United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

December 12, 2013

Mr. Keith Lovell
Assistant Secretary – Office of Coastal Management
Louisiana Department of Natural Resources
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Dear Mr. Lovell:

The Natural Resource Trustees for the Deepwater Horizon Oil Spill are proposing implementation of two early restoration projects within Louisiana's coastal zone. These projects are proposed as Phase III early restoration actions for the Deepwater Horizon oil spill in a just released document titled "Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement." The U. S. Department of the Interior (DOI), the National Oceanic and Atmospheric Administration (NOAA), the United States Department of Agriculture, and the United States Environmental Protection Agency (the undersigned Federal Trustees), have reviewed the projects for consistency with Louisiana's approved Coastal Resources Program (LCRP) and have found that, as best as can be determined at this level of planning, these proposed restoration actions are consistent to the maximum extent practicable with the applicable, enforceable policies of the State's program (La. R.S. §49:214.32). This letter submits that determination for State review.

Background

On or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon* experienced an explosion, leading to a fire and its subsequent sinking in the Gulf of Mexico. These events resulted in the discharge of several million barrels of oil into the Gulf over a period of approximately three months. In addition, various response actions were undertaken, including, but not limited to the application of approximately hundreds of thousands or more gallons of dispersants to the waters of the spill area in an attempt to minimize impacts from spilled oil. These events are hereafter collectively referred to as the Oil Spill.

The magnitude of the Oil Spill and the U.S. Coast Guard-directed efforts to contain and clean up the oil across the Gulf was massive and unprecedented. The Oil Spill and associated response efforts impacted coastal and oceanic ecosystems ranging from the deep ocean floor, through the oceanic water column, to the highly productive coastal habitats of the northern Gulf of Mexico, including estuaries, shorelines and coastal marsh as well as ecologically, recreationally, and commercially important species and their habitats in the Gulf of Mexico and along the coastal areas of Alabama, Florida, Louisiana, Mississippi, and Texas. These fish and wildlife species and their supporting habitats provide a number of important ecological and recreational use services.

The Federal Trustees and the designated natural resource trustee agencies for each of the five states on the Gulf coast, (collectively, the Trustees) including, for Louisiana, the Coastal Protection and Restoration Authority (CPRA), the Oil Spill Coordinator's Office (LOSCO), the Department of Wildlife and Fisheries (LDWF), the Department of Environmental Quality (LDEQ), and the Department of Natural Resources (LDNR), are each authorized by the Oil Pollution Act of 1990 (OPA) and other applicable federal or state laws to assess and assert a natural resource damages claim for this Oil Spill, in order to fully restore and compensate the public for the harm the Oil Spill caused to natural resources, including lost use of these resources by the public. Consistent with their authority and their claim, the Trustees are investigating the resource injuries and losses that occurred and have initiated restoration planning to identify the actions that will be needed or appropriate to restore injured resources and to make the public whole for the injuries and losses that occurred. That process, known as a Natural Resource Damage Assessment (NRDA), was initiated in the earliest days of the Oil Spill and is on-going at this time.

On April 20, 2011, DOI, NOAA, and the State Trustees entered into an agreement with BP, a responsible party for the Oil Spill, under which BP agreed to provide $1 billion for early restoration projects in the Gulf to address injuries to natural resources caused by the Oil Spill. That agreement, entitled "Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill" (Framework Agreement) [1], established a process under which the Trustees and BP are working together "to commence implementation of early restoration projects that will provide meaningful benefits to accelerate restoration in the Gulf as quickly as practicable" prior to completion of the NRDA process or full resolution of the Trustees' natural resource damages claims. Ten early restoration projects have already been selected for this purpose across the Gulf (See Phase I Final Early Restoration Plan, April 18, 2012; Phase II Early Restoration Plan, December 21, 2012). Implementation of these projects is underway.[2]

The Trustees are now proposing a third set of early restoration projects (Phase III) for implementation across the Gulf. The proposed Phase III projects include the Louisiana Outer Coast Restoration project and the Louisiana Marine Fisheries Enhancement, Research, and Science Center project that would be implemented within or otherwise have the potential to affect the coastal zone of Louisiana. The Trustees are presently seeking public review and comment on these projects in a document entitled "Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement" (Draft Plan) released on December 6, 2013.

The Draft Plan also includes a proposed programmatic plan for the Trustees' early restoration decisions under the Oil Pollution Act and the Framework Agreement going forward, including for the Phase III projects. The Trustees have evaluated project types suitable for early restoration and are proposing to continue to pursue early restoration based on a suite of restoration project types (i.e, through projects types that contribute to initial restoration of certain habitats, living coastal and marine resources, and recreational opportunities) and via a described process for developing and selecting specific projects of those types. The proposed programmatic plan is included as part of and supported by a draft programmatic environmental impact statement (DPEIS for Early Restoration) included in the Draft Plan. The Draft Plan was informed by and developed following a public scoping process undertaken by the Trustees in

[1] The Framework Agreement is available at: http://www.gulfspillrestoration.noaa.gov/wp-content/uploads/2011/05/framework-for-early-restoration-04212011.pdf
[2] Additional information about these projects is available at: http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/.

accordance with the National Environmental Policy Act. The Draft Plan, including the DPEIS for Early Restoration and the proposed programmatic framework, is available for public review and comment until 4 February 2014 and the Trustees welcome any comments from your office that may enhance their ability to select early restoration projects that are in keeping with State CZMA programs. An announcement of the comment period on the Draft Plan, with directions for submitting written comments on that document, may be found at: http://www.doi.gov/deepwaterhorizon or http:/www.gulfspillrestoration.noaa.gov.

The projects previously chosen and the projects the Trustees are now proposing do not represent the full extent of restoration needed to satisfy the Trustees' natural resource damages claims against the responsible parties for the Oil Spill. They are intended only to help accelerate meaningful restoration in the Gulf prior to completion of the full NRDA.

Proposed Phase III Early Restoration Projects in Louisiana:

The Trustees propose the following early restoration actions for implementation in Louisiana:

1. **Louisiana Outer Coast Restoration** – Through the Louisiana Outer Coast Restoration project, Trustees propose to restore beach, dune, and back-barrier marsh habitats at four barrier island locations in Louisiana. From west to east, the four locations are Caillou Lake Headlands (also known as Whiskey Island), Chenier Ronquille, Shell Island (West Lobe and portions of East Lobe), and North Breton Island (part of the Breton National Wildlife Refuge).

    a. **Caillou Lake Headlands Barrier Island Restoration** - Restoration of beach, dune, and back-barrier marsh habitats at the Caillou Lake Headlands location will occur on Whiskey Island, a barrier island in the Isle Dernieres reach of the Terrebonne Basin barrier system. This project was federally authorized under the Water Resources Development Act of 2007 and selected as a preferred alternative in the Terrebonne Basin Barrier Shoreline Restoration Integrated Feasibility Study and Final Environmental Impact Statement, (TBBSR) and included in Louisiana's Comprehensive Master Plan (2012).

    To slow rates of barrier island loss, portions of Whiskey Island were restored over the past 15 years using funds received through 1990 Coastal Wetland Planning, Protection, and Restoration Act (CWPPRA). This NRDA-funded project would continue restoration work on Whiskey Island and include the reestablishment of a dune platform along the length of the shoreline and the construction of a marsh platform on the landward side of the dune. Restoration at this location would use approximately 8.9 million cubic yards (CY) of beach/dune fill (i.e., sand-sized sediments) that would be pumped through temporary pipeline corridors to the project site from a Ship Shoal borrow area (identified by the Bureau of Ocean Energy Management as a site of significant outer continental shelf sediment resources). The dune would be constructed to an elevation of approximately +6.4 feet NAVD 88. The slopes of the beach and dune would be set at 60:1 and 30:1 (horizontal to vertical), respectively. Sand fencing would be installed to trap and retain wind-blown sediments and help foster dune development.

    Restoration at this location would also use approximately 1 million CY of marsh fill (i.e., mixed sand, silt, and clay-sized sediments) that would be pumped through temporary

pipeline corridors from a nearshore borrow area to the project site. This marsh fill is proposed for the landward side of the dune at an elevation of +2.4 feet NAVD 88.

Dune and back-barrier marsh areas would be planted with the appropriate native species by seeding and/or installing approved nursery stock. The containment dikes would be breached and/or degraded within the first few years to allow for tidal exchange with the created marsh and to prevent ponding of water within the containment area.

Approximately 1,000 acres of barrier island habitat, including beaches, dunes, and back-barrier marsh, would be constructed. The project layout was designed to avoid disturbing approximately 286 acres of existing mangroves on the island to minimize the ecological impact during construction.

b. **Chenier Ronquille Barrier Island Restoration** - Chenier Ronquille is located along the Plaquemines/Barataria Bay barrier shoreline, eight miles east of Grand Isle. Chenier Ronquille serves as the western anchor of the Plaquemines/Barataria shoreline and forms the eastern boundary of Quatre Bayou Pass. The Chenier Ronquille barrier island restoration was authorized in 2010 as a candidate project under CWPPRA. Although it received design phase funding, it did not receive construction funding under CWPPRA. Chenier Ronquille barrier island restoration is also included in Louisiana's Comprehensive Master Plan (2012). Restoration at this location would require the excavation of approximately 2.0 million CY of beach/dune fill, which includes not only the fill for the beach and dune, but also "advance maintenance fill," which is the amount of material needed to maintain the project for its engineered lifespan, given expected erosion rates. The dune would be constructed with a dune crest at +8 feet NAVD 88. Sand fencing would be installed to trap and retain wind-blown sediments and help foster dune development. Restoration at this location would also require excavation of approximately 2.4 million CY of marsh fill for the back-barrier marsh (using a design elevation of +2.5 feet NAVD 88) and 240,000 CY of fill for the primary dikes and access channels. The beach and marsh fill borrow areas are located approximately 1.7 to 2.8 miles southwest of the project area and were initially developed for the now-completed East Grand Terre Island and Chaland Headland Restoration Projects.

Sediment for this project would be pumped through temporary pipeline corridors from the borrow areas to the restoration site. Dune and back-barrier marsh areas would be planted with the appropriate native species by seeding and/or installing approved nursery stock. Containment dikes would be breached no later than year three to allow for tidal exchange with the created marsh and to prevent ponding of water within the containment area. Approximately 500 acres of barrier island habitat, including beaches, dunes, and back-barrier marsh would be constructed.

c. **Shell Island (East and West Lobes) Barrier Island Restoration** - Shell Island (East and West Lobes) is located approximately 49 miles south-southeast of New Orleans, along the southern margin of the Barataria Basin in Plaquemines Parish. It comprises a portion of the Plaquemines barrier shoreline. Plans and proposals to restore Shell Island have been developed in multiple documents, including Coast 2050: Toward a Sustainable Coastal

Louisiana and the Barataria Basin Barrier Shoreline Restoration Project, and is included in Louisiana's Comprehensive Master Plan (2012).

This project aims to increase island longevity by restoring beach, dune, and back-barrier marsh habitats on Shell Island West and the western portion of Shell Island East. Restoration work would repair breaches in the shoreline, reestablish a primary dune along the length of the shoreline, and construct a back-barrier marsh platform. The proposed NRDA restoration at this location would require the excavation of approximately 4.5 million CY of beach/dune fill, including approximately 2.2 million CY for Shell Island East and approximately 2.3 million CY of beach/dune fill for Shell Island West. The beach/dune fill borrow site options in the Mississippi River have been identified and the sediment would be pumped through a pipeline corridor along the empire waterway permitted for the Scofield Island Restoration Project (BA-40; LCWCRTF, 2012). The dune would be constructed to an elevation of approximately +8.0 feet NAVD 88. Sand fencing would be installed to trap and retain wind-blown sediments and help foster dune development.

Restoration at this location would also require the excavation of approximately 1.9 million CY of marsh fill, including approximately 1.1 million CY of marsh fill for Shell Island East and approximately 0.8 million CY of marsh fill for Shell Island West. The marsh fill borrow site has been identified south of the project site in Louisiana state waters of the Gulf of Mexico, and sediment would be pumped through temporary pipeline corridors to the restoration site. The marsh would be located on the landward side of the dune and would be constructed to +2.5 feet NAVD 88.

Beach/dune and back-barrier marsh areas would be planted with the appropriate native species by seeding and/or installing approved nursery stock. The containment dikes would be breached and/or degraded within the first few years to allow for tidal exchange with the created marsh and to prevent ponding of water within the containment area. Approximately 680 acres of barrier island habitat, including beaches, dunes, and back-barrier marsh, would be constructed.

d. **North Breton Island Barrier Island Restoration** - North Breton Island, located at the southern end of the Chandeleur Island chain in Louisiana, is part of the Breton NWR. While the refuge is federal land, and thus not in the State's coastal zone as defined in the CZMA, the Federal Trustees have determined the restoration project itself will affect coastal uses and resources of Louisiana and that therefore a consistency determination is necessary.

This project aims to increase island longevity by restoring beach, dune, and back-barrier marsh habitats on the island. Restoration work would reestablish a dune platform along the length of the shoreline and construct a marsh platform on the landward side of the dune. Restoration at this location would use approximately 3.7 million CY of sand, silt, and clay sized material dredged from one or more borrow sites within a nearby source area and placed on the existing island platform to create the desired island configuration. Preliminary review of oil and gas pipeline infrastructure and available geotechnical data

suggests that a nearby shoal complex has the potential for providing an appropriate and cost efficient sediment source for the proposed restoration. Geophysical and geotechnical surveys conducted as part of project engineering and design will help delineate specific borrow sites within the shoal complex for acquiring sand-sized sediments for dune and beach restoration and finer mixed sand-silt-clay sized sediments for back-barrier marsh restoration.

The restoration design is expected to include: a dune platform with a crest elevation of approximately 8–10 feet above mean sea level (optimum elevation to be determined); a gulfside beach that is approximately 200-feet wide and constructed to an elevation of approximately 3 feet above mean sea level; and a bayside back-barrier marsh platform that is approximately 500-feet wide and constructed to an elevation of approximately 3 feet above mean sea level. Sand fencing would be installed to trap and retain wind-blown sediments and build dune habitats. Sediment would be pumped through temporary pipeline corridors from the borrow areas to the restoration site.

Dune and back-barrier marsh areas would be planted with the appropriate native species by seeding and/or installing approved nursery stock. The containment dikes would be breached and/or degraded within the first few years to allow for tidal exchange with the created marsh and to prevent ponding of water within the containment area.

2. **Louisiana Marine Fisheries Enhancement, Research, and Science Center ("the Center")** – The Center would establish state of the art facilities to responsibly develop aquaculture-based techniques for marine fishery management; enable multi-dimensional research on marine sport fish and bait fish species; and provide fisheries extension, outreach, and education to the public. A primary location, not located in the coastal zone, will be supported by a satellite facility, located in Plaquemines Parish, northwest of West Point a la Hache.[3]

   The Plaquemines Parish facility would serve as a research and demonstration facility for marine baitfish in support of recreational sport fishing. The species of fish proposed are the Gulf killifish (*Fundulus grandis*) and the Atlantic croaker (*Micropogonias undulatus*). At this site, the project would involve constructing a new multi-purpose building and renovating/reconditioning existing onsite facilities. As currently proposed, the constructed building would house a staff office, crew support and baitfish culture area with small-scale recirculating aquaculture systems to support research and demonstration of technology marine baitfish husbandry. Existing onsite facilities that were previously used for plant propagation would be renovated or reconditioned, including a Mississippi River water intake structure and pumping station, infrastructure components (e.g., water pipelines, access roads), and ponds for research, effluent treatment, and water storage.

   The proposed building would be a concrete, pier-supported structure located above the base flood elevation, and designed to meet hurricane wind design standards. The building dimensions, as currently proposed, would be approximately 60ft x 40ft (2,400 ft^2). It would contain a staff office,

3 The proposed facility would be situated on property previously leased by the Louisiana State University Agricultural Center (LSU AgCenter) from Plaquemines Parish for citrus and coastal plant research. This leasing arrangement ended in 2011, and site management reverted back to the parish.

crew support area, and a baitfish culture area with space for tank systems, water processing, and storage and preparation, elevated approximately 12-feet above ground level with an access ramp for vehicles. The administrative portion of the new structure would consist of offices, a kitchen, a conference room, and crew support areas.

Summary of Coastal Zone Management Consistency Review for Listed Projects:

The Federal Trustees' view of the principal enforceable policies of the LCRP that are potentially applicable to the proposed Phase III early restoration projects and the basis of our determination of consistency with these policies is reflected in the following summaries:

1. **Louisiana Outer Coast Restoration project** – Creation and restoration of dune, beach, and back barrier marsh to restore or augment barrier islands has been identified as a "critical part" of Louisiana's 2012 Comprehensive Master Plan. Below is an explanation of how the four components of the Louisiana Outer Coast Restoration are consistent with the LCRP.

    a. **Caillou Lake Headlands Barrier Island Restoration** - As previously stated, portions of Whiskey Island have been restored as part of a preferred alternative in the TBBSR. This proposed NRDA project seeks to continue that work, which has not changed in scope since approval by the Office of Coastal Zone Management (OCM) in August 2010 as part of the TBBSR review process. Both the restoration project and the plan to mine sand from Outer Continental Shelf Ship Shoal Block 88 have been previously found to be consistent with the LCRP, as evidenced by letters issued from the OCM on 6 August 2010 and 25 October 2013, respectively (attached to this letter for your reference). Because the project has not changed since last reviewed by OCM, the Federal Trustees have determined the project to be consistent with the LCRP, relying on existing consistency findings.

    b. **Chenier Ronquille Barrier Island Restoration** – As previously stated, the Chenier Ronquille barrier island restoration was authorized in 2010 as a candidate project under CWPPRA (CWPPRA Project BA-76), and received design phase funding. During that Phase, OCM issued a consistency determination concurrence finding that the project was consistent with the LCRP, as evidence by a letter issued by OCM on 15 December 2011 (attached to this letter for your reference). Because this project has not changed since last reviewed by OCM, the Federal Trustees have determined the project to be consistent with the LCRP, relying on the existing consistency finding.

    c. **Shell Island (East and West Lobes) Barrier Island Restoration** –The OCM has previously issued a Coastal Use Permit for the Shell Island Project (CUP No. P20120216), signed 23 August 2012 (attached for your reference). Because this project has not changed since last reviewed by OCM, the Federal Trustees have determined the project to be consistent with the LCRP, relying on the existing Coastal Use Permit.

    d. **North Breton Island Barrier Island Restoration** - In evaluating the Breton Island component's consistency with the LCRP, the Federal Trustees considered the following policies as potentially applicable to the project component's activities, as summarized below:

i. **§705: Guidelines for linear facilities -** "Linear facilities" refers to "uses and activities which result in creation of structures or works which are primarily linear in nature." LAC 43.7.705. Examples include pipelines, roads, canals, channels, and powerlines. Linear uses facilities involving dredging shall not traverse or adversely affect any barrier island, beaches, tidal passes, protective reefs, or other natural gulf shoreline, and shall be planned, designed, located, and built using best practical techniques to minimize disruption of natural hydrologic and sediment transport patterns. Restoration at North Breton Island includes up to 10 miles of dredge pipeline to be used to dredge material then transport it from a borrow site to North Breton Island. A 30 inch barge mounted hydraulic dredge with a cutterhead will be used to transport sediment. The proposed borrow site is located in an offshore borrow shoal, and the associated pipeline for the dredging is not expected to traverse any barrier island, tidal passes, protected reefs, or other gulf shorelines. Adverse impacts on wetlands will be minimized through the use of best management practices.

ii. **§707: Guidelines for dredged spoil deposition** – The Guidelines for dredged spoil deposition are concerned with promoting the beneficial use of dredged spoil to create new habitat (among other uses) and minimize the alteration of existing wetlands. Barrier island restoration at North Breton Island includes the use of dredged material from nearby offshore borrow sources to build dune, beach, and back-barrier marsh areas, providing vital habitat for various aquatic and wildlife species. Use of borrow site dredged materials is not expected to negatively impact oyster or clam reefs, nor create a hindrance to navigation or fishing. Moreover, the use of sand terraces during project construction will trap and retain wind-blown sediments, creating beneficial dune habitat. Containment dikes will contain dredged material for marsh restoration, and then degrade after construction.

iii. **§713: Guidelines for hydrologic and sediment transport modifications** – The Guidelines for hydrologic and sediment transport modifications are concerned with the controlled diversion of sediment laden waters to initiate new cycles of marsh building. Sediment deposition systems can be used to offset land loss and create or restore wetland areas. Barrier island restoration at North Breton Island involves the creation of beneficial marsh via hydraulically dredged sediments. Although most of the hydraulic dredge pipeline would be on the sea floor, a small portion, called a pontoon line, may be floating behind the dredge. The dredge pipeline would transport approximately 3.7 million cubic yards of sand, silt, and clay material to the restoration site. Equipment to be used for operation of the dredge pipeline includes marsh buggy track hoes, a barge mounted booster pump, bulldozers, and a drag line. Sediment transported via the pipeline will only be discharged in the area of proposed use – Breton Island, and best management practices will be followed to avoid undesirable deposition of sediments in any nearby sensitive habitat or navigation areas.

iv. **Guidelines applicable to all uses** – These guidelines largely include information

and guidance bearing on the use, interpretation, and legal effect of the guidelines themselves and on the information to be considered by and the responsibilities of permitting authorities in the process of systematically considering and making determinations regarding permitting activities in the coastal zone.

These guidelines, however, also summarize general policies with respect to activities in the coastal zone that are focused on maintaining the long term viability and productivity of the coastal ecosystem. The guidelines provide that activities are to be planned, sited, designed, constructed, operated, and maintained to avoid significant adverse impacts to the coastal environment by a wide variety of activities, including from discharges of inorganic nutrient compounds; alterations in natural oxygen concentrations in coastal waters; destruction or alteration of wetlands and water bottoms; changes in salinity regimes; changes in littoral and sediment transport processes; discharges of suspended solids (including from dredging); land loss through erosion and subsidence; and impacts from floods, hurricanes, and other storms. The guidelines also seek to ensure conformance with applicable water and air quality laws, standards and regulations, to avoid compromise of the State's interest in granted and donated lands or water bottoms, to allow for multiple concurrent uses appropriate to location, and to avoid unnecessary conflicts in uses.

Restoration at North Breton Island supports the LCRP objectives of supporting long term viability of the coastal ecosystem, by providing beneficial habitat and barrier island storm protection. Creation of habitat at this location will not adversely affect wetlands or waterbottoms, the salinity regime, or littoral and sediment transport processes. Habitat creation will lessen land loss through erosion and subsidence, and provide benefits for coastal storm protection. Many aspects of the restoration process will be subject to review under Louisiana's Coastal Use Permit system, which will ensure activities are reviewed, as appropriate, by permitting authorities and approved prior to implementation. This process also ensures actions will be undertaken in conformance with applicable water and air quality laws, standards, and regulations.

Other LCRP Guidelines Considered Inapplicable – The following additional elements of the LCRP Guidelines were considered, but, based on our review, did not appear to be applicable to any component of North Breton Island restoration:

§703 – Guidelines for Levees
§709 – Guidelines for Shoreline Modification
§711 – Guidelines for Surface Alterations
§715 – Guidelines for Disposal of Wastes
§717 – Guidelines for Uses that Result in the Alteration of Waters Draining Into Coastal Waters
§719 – Guidelines for Oil, Gas, and Other Mineral Activities

2. **Louisiana Marine Fisheries Enhancement, Research, and Science Center ("the Center") –**

Plaquemines Parish facility – The Plaquemines Parish facility for the Center involves the rehabilitation of existing ponds, pumping stations, and water lines located at the site (formerly part of the LSU AgCenter Coastal Area Research Station), rehabilitation of access roads, and the construction of a new elevated multi-purpose building to support research and demonstration of technology to produce marine baitfish for recreational sport fishing. Although the Center will be subject to various permitting requirements and consistency reviews under the Coastal Use permitting system, the Phase III DERP represents the earliest opportunity for the Federal Trustees to consider and document the consistency of the proposed early restorations actions with applicable LCRP policies.

In evaluating the project's consistency with the LCRP, the Federal Trustees considered the following policies as potentially applicable to the project's component activities: Guidelines for Linear Facilities (§705); Guidelines for Surface Alterations (§711); Guidelines for Disposal of Wastes (§715); Guidelines for Uses that Result in the Alteration of Waters Draining into Coastal Waters (§717); and Guidelines Applicable to All Uses (§701). The basis for determining the Project's consistency with each of these Guidelines is reflected in the following summaries:

(1) §705. Guidelines for linear facilities – "Linear facilities" refers to "uses and activities which result in creation of structures or works which are primarily linear in nature." LAC § 43.7.705. Examples include pipelines, roads, canals, channels, and powerlines. Construction of the Plaquemines Parish facility will include restoration of an existing Mississippi River water pumping system and related piping systems to support a proposed baitfish program. Additionally, construction may include running of additional lines for water, electric power, and/or sewage lines for a new hatchery building. Currently existing entrance and access roads will need renovation, as well. However, these improvements will be minimal, as they will be local to the construction site and tie into pre-existing infrastructure at the location. The production of and research on live baitfish does not involve the creation of a linear facility.

(2) §711. Guidelines for surface alterations – Surface alternations guidelines concern activities that involve and may contribute to growth in industrial, commercial, urban, residential, and recreational uses within the coastal zone. Growth is encouraged in suitable areas and ways and the guidelines seek to meet that goal through the application of listed requirements, to the maximum extent practicable. "Surface alternations" include "uses and activities which change the surface or usability of a land area or water bottom" (LAC § 43.1.700). Many requirements are listed, covering a wide variety of possible "surface alteration" activities. As mentioned above, construction of the Plaquemines Parish facility will mostly involve the renovation of existing infrastructure and facilities for uses consistent with prior use of the lands and facilities. The construction site is suitable for the proposed structure and will benefit from the pre-existing infrastructure. Following construction, affected soils at the periphery of the facility will be revegetated or landscaped, thereby reducing erosion effects. No wetlands are anticipated to be drained or filled. Operation of the facility will involve use of rehabilitated existing ponds for water storage, effluent treatment, and research. Existing pumps would pump freshwater from the Mississippi River into holding ponds at the facility, and excavation of existing ponds and modifications of the pumping system would be subjected to an engineering review by the US Army Corps of Engineers, including evaluation of geotechnical analysis.

(3) §715. Guidelines for disposal of wastes – The Guidelines for disposal of wastes are concerned with the location of facilities that store, treat, and dispose of wastes and seek to avoid those practices occurring in wetlands and to minimize adverse impacts that may result from such operations. Neither the construction of nor operation of the Plaquemines Parish facility involves disposal of any waste into wetlands. As such, these guidelines do not appear to the applicable to the Plaquemines Parish facility. The facility is subject to these guidelines only to the extent the facility may generate and need to dispose of wastes or waste waters that are incidental to the hatchery and nursery system operations. None of any such "wastes", however, would be hazardous, radioactive, at risk of leaching, or at risk of entering any wetlands. The design of the facility will incorporate any features or operations needed to treat and/or dispose of any incidental waste, including waste waters, in accordance with best management practices and applicable water quality standards. Any incidental release of effluent waters into Barataria Estuary is expected to be minor; discharge would be designed to meet LDPES effluent standards and drain through an existing drainage ditch system.

(4) §717. Guidelines for uses that result in the alteration of waters draining into coastal waters – These guidelines are largely concerned with upland and upstream water management programs with the potential to affect coastal waters and wetlands, but they also encompass runoff from developed areas. The guidelines seek to ensure that such runoff is managed, to the extent practicable, to stimulate natural water patterns, quantity, quality and rate of flow. Although the project is situated near the Mississippi River and pumps would pump freshwater from the River, there appear to be no hydrologic connections between the River and the site, due to the presence of a preexisting constructed levee system; as stated earlier, the area in which the facility would be situated is a fastland area. The small footprint of new construction would increase the area of impermeable surface and would create higher rates of runoff during storm events, which could affect ancillary waterways. The degree to which impacts would occur will be reduced through the implementation of mitigation measures such as revegetation around the facility. Adverse impacts are expected to very minor, given the small footprint of new construction on an already developed site. Operation of the hatchery would result in long-term, minor impacts to an inland marsh of the Barataria Estuary from the discharge of effluent waters. This discharge would be designed to meet LDPES effluent standards and drain through an existing drainage ditch system; thus, impacts are expected to be minor.

(4) §701. Guidelines applicable to all uses – These guidelines largely include information and guidance bearing on the use, interpretation, and legal effect of the guidelines themselves and on the information to be considered by and the responsibilities of permitting authorities in the process of systematically considering and making determinations regarding permitting activities in the coastal zone.

These guidelines, however, also summarize general policies with respect to activities in the coastal zone that are focused on maintaining the long term viability and productivity of the coastal ecosystem. The guidelines provide that activities are to be planned, sited, designed, constructed, operated, and maintained to avoid significant adverse impacts to the coastal environment by a wide variety of activities, including from discharges of inorganic nutrient compounds; alterations in natural oxygen concentrations in coastal waters; destruction or alteration of wetlands and water bottoms; changes in salinity regimes; changes in littoral and sediment transport processes;

discharges of suspended solids (including from dredging); land loss through erosion and subsidence; and impacts from floods, hurricanes, and other storms. The guidelines also seek to ensure conformance with applicable water and air quality laws, standards and regulations, to avoid compromise of the State's interest in granted and donated lands or water bottoms, to allow for multiple concurrent uses appropriate to location, and to avoid unnecessary conflicts in uses.

The Plaquemines Parish facility's activities will help restore and enhance recreational sport fishing in Louisiana coastal waters. None of the project's component actions will adversely affect wetlands, littoral or sediment transport processes, salinity regimes, or oxygen concentrations in coastal waters. None of the facility's activities pose a risk of costal land loss by any means or have the potential to increase or decrease potential impacts from floods, hurricanes, and other storms. Certain activities during construction and operation may give rise to minor, temporary, localized effects in immediately adjacent waters (e.g., turbidity associated with operation of the Mississippi River pumps and or stormwater runoff from the project's footprint, but these will be minimized through the use of best practical techniques and management practices. The use of this facility for the purpose of supporting and improving Louisiana's management of marine fishery resources (via the production of baitfish and associated research) as well as public education and outreach, is consistent with Louisiana state interests in coastal zone management. Finally, the project's components, to the extent required, will be subject to review under Louisiana's Coastal Use Permit system, which will ensure activities are reviewed, as appropriate, by permitting authorities and approved prior to implementation. This process also ensures actions will be undertaken in conformance with applicable water and air quality laws, standards, and regulations.

Other LCRP Guidelines Considered Inapplicable – The following additional elements of the LCRP Guidelines were considered, but, based on our review, did not appear to be applicable to any component of the Plaquemines Parish facility:

§703 – Guidelines for Levees
§704 – Guidelines for Dredged Spoil Deposition
§709 – Guidelines for Shoreline Modification
§713 – Guidelines for Hydrologic and Sediment Transport modifications
§719 – Guidelines for Oil, Gas, and Other Mineral Activities

Conclusion:

Based on review of the requirements of the State's coastal zone management program, and after evaluating the applicable factors associated with activities affecting the coastal zone, a determination has been made that the proposed projects are consistent to the maximum extent practicable with the applicable, enforceable policies of the program.

For the Federal Trustees, this represents the earliest opportunity for consideration of the consistency of the proposed Phase III early restoration projects with the LCRP. Early consideration of CZMA consistency of these projects will provide support for finalizing the selection of projects and help the participating federal, state and local agencies in expeditiously implementing restoration in keeping with the goals of early restoration for the Oil Spill.

Because the projects are being proposed as part of the early restoration process, i.e., are intended to accelerate the restoration of resources and services impacted by the Oil Spill, the Federal Trustees are requesting and would deeply appreciate a response to this determination of consistency as soon as is practicable. We thank you in advance for your efforts to accommodate this request.

Sincerely,

Harriet M. Deal

Harriet M. Deal
Attorney-Advisor
United States Department of the Interior

Stephanie L. Willis
Senior Attorney
National Oceanic & Atmospheric Administration

Gary M. Fremerman
Senior Counsel, Office of the General Counsel
United States Department of Agriculture

James Bove
Senior Attorney
United States Environmental Protection Agency

cc: Mr. Don Haydel
Administrator – Interagency Affairs
Compliance & Field Services
Louisiana Department of Natural Resources
P.O. Box 44487
Baton Rouge, LA 70804-4487
Donald.Haydel@la.gov

Enclosures: Letters issued from OCM on 6 August 2010 and 25 October 2013 related to Caillou Lake Headlands Barrier Island Restoration

Letter issued from OCM on 15 December 2011 related to Cheniere Ronquille Barrier Island Restoration

Coastal Use Permit for the Shell Island Project (CUP No. P20120216), signed 23 August 2012 related to Shell Island (East and West Lobes) Barrier Island Restoration

BOBBY JINDAL
GOVERNOR

ROBERT D. HARPER
SECRETARY

State of Louisiana

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF COASTAL MANAGEMENT

August 6, 2010

Joan Exnicios
Chief, Environmental Branch
Corps of Engineers- New Orleans District
P.O. Box 60267
New Orleans, LA 70160-0267

RE: **C20100188,** Coastal Zone Consistency
New Orleans District, Corps of Engineers
Direct Federal Action
LCA Terrebonne Basin Barrier Shoreline Restoration Project, **Terrebonne Parish, Louisiana**

Dear Ms. Exnicios:

The above referenced project has been reviewed for consistency with the Louisiana Coastal Resources Program in accordance with Section 307 (c) of the Coastal Zone Management Act of 1972, as amended. The project, as proposed in this application, is consistent with the LCRP, provided the Corps complies with LDWF stipulations that the Corps concurred with in email of July 28, 2010.

If you have any questions concerning this determination please contact Brian Marcks of the Consistency Section at (225) 342-7939 or 1-800-267-4019.

Sincerely yours,

Karl L. Mayer for

Gregory J. DuCote
Administrator
Interagency Affairs/Field Services Division

GJD/JDH/bgm

cc: William Klein, COE-NOD
Bren Haase, OCPR
Dave Butler, LDWF
Rod Pierce, OCM FI
James Miller, Terrebonne Parish

Post Office Box 44487 • Baton Rouge, Louisiana 70804-4487
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STEPHEN CHUSTZ
SECRETARY

State of Louisiana

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF COASTAL MANAGEMENT

October 25, 2013

Devyani Kar, PhD
Coastal Protection and Restoration Authority
450 Laurel Street, Suite 1200
Baton Rouge, LA 70801

RE: **C20130224 (P20121652),** Coastal Zone Consistency
Coastal Protection and Restoration Authority
Federal License or Permit
Mine sand from Outer Continental Shelf Area Ship Shoal Block 88 to create dune feature in Terrebonne Parish
Offshore, Louisiana

Dear Dr. Kar:

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 any questions concerning this determination please contact Carol Crapanzano of the Consistency Section at (225) 342-7949.

Sincerely,

Don Haydel
Acting Administrator
Interagency Affairs/Field Services Division

DH/JDH/cmc

cc: Tershara Matthews, BOEM 5412
Brian Cameron, BOEM 5412
David Butler, LDWF

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SCOTT A. ANGELLE
SECRETARY

State of Louisiana

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF COASTAL MANAGEMENT

December 15, 2011

Richard Hartman
National Marine Fisheries Service
c/o LSU, Military Science Bldg, Rm 266
Baton Rouge, LA 70803

RECEIVED
DEC 21 2011
BY: JH/Lovell

RE: **C20110507,** Coastal Zone Consistency
National Marine Fisheries Service
Chenier Ronquille Barrier Island Restoration CWPPRA Project BA-76: Barrier island restoration via dedicated dredging, **Plaquemines Parish, Louisiana.**

Dear Mr. ~~Hartman~~ Rick:

The above referenced project has been reviewed for consistency with the approved Louisiana Coastal Resource 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 any questions concerning this information request, please contact Jeff Harris of the Consistency Section at (225) 342-7949 or 1-800-267-4019.

Sincerely,

Keith Lovell

Keith Lovell
Administrator
Interagency Affairs/Field Services Division

KOL/jdh

cc: Anna Wojtanowicz, CPRA
Dave Butler, LDWF

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(225)342-7591
1-800-267-4019

COASTAL USE PERMIT/CONSISTENCY DETERMINATION

C.U.P. No.: **P20120216**

C.O.E. No.: **MVN- 2011- 2935- EFF**

NAME: **COASTAL PROTECTION AND RESTORATION AUTHORITY**
450 LAUREL ST., SUITE 1200
BATON ROUGE, LA 70801
Attn: Chad Chauvin

LOCATION: **Plaquemines Parish, LA**
Shell Island East (Pt. 250): Lat 29° 16' 38.24"N / Long -89° 37' 43.91"W; Shell Island West (Pt. 240): Lat 29° 17' 49.45"N / Long -89° 39' 51.73"W; Coordinates for Borrow Areas on permit plats; Section 39-41, T20S-R28E; Section 16-21,26-28,34,35,13, 24, T21S-R28E; West of Empire Waterway Bastian Bay area.

DESCRIPTION: Shell Island East Restoration Berm Enhancement Project and Shell Island West NRDA Restoration Project (BA-110/111) for the proposed creation of +/- 615 acres of beach/dune habitat and +/-343 acres of brackish marsh habitat along the Barataria Basin Barrier Shoreline. Project includes the dredging of +/-12.9 M c.y. of sediment from potential borrow areas MR-A, MR-B, MR-E, 35E, and 9 (MR-B and MR-E previously permitted under P20101416 -Scofield Island Restoration Project / BA-40). Conveyance of sediment within a submerged/buried 30" pipeline proposed from borrow sources MR-A, MR-B, and MR-E along an existing dredge pipeline corridor follows the Empire Waterway (previously permitted under P20101416) and from Areas 35E and 9 with estimated losses in sediment due to transfer anticipated. Proposed fill required for the creation of dune habitat is +/- 6.4M c.y. and +/- 1.8M c.y. for the creation of marsh habitat. Project also includes the excavation of +/- 467,900 c.y. for access channels and subsequent placement on both sides to a height conducive to marsh establishment, excavation of +/- 865,000 c.y. for the construction of the primary dikes for containment of marsh creation areas, the placement 250 c.y. of gravel for dredge pipeline levee crossings, and the excavation of +/- 21,400 c.y. for navigational crossings and booster pump locations.

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. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.

b. Permittee shall, prior to commencement of the herein permitted activities, contact Rhonda Braud (phone: 225-342-4553, email: rhonda.braud@la.gov) to determine if a construction permit will be required from the local levee district.

c. Submerged sediment/dredge pipeline must be marked/lighted in accordance with U. S. Coast Guard regulations.

d. Permitted activities shall not interfere with navigation and project operations shall be coordinated with the USCG prior to initiation of activities permitted under this authorization.

e. 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.

f. The following conditions have been provided by the Louisiana Dept. of Wildlife and Fisheries, LA Natural Heritage Program:

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.

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 400 meters (700 meters 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,

and/or cormorants), all project activity occurring within 300 meters 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, and/or black skimmers, all project activity occurring within 400 meters (700 meters for brown pelicans) of an active nesting colony should be restricted to the non-nesting period (i.e., September 16 through April 1).

g. 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.

h. Project Teams for BA 110/111(Shell Island Barrier Island Enhancement Project) will continue monthly coordination with NOV Project Team for BA-67 (New Orleans to Venice) to monitor schedule progress to avoid potential conflicts.

i. 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.

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. 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.

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.

l. Permittee shall notify OCM Field Scientist, Frank Cole, at 225-280-4064 or frank.cole@la.gov no later than ten (10) days prior to initiation and following completion of activities permitted under this authorization.

m. Permittee shall provide to OCM within 30 days following project completion as-built drawings and/or plats that include the actual borrow sources utilized for the completion of the permitted activity and the entire dredged material placement area.

n. 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.

o. 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.

p. 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.

q. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.

r. 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.

s. 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.

t. 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: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.

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 **********

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

I affix my signature and issue this permit this 23rd day of August, 2012.

THE DEPARTMENT OF NATURAL RESOURCES

Karl L Morgan

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) P20120216 Final Plats 05/03/2012
2) P20120216 Final Plats 05/03/2012

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