



**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.: P20181234

C.O.E. No.:

NAME: **COASTAL PROTECTION AND RESTORATION AUTHORITY**
P.O. BOX 44027
BATON ROUGE, LA 70804
Attn: Sydney Dobson

LOCATION: **Orleans, Saint Bernard Parishes, LA**
Lat 30-00-48.46N, Long -89-52-04.37W (see plats for additional project coordinates); south of Chef Menteur Pass; within and adjacent to Lake Borgne.

DESCRIPTION: Proposed creation and restoration of marsh habitat in the PO-0163 RESTORE Golden Triangle Marsh Creation Project Area. Approx. 5,362,700 c.y. will be excavated and placed on site and 5,700 c.y. will be brought on site.

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 August 21, 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. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.
 - b. This project is located in the vicinity of a Louisiana designated Natural and Scenic River. The applicant must obtain authorization from the Louisiana Department of Wildlife and Fisheries, Scenic Rivers Program for this permit to be valid. Please contact Chris Davis at (225) 765-2642.
 - c. All equipment utilized to perform activities authorized under this permit shall stay within the access routes and work



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.

- d. 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.
- e. 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.
- f. Containment constructed for marsh creation mitigation project area shall be breached/degraded when post settlement marsh elevations are reached in order to allow the return of natural hydrologic tidal connectivity.
- g. Wildlife Diversity Program:
Manatee (*Trichechus manatus*) may occur in the surrounding water bodies of your site location. Manatees are large mammals inhabiting both fresh and salt water. Although most manatees are year round residents of Florida or Central America, they have been known to migrate to areas along the Atlantic and Gulf coast during the summer months. Manatee is a threatened species protected under the Endangered Species Act of 1973 and the Federal Marine Mammal Protection Act of 1972. In Louisiana, taking or harassment of a manatee is in violation of state and federal law. Critical habitat for manatee includes marine submergent vascular vegetation (sea-grass beds). Areas with sea-grass beds should be avoided during project activities if possible. Report all manatee sightings to the Louisiana Department of Wildlife and Fisheries at 337-735-8676 or 1-800-442-2511.

The proposed project may impact the gulf sturgeon (*Acipenser oxyrinchus desotoi*) and its designated critical habitat. The gulf sturgeon is listed as threatened on both the federal and state species list. Major population limiting factors are thought to include barriers to spawning habitats and habitat loss associated with the construction of water control structures, including dams and sills. Other threats identified include modification to habitat associated with dredged material disposal and poor water quality associated with contamination.

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 WPD tracked species are encountered within the project area, please contact our biologist at 225-765-2643.

- h. Applicant shall not discharge any drilling and/or workover effluent except for flocculated filtered water.

Applicant shall not discharge any human waste which does not meet or exceed the requirements of the Department of Health and Hospitals.

Applicant shall not discharge any produced waters.

Applicant is subject to all applicable state laws related to damages which are demonstrated to have been caused by this proposed action.

Applicant shall use any dredged material beneficially to create/restore emergent wetlands or place the material in open water in such a manner not to decrease the water depth greater than six inches.

Applicant shall provide to the LDWF a water bottom assessment (unless waived by LDWF) that meets LDWF protocol



prior to commencement of the activity. A waiver request must be submitted to LDWF in writing and must state the justification for the request. Applicant may, at the request of LDWF and prior written approval of OCM, be required to modify the project if the proposed location unnecessarily impacts oyster reefs.

- i. The area where the project is located is all part of the aboriginal homelands of the Chitimacha Tribe of Louisiana. As such, large villages, burial sites, and sacred sites were in place in that entire area. If at any time during the course of the work, any traditional cultural properties are discovered, Permittee shall immediately contact Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator) at (337) 923-9923 or (337) 923-4395. Office hours are Monday through Thursday from 7:30 A.M. - 5:00 P.M. and on Friday between 7:30 A.M. - 11:30 A.M. If traditional cultural properties are discovered on the weekend or after business hours, the notification shall be made the next business morning.
- j. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.
- k. 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.
- l. 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.
- m. 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 August 21, 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 August 21, 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.
- n. This determination does not eliminate the need to obtain a permit from the United States Army, Corps of Engineers or any other Federal, state or local approval that may be required by law. The drawings submitted with your referenced application are attached hereto and made a part of the record.

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

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By accepting this permit the applicant agrees to its terms and conditions.
I affix my signature and issue this permit this 21st day of August, 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



Final Plats:

1) [P20181234](#) [Final Plats](#) [02/25/2019](#)

cc: Martin Mayer, COE w/attachments
Dave Butler, LDWF w/attachments
Jordan Cobbs, OCM w/attachments
Craig Leblanc, Frank Cole, OCM/FI w/attachments
Orleans Parish w/attachments
Saint Bernard Parish w/attachments