



**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.: P20180717

C.O.E. No.:

NAME: LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY
c/o LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY
450 LAUREL STREET
BATON ROUGE, LA 70801
Attn: Sydney Dobson

LOCATION: Lafourche Parish, LA
Southern marsh creation point - Lat 29-06-16.25N / Long -90-11-10.94W, Northern marsh creation point - Lat 29-08-21.28N / Long -90-08-23.43W; Southern borrow area point - Lat 29-06-44.75N / Long -90-07-17.34W, Northern borrow area point - Lat 29-08-18.90N / Long -90-05-19.24W. Bay Champagne; Port Fourchon, LA.

DESCRIPTION: Proposed Caminada Headlands Back Barrier Marsh Creation CPRA project (BA-171); to create and/or nourish back barrier marsh by pumping sediment from an offshore borrow site. Approximately 6,678,539 cy of native material will be excavated via hydraulic dredge; 1,793,488 cy of native material will be placed onsite as fill.

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 January 4, 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. 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. 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.
- d. 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.
- e. Structures must be marked/lighted in accordance with U. S. Coast Guard regulations.
- f. 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.

- g. The following conditions have been provided by the Louisiana Department of Wildlife and Fisheries.

The piping plover (*Charadrius melodus*) may occur within one mile of 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 rufa subspecies of red knot (*Calidris canutus rufa*) may occur within one mile of the project area. Federally listed as threatened, the rufa red knot may be found in coastal Louisiana throughout the year, with the greatest number of



knots migrating through each spring. Red knots forage on intertidal beaches, mudflats, marsh edges, and sand flats with sparse emergent vegetation. Primary threats to this species are anthropogenic destruction and degradation of nonbreeding habitat and food resources, habitat loss from shoreline erosion and subsidence, and human disturbance of foraging birds. For more information on the rufa red knot, visit the U.S. Fish and Wildlife website: <http://endangered.fws.gov>.

Our database indicates an occurrence of Wilson's Plover (*Charadrius wilsonia*) and Snowy Plover (*Charadrius alexandrinus*) near your project area. These species are considered critically imperiled to imperiled in the state. These species are found year round in Louisiana, breeding along the Gulf coast and wintering in coastal Louisiana. These solitary nesters have a breeding season that begins in late March and extends into August, and are commonly found on beaches, sand flats, and fresh dredged-material. Threats to Wilson's Plover and Snowy Plover include habitat loss/degradation due to coastal development, beach stabilization and re-nourishment, sediment diversion, disturbance by humans, environmental contaminants, and un-naturally high populations of predators. We recommend that you take the necessary precautions to protect the breeding/wintering habitat of these species. If you have any questions or need additional information, please call Louisiana Natural Heritage Program at 225-763-3554.

h. The following conditions have been provided by the Louisiana Department of Wildlife and Fisheries.

Our database indicates the presence of bird nesting colonies within one mile of this proposed project. Please be aware that entry into or disturbance of active breeding colonies is prohibited by the Louisiana Department of Wildlife and Fisheries (LDWF). In addition, LDWF prohibits work within a certain radius of an active nesting colony.

Nesting colonies can move from year to year and no current information is available on the status of these colonies. If work for the proposed project will commence during the nesting season, conduct a field visit to the worksite to look for evidence of nesting colonies. This field visit should take place no more than two weeks before the project begins. If no nesting colonies are found within 1000 feet (2000 feet for Brown Pelicans) of the proposed project, no further consultation with LDWF will be necessary. If active nesting colonies are found within the previously stated distances of the proposed project, further consultation with LDWF will be required. In addition, colonies should be surveyed by a qualified biologist to document species present and the extent of colonies. Provide LDWF with a survey report which is to include the following information:

1. qualifications of survey personnel;
2. survey methodology including dates, site characteristics, and size of survey area;
3. species of birds present, activity, estimates of number of nests present, and general vegetation type including digital photographs representing the site; and
4. topographic maps and ArcView shapefiles projected in UTM NAD83 Zone 15 to illustrate the location and extent of the colony.

Please mail survey reports on CD to: Louisiana Natural Heritage Program
La. Dept. of Wildlife & Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000

To minimize disturbance to colonial nesting birds, the following restrictions on activity should be observed:

-For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, Roseate Spoonbills, Anhingas, or cormorants), all project activity occurring within 1000 feet of an active nesting colony should be restricted to the non-nesting period (i.e., September 1 through February 15).

-For colonies containing nesting gulls, terns, or Black Skimmers, all project activity occurring within 650 feet (2000 feet for Brown Pelicans) of an active nesting colony should be restricted to the non-nesting period (i.e., September 16 through April 1).

The Diamondback terrapin (*Malaclemys terrapin*) may also occur in your project area and is considered imperiled in Louisiana. It inhabits brackish water habitats, especially coastal marshes. The Diamondback terrapin may breed and nest from April to July with nest cavities dug at the sandy edges of marshes and dunes. Hatchlings usually emerge from nests during August and September but may overwinter in nests until the following spring. Primary threats to this



species include pollution, disturbed habitat, nest destruction near populated coastal sites, and coastal erosion. If project activities will be conducted during the nesting season, we recommend constructing a barrier fence, prior to nesting season and project activities to avoid enclosing hatchlings, that surrounds terrapin habitat in the project area and consists of corrugated plastic tubing at least 10 inches in diameter; cut in half, buried, and back-filled with sediment. All barrier fence material must be removed after project activities are completed. Nest searches should be conducted if project activities are initiated after the start of the nesting season without the use of a barrier fence. If nests are found at any time prior to and during project activities, the applicant must contact Keri Lejeune at 225-765-2809 for further guidance.

- i. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.
- j. 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.
- k. Benefits to offset impacts are based on the proposed creation of marsh achieving 80% vegetative coverage and fisheries access re-established by year 3 of the project life, and shall be determined after the third full growing season (March 1 to November 1) following the completion of permitted activities. This assessment shall include both primary impacts and secondary impacts which may result from the permitted activities.

Permittee shall notify OCM of the date of completion of permitted activities within 5 working days of completion.

Should the permitted project not provide the anticipated benefits, OCM may determine 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.

- l. With respect to the hydraulic dredge line - 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 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.

- m. 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 tracts.



- n. 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 WPD tracked species are encountered within the project area, please contact our biologist at 225-765-2643.
- o. 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 WPD tracked species are encountered within the project area, please contact our biologist at 225-765-2643.
- p. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.
- q. 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.
- r. 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.
- s. 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 January 4, 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:I.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 January 4, 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:I.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.

- t. 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 *****

Page: 6 of 7
C.U.P. No.: P20180717
C.O.E. No.:



By accepting this permit the applicant agrees to its terms and conditions.
I affix my signature and issue this permit this 4th day of January, 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) P20180717 Final Plats 08/01/2018

cc: Martin Mayer, COE w/attachments
Dave Butler, LDWF w/attachments
Jessica Diez, OCM w/attachments
Kirk Kilgen, OCM/FI w/attachments
Lafourche Parish w/attachments

LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY w/attachments