into any of the streams or adjacent waters of the area without authorization from DH and/or DEQ 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 and DEQ regulations. 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 DH for purpose of review and approval prior to any utilization of such provisions.
- l. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.
- m. 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.
- n. 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.
- o. 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 on the original permit which was December 2, 2019. 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 on the original permit which was December 2, 2019. 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.
- p. 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.

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

By accepting this permit the applicant agrees to its terms and conditions.  
I affix my signature and issue this permit this 2nd day of December, 2019.

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



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**Final Plats:**

- 1) P20190949 Final Plats 11/05/2019
- 2) P20190949 Final Plats 10/15/2019
- 3) P20190949 Final Plats 10/15/2019
- 4) P20190949 Final Plats 10/15/2019

cc: Martin Mayer, COE w/attachments  
Dave Butler, LDWF w/attachments  
Johan Forsman, DHH w/attachments  
Jordan Cobbs, OCM w/attachments  
Hannah Pitts, OCM/FI w/attachments

STATE OF LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY  
w/attachments

**Louisiana Department of Natural Resources  
OFFICE OF COASTAL MANAGEMENT**

**Determination that No Coastal Use Permit is Required and Basis of Decision**

Permit Application Number : P20190364

EATF

Master Plan Compliance: In compliance

Permit Processing Fees : \$ \$25.00 Mitigation Processing Fees : \$ \$0.00

A review of the permit application referenced above has shown that no Coastal User Permit is required for the following reason(s):

- 1. Activity is located outside of the LA Coastal Zone. La. R.S. 49:214.25.E
- 2. Activity is exempt from Coastal Use Permitting for the following reason(s) :
  - Activity is subject only to an In-Lieu Permit to drill an oil and gas well.
  - Activity is located at an elevation of 5' MSL or higher.
  - Activity is located in a fastland.
  - Activity is for normal maintenance and repair of an existing facility
  - Activity is for the construction of a residence or a camp.
  - Activity is for construction of navigational aids.
  - Activity is for Agricultural, Forestry and Aquacultural Activities.
  - Activity was lawfully commenced prior to implementation of CUP process.
- 3. SOV - OCZ
- 4. SOV - Application Required
- 5. RFD - OCZ
- 6. RFD - Exempt for the following reason(s):
  - Activity is subject only to an In-Lieu Permit to drill an oil and gas well.
  - Activity is located at an elevation of 5' MSL or higher.
  - Activity is located in a fastland.
  - Activity is for normal maintenance and repair of an existing facility
  - Activity is for the construction of a residence or a camp.
  - Activity is for construction of navigational aids.
  - Activity is for Agricultural, Forestry and Aquacultural Activities.
  - Activity was lawfully commenced prior to implementation of CUP process.
- 7. Activity is determined to be of No Direct and Significant Impact (NDSI) to coastal waters based upon its compliance with part (list number and letter) of the October 4, 2012, NDSI criteria memo from Stephen Chustz (DNR Secretary).

X 8. Activity is in compliance with Office of Coastal Management General Permit,  
GP CMD GP - 14

Reviewed by :	Approved by :	Concurrence (if applicable)
		
Coastal Resource Analyst	Permit Section Coordinator	Mitigation Section Coordinator
04/24/2019	04/25/2019	04/25/2019
Date	Date	Date

**BASIS OF DECISION**

Pursuant to LAC 43:1.723(C)(8)(a), after a careful review of the facts supplied in the application for the proposed use, and the information in the administrative record provided by the applicant or otherwise; comparing each of the Coastal Use Guidelines to the final complete application for applicability and for compliance, ultimately reviewed and provided as findings in **THE BASIC FINDINGS AND GUIDELINE CONFORMANCE CHECKLIST**, and the **NEEDS /ALTERNATIVES REVIEW** prepared for this permit application and filed in the record of this application review, made a part of this document by reference in extenso, the application is determined to be compliant with the guidelines as supported by the evidence contained in the record, and the following ultimate findings are made and from which the decision of granting a coastal use permit flows from the facts in the record. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that **the potential and real adverse environmental effects of the proposed use been avoided to the maximum extent possible.**

1. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the proposed use demonstrates that **the social and economic benefits outweigh the environmental costs.**
2. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that there are **no alternative projects which would offer more protection to the environment** than the proposed use without unduly curtailing non-environmental benefits.
3. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that there are **no alternative sites** which would offer more protection to the environment than than the proposed use site without unduly curtailing non-environmental benefits.
4. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that there are **no further mitigating measures** which would offer more protection to the environment than than the use as proposed without unduly curtailing non-environmental benefits.
5. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and any subsequent modifications to the original and amending applications, the current posture of the application is that the decision to grant this coastal use permit application is consistent with the state program, including all applicable conditions to ensure the mitigation of coastal resource ecological values which would be lost due to the use.
6. After careful review of the proposed use, and after due consideration of the resource agencies' comments and those from the public, and based upon substantial consideration of any local government comments, and the comments or absence thereof from the approved local programs for affected parishes, and any subsequent modifications to the original and amending applications, the current posture of the application is that the decision to grant this coastal use permit application is consistent with the approved local programs for affected parishes.

All of the above consideration is conditioned upon the applicant abiding by the conditions set forth in the permit. For the reasons cited above, the Office of Coastal Management has decided to grant authorization for this coastal use.

Appendix A

**Marine Mammal Mitigation Measures for:  
Cypremort Point State Park Improvements Project Modification**

March 2020

**Marine Mammal Mitigation Measures for:  
Cypremort Point State Park Improvements Project Modification**

**NOAA NMFS, Southeast Regional Office**  
March 17, 2020

The title project is included in the Louisiana Trustee Resource Implementation Team's fourth Restoration Plan to enhance public access to natural resources for recreation following the *Deepwater Horizon* oil spill event. The project entails, among other things, constructing a boat dock. The boat dock will include construction of a 4,356 square foot dock located east of the mobile bathhouses along the RV campground. Impact hammer driving will be used to install approximately 75 timber piles that are 8-inch diameter. Daily duration of pile driving activities is estimated at 240 minutes and estimated to take 7.5 sequential months.

The following are preventative measures to help minimize the potential for bottlenose dolphin behavioral harassment (i.e. *take*) from in-water work associated with impact hammer pile driving activities for the title project. We recommend these best practices to minimize the potential for taking bottlenose dolphins during these activities; however, we recognize use of these measures cannot guarantee behavioral harassment will not occur. Implementation of these measures does not constitute compliance with the Marine Mammal Protection Act (MMPA). In the event of an unanticipated take, you should contact NMFS Office of Protected Resources immediately to provide notification of the incident and to work through the necessary steps to ensure MMPA compliance moving forward. It is NMFS' practice to support the continuation of ongoing activities, contingent upon implementation of agreed-upon avoidance measures, while NMFS acts on any such request; however, NMFS final recommendation will be dependent upon the nature and context of the incident. Please make sure the entire crew and construction team have read and understand these measures.

**Preventative Mitigation Measures**

1. Monitor within a 25 meter zone (e.g. shutdown zone) around impact hammer pile driving activities, both before and during pile driving, to help prevent behavioral harassment. Monitoring may be conducted by construction personnel, however, the personnel monitoring should have no other assigned tasks during monitoring periods. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of pile driving activity is no more than 30 minutes.
  - a. Pre-activity monitoring: monitoring should take place at least 15 minutes prior to initiation of pile driving activity. Pile driving may start at the end of the 15 minutes if the observer has determined that the 25 meter shutdown zone is clear of marine mammals. A determination that the shutdown zone is clear should be made during a period of good visibility (i.e., the entire shutdown zone and surrounding waters is visible to the naked eye).
  - b. If a bottlenose dolphin(s) enters the shutdown zone during pile driving activities or pre-monitoring, all pile driving activities at that location should be halted or delayed, respectively. If activity is halted or delayed, it should not be resumed until either the: (1) animal has voluntarily left and has been visually confirmed beyond the shutdown zone; or (2) an additional 15 minutes of pre-monitoring is conducted without re-detection of the animal.
2. Before commencing impact pile driving activities, use soft start techniques to alert animals to the forthcoming activities.
  - a. Soft start entails an initial set of strikes at reduced energy, followed by a 30 second waiting period, then two subsequent reduced energy strike sets.

- b. Soft start should be implemented at the start of each day's impact pile driving and any time following cessation of pile driving activities for 30 minutes or longer.