

State of Louisiana



KATHLEEN BABINEAUX BLANCO
GOVERNOR

SCOTT A. ANGELLE
SECRETARY

DEPARTMENT OF NATURAL RESOURCES OFFICE OF COASTAL RESTORATION AND MANAGEMENT

September 19, 2007

Dain Gillen
Project Engineer
Dept. of Natural Resources,
Coastal Engineering Division
P. O. Box 44027
Baton Rouge, Louisiana 70804

RE: **C20040292**, Coastal Zone Consistency Modification
U.S. Fish and Wildlife Service
Direct Federal Action
Dedicated dredging on the Barataria Basin Landbridge CWPPRA Project BA-36, Lower Bayou Perot/ Bayou Rigolettes area and Harvey Cutoff, modification involves additional containment dikes and increased borrow depths in certain areas, **Jefferson Parish, Louisiana**

Dear Mr. Gillen:

The above referenced project modification has been reviewed for consistency with the approved Louisiana Coastal Resources Program (LCRP) as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. The modification, as proposed in the application, is consistent with the LCRP. If you have and questions concerning this determination please contact Brian Marcks of the Consistency Section at (225)342-7939 or 1-800-267-4019.

Sincerely,

Jim Rives
Acting Administrator

JR/JH/bgm

cc: James Boggs, USFWS, Lafayette Ron Ventola, NOD-COE
Marnie Winter, Jefferson Parish Frank Cole, CMD FI
Venise Ortego, LDWF



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P. O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

Operations Division
Eastern Evaluation Section

SEP 20 2007

SUBJECT: MVN-2004-3427-EBB

U.S. Fish and Wildlife Service
646 Cajundome Blvd., Suite 400
Lafayette, Louisiana 70506

Gentlemen:

The attached drawings, dated August 17, 2007, furnished with your permit modification request dated August 17, 2007, for the BA-36 CWPPRA Project to dredge the Barataria Basin Landbridge north of Little Lake in Jefferson Parish, Louisiana, to add additional containment dikes and increase the depths in certain regions of the borrow areas, will be included in your plans for the work authorized by the Secretary of the Army permit number MVN-2004-3427-EBB, from the District Engineer at New Orleans, Louisiana. The attached drawings, numbered 1-10, supersede your originally permitted drawings.

The conditions to which the work is made subject remain in full force and effect.

A copy of the first page of this permit approval letter must be conspicuously displayed at the project site. Also, you must keep a copy of this signed letter, with attached drawings, at the project site until the work is completed.

Should you have any further questions concerning this matter, please call Brad LaBorde at (504) 862-2225.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Pete J. Serio
Chief, Regulatory Branch
for
Alvin B. Lee
Colonel, U.S. Army
District Commander

Enclosure

Ref. to News

State of Louisiana



KATHLEEN BABINEAUX BLANCO
GOVERNOR

SCOTT A. ANGELLE
SECRETARY

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL RESTORATION AND MANAGEMENT

August 27, 2004



Sharon M. Haynes, P. E.
Project Manager
Dept. of Natural Resources,
Coastal Engineering Division
P. O. Box 44027
Baton Rouge, Louisiana

RE: **C20040292**, Coastal Zone Consistency
U.S. Fish and Wildlife Service
Direct Federal Action
Dedicated dredging on the Barataria Basin Landbridge CWPPRA Project BA-36, lower
Bayou Pero/ Bayou Rigolettes area and Harvey Cutoff, **Jefferson Parish, Louisiana**

Dear Ms. Haynes:

The above referenced project has been reviewed for consistency with the approved Louisiana Coastal Resources Program (LCRP) as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. The project, as proposed in the application, is consistent with the LCRP. If you have and questions concerning this determination please contact Brian Marcks of the Consistency Section at (225)342-7939 or 1-800-267-4019.

Sincerely,

A handwritten signature in cursive script that reads "David W. Frugé".

David W. Frugé
Administrator

DWF/BGM

cc: Russell Watson, USFWS, Lafayette
Ron Ventola, NOD-COE
Marnie Winter, Jefferson Parish
Fred Dunham, LDWF
Frank Cole, CMD/FI



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P. O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

APR - 6 2005

Operations Division
Eastern Evaluation Section

SUBJECT: MVN-2004-3427 EBB

U. S. Fish and Wildlife Service
646 Cajundome Boulevard, Suite 400
Lafayette, Louisiana 70506

Gentlemen:

Enclosed is a permit dated this date, subject as above, authorizing work under the Department of the Army permit program.

You are again reminded that any work not in accordance with the approved plans is subject to removal regardless of the expense and the inconvenience that such removal may involve and regardless of the date when the discrepancy is discovered.

Your attention is directed to all the terms and conditions of the approval. In order to have the work approved in accordance with the issued permit, all terms and conditions of the permit and plans shown on the drawings attached thereto must be rigidly adhered to.

It is necessary that you notify the District Engineer, Attention: Eastern Evaluation Section, in writing, prior to commencement of work and also upon its completion. The notification must include the permittee's name, as shown on the permit, and the permit number. Please note the expiration date on the permit. Should the project not be completed by that date, you may request a permit time extension. Such requests must be received before, but no sooner than six months before, the permit expiration date and must show the work completed and the reason the project was not finished within the time period granted by the permit.

A copy of Page 1 of the permit (ENG Form 1721) must be conspicuously displayed at the project site. Also, you must keep a copy of the signed permit at the project site until the work is completed.

Sincerely,

Pete J. Serio
Chief, Eastern Evaluation Section

Enclosure

Site Copy

DEPARTMENT OF THE ARMY PERMIT

Permittee: U. S. Fish and Wildlife Service

Permit No. MVN 2004-3427 EBB

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Dredge and place fill at an elevation suitable for marsh restoration and to construct temporary earthen containment levees all for the implementation of CWPPRA BA-36, in accordance with drawings enclosed in eleven sheets dated May 2004, and revised.

Project Location: Located at Latitude 29° 33'34"N, Longitude 90° 08'08"W, adjacent and in Bayous Rigolettes and Perot, in Jefferson Parish, Louisiana.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **DECEMBER 31, 2009**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: Page 4.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X *Arnold Walker* X 11/13/05
 (PERMITTEE) (DATE)

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

Pete Serio 6 April 2005
 Pete J. Serio, Chief Eastern Evaluation Section
 for Peter J. Rowan, District Engineer
 (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

 (TRANSFEREE) (DATE)

SPECIAL CONDITIONS: MVN 2004-3427 EBB

7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

8. You must install and maintain at your expense, any safety lights, signs, and signals prescribed by the U. S. Coast Guard, through regulations or otherwise, on any equipment utilized in your authorized activity.

9. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

10. If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc..) in the waterway, you are advised to notify the Eighth Coast Guard District so that a Notice to Mariners, if required, may be prepared. Notification, with a copy of your permit approval and drawings, should be mailed to the Commander (OAN), Eighth Coast Guard District, ATTN: Marine Information Branch, 501 Magazine Street, New Orleans, Louisiana 70130-3396, about 1 month before you plan to start work. Telephone inquiries can be directed to (504) 589-6277.

NOV 10 2004



State of Louisiana
Department of Environmental Quality

KATHLEEN BABINEAUX BLANCO
GOVERNOR

October 27, 2004

MIKE D. McDANIEL, Ph.D.
SECRETARY

Louisiana Department of Natural Resources
Coastal Engineering Division
P.O. Box 44027
Baton Rouge, LA 70804

Attention: Shannon Hayes, Agent for U.S. Fish & Wildlife Service

RE: Water Quality Certification (TR 040721-02/AI 123515/CER 20040001)
Corps of Engineers Permit (MVN-2004-3427-EBB)
Jefferson Parish

Dear Mr. Hayes,

The Department has received your application to dredge Bayou Rigolettes and Bayou Perot and use fill for marsh creation, 2 miles south of Lafitte, Louisiana in Jefferson Parish.

The requirements for Water Quality Certification have been met in accordance with LAC 33:IX.1507.A-E. Based on the information provided in your application, we have determined that the placement of the fill material will not violate the water quality standards of Louisiana provided for under LAC 33:IX. Chapter 11. Therefore, the Department has no objection to this project.

Sincerely,

Jodi G. Miller
Environmental Scientist Manager
Registrations and Certifications Section

JGM/jjp

c: Corps of Engineers, New Orleans Division

