



**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.: P20101416 (Amended)

C.O.E. No.: MVN- 2008- 03033- ETT

NAME: LOUISIANA OFFICE OF COASTAL PROTECTION AND RESTORATION
P.O. BOX 44027
BATON ROUGE, LA 70804
Attn: Kenneth Bahlinger

LOCATION: **Plaquemines Parish, LA**
Scofield Island - Lat. 29° 14' 19.55"N, Long. -89° 32' 31.08"W. MR-E-09 Borrow Area in Mississippi River - Lat. 29° 21' 02.90"N, Long. -89° 30' 14.67"W. MR-B-09 Borrow Area in Mississippi River - Lat. 29° 23' 37.47"N, Long. -89° 35' 136.17"W. Offshore Borrow Area - Lat. 29° 12' 01.44"N, Long. -89° 31' 51.25"W. A full table of coordinates is included with the plats.

DESCRIPTION: Proposed riverine sand mining and Scofield Island restoration to be carried out as part of OCPR Project No. BA-40. Both MR-B-09 and MR-E-09 have been identified as sources for sand material. MR-B-09 measures 14,700' long with widths between 360' and 800' with a depth of 24', MR-E-09 measures 9,500' long by 1,100' wide with a depth of 25". An additional offshore borrow area will measure 2,800' x 1900' with an average depth of 21'. A temporary 30" sediment diversion pipeline will be installed to convey dredged material to Scofield Island. Articulated concrete mats will be used for bankline stabilization at the Empire Harbor Canal crossing. Two permanent pipe casings will be directionally drilled under roadways and capped upon completion of work. Approximately 3,961 cubic yards of hauled-in soil and 231 cubic yards of gravel will be required for two levee crossings. A 19,825' x 100' floatation channel will be created at Scofield Island. Approximately 13.4 million cubic yards of material will be excavated. After dewatering, approximately 6.5 million cubic yards of material will be used as fill for marsh and dune creation and sediment pipeline installment. No additional dredge or fill is required.

AMENDMENT 1: Proposed additional mooring space in the Mississippi river and workspaces in the vicinity of navigational crossings. Additional locations are depicted in 5 plats dated August, 2012.

This amended permit supersedes the original permit which was issued June 9, 2011.

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 amended 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 amended permit, this amended 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 June 9, 2011. If the coastal use is not initiated within this two (2) year period, then this amended 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. The water bottom shall not be disturbed during access to the proposed work location, or by the authorized activities whether it be by dredging, wheel washing, propwashing, jetting, mucking, plowing, bull dozing or any other means of moving bottom material, except as depicted on the plats. Powered vessels shall be operated so as not to disturb the water bottom by propeller or jet action.
- b. All logs, stumps and other debris unearthed during dredging shall be removed to an approved disposal site on land.
- c. 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.
- d. Permittee shall obtain a Water Quality Certification, should one be required, from the LA Department of Environmental Quality prior to initiation of any construction activities.
- e. 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.
- 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, 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. 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.
- h. Structures must be marked/lighted in accordance with U. S. Coast Guard regulations.
- i. 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.

- j. The following conditions have been included to address concrete mats permitted as temporary pipeline stabilization in the Mississippi River and as permanent bankline stabilization at the Empire Harbor Canal.
1. The permittee must provide notification of the project to the U.S. Coast Guard and the DNR Underwater Obstruction Program within 30 days of installation. The notification must include the GPS coordinates of the mat installation site and the ID number of each mat.
 2. Mats must be marked/lighted in accordance with U. S. Coast Guard regulations. These markers/lights, if required, must be maintained at the site until such time as the mats are removed. A description of the condition of the markers/lights must be included in the monitoring report submitted to OCM/DNR.
 3. The permittee must agree to maintain liability for any damages resulting from the mats' presence on the waterbottom for as long as the mat installation remains on the waterbottom.
 4. The permittee must agree to hold and save the State of Louisiana, its agencies and political subdivisions and their officers and employees harmless from any damage to persons or property arising from the installation, presence or subsequent removal of mats as authorized in this General Permit.
 5. If multiple mats are required, the mats must be permanently joined together during installation to form a single unit. The unit must be maintained as a singular structure throughout its project life.
 6. The permittee must affix a permanent, unique identifier to each mat. The identifier and the methods of marking and attachment (e.g., embossing the permit number in the concrete or attaching a type of tag) must be approved by OCM/DNR prior to authorization.
 7. 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 (e.g., to allow for successful construction, implementation, maintenance, etc. of features contained in the Integrated Ecosystem Restoration and Hurricane Protection: Louisiana's Comprehensive Master Plan for a Sustainable Coast), 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.
- k. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.
- l. 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 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 our biologist at 225-765-2643.

- m. 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.)
- n. Permittee shall, prior to commencement of the herein permitted activities, contact P.J. Hahn with the Buras Levee District (504)-297-5629 to determine if a construction permit will be required from the local levee district.
- o. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.
- p. 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.
- q. 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.
- r. This amended 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 June 9, 2011. Initiation of the Coastal Use, for purposes of this amended 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:l.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 amended permit is five (5) years from the date of the signature of the Secretary or his designee on the original permit which was June 9, 2011.

Upon expiration of this amended 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 amended permit the applicant agrees to its terms and conditions.

I affix my signature and issue this permit this 9th day of June, 2011.

THE DEPARTMENT OF NATURAL RESOURCES

Handwritten signature of Karl L. Morgan in black ink.

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) [P20101416](#) [Final Plats](#) [09/25/2012](#)

cc: Pete Serio, COE w/attachments
Dave Butler, LDWF w/attachments
Jamie Phillippe, DEQ w/attachments
Jessica Diez, OCM w/attachments
Frank Cole, OCM/FI w/attachments
Plaquemines Parish w/attachments