



**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.: P20100399

C.O.E. No.: MVN- 2010- 0973- WLL

NAME: OFFICE OF COASTAL PROTECTION AND RESTORATION
P.O. BOX 44027
BATON ROUGE, LA 70804
Attn: Kristi Cantu

LOCATION: Cameron Parish, LA
Lat 29° 38' 50"N / Long 92° 48' 09"W; Section 17 T16S R4W; Gulf of Mexico, Grand Chenier , La.

DESCRIPTION: Proposed installation of two 42' x 305' breakwaters for the Bio-Engineered Oyster Reef Demonstration Project (LA-08). Access excavations of an approximately 40' x 350' area and 80' x 750' area are required. Approximately 4,030 cubic yards of native material will be excavated and backfilled, 950 cubic yards of crushed stone or gravel will be used as fill and 2,520 cubic yards of Oysterbreak armor units will be used as fill. No other dredge or fill required.

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 mailing the enclosed green initiation card on the date of initiation of the coastal use.
10. Unless specified elsewhere in this permit, this permit authorizes the initiation of the coastal use described under "Coastal Use Description" for two years from the date of the signature of the Secretary or his designee. If the coastal use is not initiated within this two year period, then this permit will expire and the applicant will be required to submit a new application. Initiation of the coastal use, for the purposes of this permit, means the actual physical beginning of the use of activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the coastal use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, the permittee must, in good faith, and with due diligence, reasonably progress toward completion of the project once the coastal use has been initiated.
11. The following special conditions must also be met in order for the use to meet the guidelines of the Coastal Resources Program:
 - a. All logs, stumps and other debris unearthed during dredging shall be removed to an approved disposal site on land.
 - b. That permittee shall insure that all sanitary sewage and/or related domestic wastes generated during the subject project activity and at the site, thereafter, as may become necessary shall receive the equivalent of secondary treatment (30 mg/l BOD5) with disinfection prior to discharge into any of the streams or adjacent waters of the area or, in the case of total containment, shall be disposed of in approved sewerage and sewage treatment facilities, as is required by the State Sanitary Code. Such opinion as may be served by those comments offered herein shall not be construed to suffice as any more formal approval(s) which may be required of possible sanitary details (i.e. provisions)



scheduled to be associated with the subject activity. Such shall generally require that appropriate plans and specifications be submitted to the Department of Health and Hospitals for purpose of review and approval prior to any utilization of such provisions.

- c. As-built drawings shall be submitted within 30 days of completion of this project to the Louisiana Department of Natural Resources, Office of Coastal Management, PO Box 44487, Baton Rouge, LA 70804-4487.
- d. Structures must be marked/lighted in accordance with U. S. Coast Guard regulations.
- e. That should changes in the location or the section of the existing waterways, or in the generally prevailing conditions in the vicinity be required in the future, in the public interest, Permittee shall make such changes in the project concerned or in the arrangement thereof as may be necessary to satisfactorily meet the situation and shall bear the cost thereof. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for project modifications.
- f. 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, are displaced, 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.
- g. Prior to any activities on the Rockefeller Refuge (Refuge), the Office of Coastal Protection and Restoration (OCPR) shall notify Vaughan McDonald, in writing their intent to begin the project and give a brief outline of the project schedule. Upon receipt of this notification, the Louisiana Department of Wildlife and Fisheries (LDWF) may request a pre-project meeting with the applicant to coordinate project details.

Prior to any activities on the Refuge, OCPR and their assigns shall coordinate all activities with Mr. Guthrie Perry, Refuge Manager or his assigns. Mr. Perry may require a pre-project meeting if deemed necessary. Mr. Perry can be reached at 337-538-2276.
- h. If this authorization must be revised, amended, or extended, the permittee shall submit a valid Letter of Clearance from LDWF, if the proposed activity will occur on the Refuge.
- i. This project has been reviewed for potential impacts to resources of concern to the Louisiana Natural Heritage Program. One species (*Charadrius melodus* - Piping Plover) of concern has been identified as potentially being within the area surrounding this project.

The Piping Plover (*Charadrius melodus*) may occur within the project area. This species is federally listed as threatened with its critical habitat designated along the Louisiana coast. Piping Plovers winter in Louisiana feeding at intertidal beaches, mudflats, and sand flats with sparse emergent vegetation. Primary threats to this species are destruction and degradation of winter habitat, habitat alteration through shoreline erosion, woody species encroachment of lake shorelines and riverbanks, and human disturbance of foraging birds. For more information on Piping Plover critical habitat, visit the U.S. Fish and Wildlife website: <http://endangered.fws.gov>.

The Louisiana Natural Heritage Program (LNHP) has compiled data on rare, endangered, or otherwise significant plant and animal species, plant communities, and other natural features throughout the State of Louisiana. LNHP reports summarize the existing information known at the time of the request regarding the location in question. LNHP 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 LNHP tracked species are encountered within the project area, please contact the Louisiana Department of Wildlife and Fisheries biologist at 225-765-2643.



- j. Spoil shall be marked in accordance with USGC regulations for marking temporary spoil mounds.
- k. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.
- l. 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.)
- m. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.
- n. 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.
- o. 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.
- p. This permit authorizes the initiation of the Coastal Use described under "Coastal Use Description" for two (2) years from the date of the signature of the Secretary or his designee. Initiation of the Coastal Use, for purposes of this permit, means the actual physical beginning of the use or activity for which the permit is required. Initiation does not include preparatory activities, such as movement of equipment onto the Coastal Use site, expenditure of funds, contracting out of work, or performing activities which by themselves do not require a permit. In addition, Permittee must, in good faith and with due diligence, reasonably progress toward completion of the project once the Coastal Use has been initiated. If the Coastal Use is not initiated within this two (2) year period, an extension may be granted pursuant to the requirements contained in the Rules and Procedures for Coastal Use Permits (Title 43:1.723.D.). Please note that a request for permit extension MUST be made no sooner than one hundred eighty (180) days and no later than sixty (60) days prior to the expiration of the permit.

The expiration date of this permit is five (5) years from the date of the signature of the Secretary or his designee.

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.

***** 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 25th day of August, 2010.

THE DEPARTMENT OF NATURAL RESOURCES

Karl L. Morgan, Acting 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) P20100399 Final Plats 06/21/2010

cc: Pete Serio, COE w/attachments
Dave Butler, LDWF w/attachments
Lynn Hohensee, WCalCP w/attachments
Ernest Broussard, WCamPC w/attachments
Channing Hayden, Jr., PortLC w/attachments
Stephen Broussard, LED w/attachments
Peggy Rooney, OCM w/attachments
Kaili Mills, OCM/FI w/attachments
Cameron Parish w/attachments