



**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.: P20131098

C.O.E. No.: MVN- 2012- 02806- EOO

NAME: **COASTAL PROTECTION & RESTORATION AUTHORITY OF LOUISIANA (CPRA)**
c/o LOUISIANA COASTAL PROTECTION & RESTORATION AUTHORITY (CPRA)
150 TERRACE AVENUE
BATON ROUGE, LA 70802
Attn: Elizabeth Davoli

LOCATION: **Jefferson, Plaquemines Parishes, LA**
Project Vicinity - Lat. 29-39-42.5 N, Long. 89-57-48.6 W; Sections 5, 16, 47, 48, 49, T16S-R25E; Section 3, 2, 1, 41, 19, T17S-R24E; MR Mile 60.7; crosses LA Hwy. 23 between Alliance and Ironton

DESCRIPTION: Proposed construction and operation of the Mid-Barataria Sediment Diversion Project, a large-scale, complex civil works and ecosystem restoration project. When operated, up to 75,000 cubic feet per second (cfs) of sediment-laden water would be diverted from the Mississippi River to the Mid-Barataria Basin to reconnect and re-establish the natural or deltaic sediment deposition process between the Mississippi River and the Barataria Basin to deliver sediment, freshwater, and nutrients to reduce land loss and sustain wetlands. The project includes the construction of the diversion complex including intake structure, gated control structure, conveyance channel, guide levees, and stability berms, Hwy. 23 and railroad bridges, +/- 791 acres of dredge material placement areas, and additional auxiliary structures and activities. Approximately 7,670,033 cy of material will be excavated and placed onsite, 50,000 cy of material will be excavated and hauled offsite, and 145,000 cy of concrete, 420,000 cy of crushed stone or gravel, 1,130,000 cy of rock, and 750,000 cy of sand will be placed 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 November 21, 2022. 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. Permittee shall, prior to commencement of the herein permitted activities, contact Jas Singh (phone: 225-342-4102, email: jas.singh@la.gov) to determine if a construction permit will be required from the local levee district.
- b. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.
- c. 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.

- d. 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.
- e. All monitoring reports and technical reports developed post-construction related to the operation of the diversion shall be submitted to the Louisiana Department of Natural Resources, Office of Coastal Management, P.O. Box 44487, Baton Rouge, LA 70804-4487.
- f. In accordance with the Beneficial Use of Dredged Material guidelines, dredged material resulting from activities permitted under this authorization shall be used beneficially to create, enhance or protect coastal wetlands.

Permittee shall insure dredge placement is at an elevation, which upon settlement, supports vegetated wetlands.

Permittee shall closely monitor discharge points of the hydraulic dredge pipeline(s) as to prevent the excessive accumulation of sediments (i.e., not to exceed a settled elevation above that which supports vegetated wetlands).

Containment constructed for the placement of dredge material shall be breached or degraded when "post settlement" marsh elevations are reached in order to allow the return of natural hydrologic tidal connectivity.

- g. The water bottom shall not be disturbed during access to the proposed work location, other than that authorized and shown on the attached project plats, whether it be by dredging, wheel washing, propwashing, jetting, mucking, plowing, bull dozing or any other means of moving bottom material. Powered vessels shall be operated so as not to disturb the water bottom by propeller or jet action.
- h. 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.
- i. 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.

- j. All fill and/or dredged material to be hauled off-site shall be disposed of at a State approved facility.
- k. Structures must be marked/lighted in accordance with U. S. Coast Guard regulations.
- l. 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.
- m. The Louisiana Department of Wildlife and Fisheries (LDWF) has reviewed the application and offered the following recommendations:

Louisiana Wildlife Diversity Program (WDP):

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:
Wildlife Diversity 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).

No other 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 WDP tracked species are encountered within the project area, please contact our biologist at 225-763-3554.

- n. Flowlines authorized by this Coastal Use Permit shall be buried (or jetted or bored) and maintained with a minimum cover of 3' below the mudline of any open water areas or waterbody crossings. Note that maintenance activities necessary to maintain the required 3' of cover over the flowline may require a new Coastal Use Permit.
- o. As-built drawings and/or plats shall have written on them the date of completion of said activities and shall be submitted to the Louisiana Department of Natural Resources, Office of Coastal Management, P.O. Box 44487, Baton Rouge, LA 70804-4487 within 30 days following project completion.
- p. Prior to commencement, Applicant contact Kristin Sanders, State Historic Preservation Assistant Secretary, Louisiana Office of Cultural Development, to obtain any needed permits and/or other approval from that office under its program(s), and to require notification to the Office of Cultural Development if, at any time during the work, traditional cultural properties, historical and/or archaeological sites are discovered.
- q. If archaeological, historical or other cultural resources are encountered during authorized activities, work shall cease and the permittee shall immediately notify the Division of Archaeology, Louisiana Department of Culture, Recreation, and Tourism (CRT, P. O. Box 44247, Baton Rouge, LA 70804; (225) 342-8200) and OCM (P. O. Box 44487, Baton Rouge, LA 70804-4487; (225) 342-7591). Work may not resume until written approval is obtained from CRT.
- r. 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.
- s. 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.
- t. The permittee shall ensure 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 not be discharged into any of the streams or adjacent waters of the area without authorization from DH and/or DEQ 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 and DEQ regulations. 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 DH for purpose of review and approval prior to any utilization of such provisions.
- u. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.



- v. 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.
- w. 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.
- x. 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 November 21, 2022. 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 November 21, 2022. 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.

- y. 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 *****

By accepting this permit the applicant agrees to its terms and conditions.

I affix my signature and issue this permit this 21st day of November, 2022.

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



Final Plats:

- 10) P20131098 Final Plats 08/16/2022
- 1) P20131098 Final Plats 11/04/2022
- 2) P20131098 Final Plats 08/16/2022
- 3) P20131098 Final Plats 08/16/2022
- 4) P20131098 Final Plats 08/16/2022
- 5) P20131098 Final Plats 08/16/2022
- 6) P20131098 Final Plats 08/16/2022
- 7) P20131098 Final Plats 08/16/2022
- 8) P20131098 Final Plats 08/16/2022
- 9) P20131098 Final Plats 08/16/2022

cc: Martin Mayer, COE w/attachments
Dave Butler, LDWF w/attachments
Coastal Protection and Restoration Authority, CPRA w/attachments
West Jefferson Levee District, LD w/attachments
Jordan Cobbs, OCM w/attachments
Brian Lash, OCM/FI w/attachments
Jefferson Parish w/attachments
Plaquemines Parish w/attachments

LOUISIANA COASTAL PROTECTION & RESTORATION AUTHORITY (CPRA)
w/attachments