

APPENDIX B

Scoping Notification/Solicitation of Agency Views

*Administered through the US Army Corps of Engineers
Public Notice Dated May 23, 2011 Announcing the
Applicant's Request for a Department of the Army
Permit for the Proposed Project*

Permit No. MVN-2011-1145-E00 Issued on February 2, 2012

US Fish and Wildlife Service

Response

Took no position regarding the issuance of the requested permit.

National Marine Fisheries Service

Response

Anticipate that any adverse effect that might occur to marine and anadromous fishery resources would be minimal.

Louisiana Department of Wildlife and Fisheries

Response

Stated no objection, citing that the proposed activity would have minimal or no long-term adverse impacts to wetland functions.

Louisiana Department of Environmental Quality

Response

Stated that a Water Quality Certification (WQC # 110520-02) was issued on July 8, 2011.

Letters Attached



United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506



May 24, 2011

MAY 31 2011

Chief, Regulatory Functions Branch
U.S. Army Corps of Engineers
New Orleans District
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Mr. Serio:

The U.S. Fish and Wildlife Service has reviewed the Public Notices for the Department of the Army permits listed on the enclosed page and submits the following comments in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

Due to current funding and manpower constraints, the Service takes no position regarding issuance of these permits.

Sincerely,

Carrie Thompson
Acting Field Supervisor
Louisiana Ecological Services Office

Enclosure

cc: EPA, Dallas, TX
NMFS, Baton Rouge, LA
LA Dept. of Wildlife and Fisheries, Baton Rouge, LA
LA Dept. of Natural Resources (CMD), Baton Rouge, LA

TAKE PRIDE
IN AMERICA

MAY 31 2011

<u>Notice No.</u>	<u>CUP No.</u>	<u>Applicant</u>	<u>Notice Date</u>
<u>Eastern Section</u>			
MVN-2011-1190-EPP		Stewart Construction	05/23/2011
MVN-2010-0113-EOO		St. Charles Ph. Dept. of Public Works	05/09/2011
MVN-2011-1145-EOO		Jefferson Ph. Dept. of Environmental Affairs	05/23/2011
<u>Central Section</u>			
<u>Western Section</u>			
MVN-2001-01158-WY		Ken Schwausch	05/09/2011

June 3, 2011

NOAA's National Marine Fisheries Service has reviewed the Department of the Army permit applications listed below. We anticipate that any adverse effects that might occur to marine and anadromous fishery resources would be minimal, and therefore, do not object to issuance of the permit for these projects.

<u>NOTICE NUMBER</u>	<u>APPLICANT</u>	<u>NOTICE DATE</u>
MVN 2008-2546 WB	LA DWF	05-23-11
MVN-2011-0200-WLL	Apache Corporation	05-21-11
MVN-2011-01140-WNN	Terrebonne Parish Consolidated Government	05-23-11
MVN 2011-1145 EOO	Jefferson Parish Dept of Environmental Affairs	05-23-11
MVN-2011-1190-EPP	Stewart Construction LLC	05-23-11

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

JUL 08 2011

JUL 18 2011

Digital Engineering
527 West Esplanade, Suite 200
Kenner, Louisiana 70115

Attention: Robert Delaune, Agent for the Jefferson Parish Department of Environmental Affairs

RE: Water Quality Certification (WQC 110520-02/AI 176432/CER 20110001)
Corps of Engineers Permit (MVN-2011-1145-EOO)
Coastal Management Permit (P20110550)
Jefferson Parish

Dear Mr. Delaune:

The Department has reviewed your application to dredge waterbottoms, place spoil and fill material, & construct a breakwater for erosion control, on the northeast side of Fifi Island near Grand Isle, Louisiana.

Based on the information provided in the application, the Department made a determination that the requirements for a Water Quality Certification have been met and concludes that the placement of the fill material will not violate water quality standards of Louisiana as provided for in LAC 33:IX.Chapter 11. Therefore, the Department hereby issues a Water Quality Certification to the Jefferson Parish Department of Environmental Affairs.

If you have any questions, please call Jamie Phillippe at 225-219-3225.

Sincerely,

A handwritten signature in black ink, appearing to read "Melvin C. Mitchell, Sr.", written over a horizontal line.

Melvin C. Mitchell, Sr.
Administrator
Water Permits Division

MCM/adl

c: Corps of Engineers- New Orleans District
Coastal Management Division

APPENDIX D

JEFFERSON PARISH
FIFI ISLAND RESTORATION ROCK BREAKWATER EXTENSION
Improved Project Consisting of Construction in the
Coastal High Hazard Area of the 100-Year Floodplain
AIDB No. 592
FEMA Disaster 1603-DR-LA

Executive Order 11988 - FLOODPLAIN MANAGEMENT
Executive Order 11990 - WETLAND PROTECTION

8-STEP DECISION MAKING PROCESS

Date: March 2, 2012

Prepared By: Keith W. Whittinghill (CTR), CFM, Environmental Specialist

Project:

Hurricane Katrina, with a strong storm surge, made landfall on August 29, 2005, causing catastrophic damage to the eastern parishes of Louisiana including Jefferson Parish and more specifically the Fifi Island and nearby Grand Isle areas. Maximum sustained winds at landfall were estimated at 120 miles per hour and were accompanied by strong and damaging storm surge well above normal high tide. President George W. Bush declared a major disaster for the state of Louisiana and signed a disaster declaration (FEMA-1603-DR-LA) on August 29, 2005, authorizing the Department of Homeland Security's Federal Emergency Management Agency (FEMA) to provide federal assistance in designated areas of Louisiana.

Jefferson Parish requested through the state of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) that FEMA provide disaster assistance through the provision of federal grant funding pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. Section 406 of the Stafford Act authorizes FEMA's Public Assistance Program to fund projects to repair, restore, and replace facilities damaged as a result of the declared event.

The parish was deemed eligible by FEMA for federal disaster public assistance as an applicant serving the needs of the general public.

Grand Isle serves as a natural storm surge protection system for coastal Louisiana, but that protection is being lost as rapid land loss occurs on Grand Isle and other deteriorating barrier islands within the Barataria Basin. Fifi Island to the north serves as a wave break to protect the northeast shoreline of Grand Isle from wave action when severe weather from the north produces high energy waves in Barataria Bay. This reach of shoreline contains a United States Coast Guard station, which is critical infrastructure for the safety of the surrounding area. It also contains residential development, industrial development, Grand Isle State Park, and the Sand Dollar Marina, which supports an economically important commercial and recreational fishing industry, and other recreational boating activities. However, Fifi Island has also experienced rapid land loss, especially on its eastern tip, leaving the northeast shoreline of Grand Isle unprotected. The Fifi Island Restoration Rock Breakwater Extension improved project is proposed to continue efforts to restore land loss on Fifi Island and to provide additional abatement of such destructive wave action affecting the heavily developed and economically valuable northeast shoreline of Grand Isle.

**Project
Background:**

A rock breakwater structure, approximately 2,200 feet in length, was constructed in 2004 at the northeast end of Fifi Island also for land restoration and abatement of destructive wave action affecting the northeast shoreline of Grand Isle. The project was constructed through an interagency cooperative effort including the National Oceanic and Atmosphere Administration, state of Louisiana, Jefferson Parish, Grand Isle Independent Levee District (GIILD) and the Bureau of Energy Management and Regulatory Regulation (BOEMRE). This u-shaped structure, which is designed for containment of dredged material, was constructed in conjunction with the United States Army Corps of Engineers (USACE) Fifi Island Dredged Material Placement Plan, a beneficial use plan for dredge spoil to restore and stabilize eroded portions of Fifi Island. Following the completion of this project, the GIILD installed a 200-foot long, floating wave abatement facility, known as the Whisper Wave Breakwaters, at the northeast end of the structure, as a further effort to abate destructive wave action at Grand Isle. This facility was short-lived as a result of being completely destroyed by Hurricane Katrina in 2005. Jefferson Parish, the applicant, initially requested and was approved for FEMA funding for the replacement of the Whisper Wave facility. Subsequent to this approval, the applicant requested that the funds be used toward the construction of the proposed improved project in lieu of replacement of the facility. Primary funding for the proposed improved project is from BOEMRE through its Coastal Impact Assistance Program (CIAP) and secondary funding is from FEMA related to the cost of replacement of the destroyed Whisper Wave Breakwaters facility

**Project
Description:**

The Fifi Island Restoration Rock Breakwater Extension is a proposed improved project to continue the restoration of a portion of Fifi Island lost to erosive wave action and to provide abatement of destructive, storm-generated wave action to protect the northeast shoreline of Grand Isle. Wave abatement provided by the proposed project would also include that which was lost due to Hurricane Katrina's destruction of the Whisper Wave Breakwaters Facility, previously located at the eastern end of Fifi Island.

The proposed project involves the construction of a 900-foot long rock breakwater structure connected to the above-described existing rock breakwater structure located at the eastern end of Fifi Island. The proposed project location is at Lat/Long: 29.26417/-89.96333. The construction would require the mobilization of a bucket dredge to create a 650-foot long and 50-foot wide flotation channel, which would involve the removal and temporary placement of approximately 15,782 cubic yards of non-vegetated water bottom. This would result in an approximate 1.5-acre, temporary bottom disturbance and displacement. The flotation channel would provide access for the mobilization of a barge mounted excavator for placement of a geogrid, followed by approximately 2,565 cubic yards of crushed stone, and approximately 28,093 tons of rock rip-rap for the breakwater structure. The breakwater structure, which would permanently displace 1.5 acres of water bottom, would have a 4 to 6 feet wide crown, an average base width of 80 feet, and a length of 900 feet. Approximately 2,288 linear feet of turbidity curtain would be placed around the construction area to reduce impacts to water quality in the surrounding aquatic environment. The footprint of the proposed breakwater structure would include the location of the destroyed Whisper Waves facility. The structure is designed to allow for future expansion into a rectangular shape for use as a dredged material containment area to support on-going maintenance dredging for commercial navigation along Bayou Rigaud and the Barataria Bay Waterway by the USACE. The rectangular rock breakwater containment structure and disposed material would in turn provide a medium for Fifi Island restoration, including the development of marsh habitat.

STEP 1 Determine whether the proposed actions are located in a wetland and/or the 100-year floodplain (500-year floodplain for critical actions [44 CFR 9.4]), or whether they have the potential to affect or be affected by a floodplain or a wetland (see 44 CFR 9.7).

The project is located in relation to floodplains as mapped by

Latitude: 29.26417 **Longitude:** -89.96333

Preliminary DFIRM Panel: 22 051C 0525 F **Flood Zone:** VE***

Base Flood Elevation: 11 feet above the North America Vertical Datum, 1988

The project site is not located in a regulated floodway but is located in an area of coastal flooding with primary flood hazards associated with tidal storm surge and associated waves. Tides can intrude into the nearby areas of the proposed action and water levels in past floods have been documented in excess of 20 feet above the land surface elevation. Inspection of the damage site indicates a total dismantling of the Whisper Wave Breakwaters Facility by substantially increased wave action, including its floating, cabling, and vertically suspended wave abatement components.

The project is not located in a wetland as identified by:

A review of the U.S. Fish and Wildlife National Wetland Inventory indicates the proposed site is not within wetlands, but is within a deepwater habitat as classified in its "Classification of Wetlands and Deepwater Habitats of the United States". The proposed project would be constructed in open water and would displace non-vegetated water bottoms with no impact on jurisdictional wetlands under Section 404 of the Clean Water Act (CWA). The proposed project is, however, located within waters of the United States, which are regulated under Section 404 of the CWA. The proposed project would adversely affect open water and "deepwater" habitats as a result of permanent displacement and temporary construction-related impacts such as increased turbidity and sedimentation in surrounding areas.

STEP 2 Notify the public at the earliest possible time of the intent to carry out an action in a floodplain or wetland, and involve the affected and interested public in the decision making process (see 44 CFR 9.8).

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Notice will be or has been provided by:

In general, FEMA has an obligation to provide adequate information to enable the public to have impact on the decision outcome for all actions having the potential to affect, adversely, or be affected by floodplains or wetlands that it proposes. FEMA shall provide the public with adequate information and opportunity for review and comment at the earliest possible time and throughout the decision-making process; and upon completion of this process, provide the public with an accounting of its final decision. A Cumulative Initial Public Notice was published statewide 11/7/2005-11/9/2005. Additional public notice shall be provided as required by the Executive Order.

Furthermore, a National Environmental Policy Act (NEPA) Environmental Assessment has been drafted to determine if the proposed project, as described, would have the potential for significant adverse effects on the quality of the human and natural environment. The results of the investigation are being used to make a decision whether to initiate preparation of an Environmental Impact Statement or to prepare a Finding of No Significant Impact. The availability of the Draft EA was advertised in New Orleans City Business, the publication for

Jefferson Parish, on May 4, 2012. The Draft EA was provided to the Grand Isle Library Cybermobile, 2757-1 LA Highway 1, Grand Isle, LA 70358, for public inspection and comments with instructions for submission.

STEP 3

Identify and evaluate practicable alternatives to locating the proposed action in a floodplain or wetland (including alternative sites, actions and the "no action" option) [see 44 CFR 9.9]. If a practicable alternative exists outside the floodplain or wetland, FEMA must locate the action at the alternative site.

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Alternatives identified as described below:

The proposed project provides water control functions (i.e. wave abatement) needed for the local protection of the Town of Grand Isle and the infrastructure supported by Grand Isle from destructive, erosion causing, storm-generated wave action. This function depends on the location of the proposed project and proper construction to be effective. In order to meet these needs it is imperative that the facility be "local" to the area intended for coastal protection. The proposed project is "functionally dependent" on its location in water and there is no practicable alternative outside the floodplain.

- **Alternative 1: No Action** – No action would leave the community without the wave abatement function lost by the damaged Whisper Waves facility and without additional wave abatement function provided by the proposed restoration of Fifi Island.
- **Alternative 2 (Chosen Alternative):** - Construction at the proposed location with mitigation (all steps necessary to minimize the potential adverse effects of the action). This alternative would involve the construction of the proposed project at the location of the damaged Whisper Wave Breakwaters facility. The damaged facility's footprint would be contained within the proposed improved project's substantially larger footprint. Construction would comply with applicable codes and standards and conditions to comply with requirements of EO 11988 and the implementing regulations at 44 CFR Part 9.
- **Alternative 3:** - Construction of the proposed project at an alternate location within the floodplain with mitigation (all steps necessary to minimize the potential adverse effects of the action) – This alternative would not meet the proposed project's site-specific purpose and need for restoration of Fifi Island and wave abatement for Grand Isle and supported economically valuable infrastructure.

STEP 4

Identify the potential direct or indirect impacts associated with, the occupancy or modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action (see 44 CFR 9.10).

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Alternatives identified as described below:

Alternative 2: Construction of the proposed project with mitigation would result in continuing restoration of Fifi Island and wave abatement for Grand Isle.

This alternative would enable Jefferson Parish to construct a project in an area that has been identified as needing island restoration and abatement of destructive, storm-generated, wave action.

This action would represent a significant investment in the floodplain that would be at minimal risk in future flood events.

The proposed project located within the floodplain near the shoreline would restore beneficial floodplain values such as natural flood and erosion protection, enhancement of biological productivity and diversity by providing a stable rock substrate for the colonization of aquatic organisms in an open-water area, and the societal benefits of food production and recreational opportunities.

The proposed project would provide needed island restoration and abatement of destructive, storm-generated wave action for existing infrastructure on the northeastern reach of shoreline on Grand Isle, and would encourage minimal additional development along this already heavily developed shoreline reach.

A review of the natural environment, social concerns, and the economic aspects of the proposed project indicates that the project is a practicable alternative. No other practicable alternative to this investment in the floodplain has been identified outside the special flood hazard area.

STEP 5 Minimize the potential adverse impacts and support to or within floodplains and wetlands to be identified under step # 4, restore and preserve the natural and beneficial values served by floodplains, and preserve and enhance the natural and beneficial values served by wetlands (see 44 CFR 9.11).

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Mitigation measures identified in the EA Document or as described below:

The proposed project shall be constructed in accordance with local floodplain ordinances with applicable codes and standards applied to mitigate and minimize adverse effects and in compliance with minimum National Flood Insurance Program standards and requirements.

STEP 6 Reevaluate the proposed action to determine first, if it's still practicable in light of its exposure to flood hazards, the extent to which it will aggravate the hazards to others and its potential to disrupt floodplain and wetland values and second, if alternatives preliminarily rejected at step # 3 are practicable in light of the information gained in steps # 4 and # 5. FEMA shall not act in a floodplain or wetland unless it's the only practicable location.

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Action proposed is located in the only practicable location as described below:

The proposed project is the chosen practicable alternative based upon a review of possible adverse effects on the floodplain, the inclusion of measures to mitigate and minimize harm from floods, and community socioeconomic expectations.

STEP 7 Prepare and provide the public with a finding and public explanation of any final decision that the floodplain or wetland is the only practicable alternative (see 44 CFR 9.12).

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Finding is or will be prepared as described below:

The proposed project location in the floodplain has been determined to be a practicable alternative with significant benefits to the community which override the prudence of location outside the floodplain. This review and analysis of this proposed action was documented through the required 8-step public participation and decision-making process. A NEPA EA is being drafted that includes a Solicitation of Views from potentially affected parties and a public notice was prepared and advertised that presented these findings (Public Notice attached herein).

STEP 8 Review the implementation and post-implementation phases of the proposed action to ensure that the requirements of the order are fully implemented. Oversight responsibility shall be integrated into existing processes.

Not applicable - Project is not located in a floodplain or in a wetland.

Applicable - Approval conditioned on review of implementation and post-implementation phases to ensure compliance with the order(s).

Project shall be reviewed by FEMA at grant closeout to ensure the project was completed in accordance with all relevant and applicable floodplain ordinances, codes and standards and that all project actions were undertaken in accordance with terms and conditions stipulated to mitigate and minimize adverse effects in or to the floodplain and wetlands.

This project must be conducted in accordance with conditions for federal actions in the floodplain as set forth in presidential Executive Order (EO) 11988, *Floodplains* and presidential Executive Order 11990, *Wetlands* and the implementing regulation found at 44 Code of Federal Regulations (CFR) Part 9, *Floodplain Management and Protection of Wetlands*. These regulations apply to all direct and indirect Agency actions which have the potential to affect floodplains or wetlands or their occupants, or which are subject to potential harm by location in floodplains.

Public Assistance grant funded projects carried out in the floodplain or affecting the floodplain must be coordinated with the local floodplain administrator for a floodplain development permit prior to the undertaking and the action must be carried out in compliance with relevant, applicable and required local codes and standards and thereby, will reduce the risk of future flood loss, minimize the impacts of floods on safety, health, and welfare, and preserve and possibly restore beneficial floodplain values as required by EO 11988.

Restoration projects conducted with Public Assistance grant funds must be carried out in accordance with the local floodplain management plan and ordinance and shall utilize the current Draft Preliminary Digital Flood Insurance Rate Maps as the “best available data” as a minimum standard. Exceptions to this requirement shall be reported to the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP), FEMA Environmental, and the local floodplain manager before undertaking the action.

APPENDIX E

Keith,

I didn't find any hazardous materials records for the site. The LDEQ had a Coastal Use Permit record for the Sand Dollar Marina, but it was for another location. I did not check some other usual databases, such as VRPs, Brownfields, LUSTs, etc., because they weren't applicable.

References used were:

EPA Envirofacts - <http://oaspub.epa.gov/enviro/enviroFACTS.quickstart?minx=-89.99760&miny=29.24177&maxx=-89.92893&maxy=29.28670&cLat=29.26417&cLon=-89.96333&pSearch=29.26417,%20-89.96333>

LDEQ Electronic Data Management System (EDMS) -
<http://edms.deq.louisiana.gov/app/doc/querydef.aspx>

LDNR Strategic Online Natural Resource Information System (SONRIS) GIS Site - <http://sonris.com/>

I did find some historic topo maps and aerial photos and some permit information from the LDNR Office of Coastal Management. Hard copies have been provided. If you need more info, let me know.

Laurel Rohrer, CFM, CHMM, REM (CTR)

URS Corporation, Contractor

NEPA Environmental Specialist - Hazard Mitigation Grant Program

Federal Emergency Management Agency

4th Floor, Room 4049, FEMA Louisiana Recovery Office

1 Seine Court, 4th Floor

New Orleans, LA 70114

Office: (504) 762-2205

Cell: (540) 842-3300

Fax: (504) 762-2353

Email: laurel.rohrer@associates.dhs.gov

From: Whittinghill, Keith (CTR)

Sent: Wednesday, January 25, 2012 15:29

To: Rohrer, Laurel (CTR)

Subject: Fifi Island Restoration Rock Breakwater Extension - Project Location

Laurel

Project Location - Lat/Long: 29.26417/-89.96333

Nearby Sand Dollar Marina, 158 Sand Dollar Court, Grand Isle, LA 70358.

Thanks

Keith Whittinghill (CTR)

ERPMC Contractor

Federal Emergency Management Agency

1 Seine Court

New Orleans, LA 70114

(615) 478-7874 (cell), (504) 762-2323(fax)

Keith.Whittinghill@associates.dhs.gov

APPENDIX F



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.: P20110550 (Amended)
C.O.E. No.: MVN-2011-1145-EOO
NAME: JEFFERSON PARISH DEPARTMENT OF ENVIRONMENTAL AFFAIRS
c/o DIGITAL ENGINEERING
527 W. ESPLANADE, SUITE 200
KENNER, LA 70115
Attn: Robert Delaune

LOCATION: Jefferson Parish, LA
Lat 29° 15' 51"N / Long -89° 57' 48"W;

DESCRIPTION: Installation of an approximately 1,350' x 85' rock breakwater extension on the Northeast side of Fifi Island to protect the northeast shoreline of Grand Isle from erosion. A temporary flotation channel/spoil bank approximately 1,350' x 60' will be excavated and backfilled (9,775 cubic yards native material) for barge access to install the breakwater. Approximately 27,711 cubic yards of gravel and rock will be used to construct the breakwater. Approximately 4.32 acres of waterbottoms will be impacted resulting from this project.

AMENDMENT 1: The flotation channel and temporary spoil bank has been reduced to approximately 900' (9,759 cubic yards; 2.5 acres total) because the depth of the existing bottom occurs at the same elevation as the flotation channel's proposed -8.0' depth at Station 19+00. Turbidity curtains have been added to the design to minimize potential adverse effects from turbid water conditions that may be caused from the construction activities by controlling the silt suspended in the surrounding water and contain its settlement.

This amended permit supersedes the original permit which was issued June 13, 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 13, 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:

Page: 3 of 4
C.U.P. No.: P20110550 (Amended)
C.O.E. No.: MVN-2011-1145- EOO



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 43:1.723.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 13, 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 *****

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

I affix my signature and issue this amended permit this 12th day of August, 2011.

THE DEPARTMENT OF NATURAL RESOURCES

A handwritten signature in cursive script, reading "Karl L. Morgan", is written over a horizontal line.

Karl L. Morgan, Acting 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

APPENDIX G



Legend

State Claimed Water Bodies



State Claimed



Claimed by State and



Adjacent Landowner – Enter at Your Own Risk



Publicly Accessible



Judgment Agreement or



Compromise Against State Ownership



Parishes Primary Roads



Interstate



Other



Populated Places

South LA Photography 2008

Project Location



APPENDIX H

FEMA PUBLIC NOTICE OF AVAILABILITY

Draft Environmental Assessment and Draft Finding of No Significant Impact for the Proposed Fifi Island Restoration Rock Breakwater Extension Jefferson Parish, Louisiana FEMA-1603-DR-LA

Interested parties are hereby notified that the Federal Emergency Management Agency (FEMA) has prepared a Draft Environmental Assessment (DEA) and Draft Finding of No Significant Impact (DFONSI) for the proposed construction of the Fifi Island Restoration Rock Breakwater Extension on the northeast end of Fifi Island in Bayou Rigaud and adjacent to Barataria Pass in Jefferson Parish, LA. In accordance with the National Environmental Policy Act of 1969 (NEPA), the President's Council on Environmental Quality (CEQ) regulations implementing NEPA (Title 40 of the Code of Federal Regulations [CFR] Parts 1500 to 1508), and FEMA's regulations implementing NEPA (44 CFR Parts 9 and 10), the DEA has been prepared to assess the potential impacts of the proposed action on the human and natural environment.

Jefferson Parish has submitted an application for FEMA Public Assistance funding being administered in response to FEMA-1603-DR-LA, Hurricane Katrina, which was signed as a Presidential Disaster Declaration by President George W. Bush on August 19, 2005. The applicant proposes an to construct the Fifi Island Restoration Rock Breakwater Extension. The proposed project, located at Lat/Long: 29.26417/-89.96333, involves the construction of a rock breakwater structure 900 feet long, 80 feet wide at the base, and four (4) to six (6) feet wide at the crown. The structure would extend northeastward from the northeast end of Fifi Island to provide further restoration of the island and to provide abatement of waves causing adverse impacts on the Bayou Rigaud navigation channel and the economically valuable commercial, residential, and industrial development along the northeast shoreline of Grand Isle. The applicant's 200-foot long, floating breakwater, known as the "Whisper Wave Breakwaters" facility, was destroyed by Hurricane Katrina. The damaged facility was located at the northeast end of Fifi Island within the footprint of the proposed project. The proposed improved project primarily involves funding from the Bureau of Ocean Energy Management, Regulation, and Enforcement through its Coastal Impact Assistance Program and secondarily from FEMA related to the cost to replace the damaged facility.

The public comment period will be 15 days – from May 4, 2012 to May 19, 2012. Comments on the DEA or related matters can be emailed to FEMA-NOMA@dhs.gov or faxed to FEMA's Louisiana Recovery Office at (504) 762-2323 or mailed to FEMA Louisiana Recovery Office, 1 Seine Court, New Orleans, Louisiana 70114. The DEA can be viewed and downloaded from FEMA's website: <http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>. A Public Notice (PN) will be published on May 4, 2012 in New Orleans City Business, the official journal of Jefferson Parish, announcing the availability of the DEA for public review at the Grand Isle Library Cybermobile, 2757-1 LA Highway 1, Grand Isle, LA 70358, open Tuesday - Wednesday 10 am to 6 pm, and Friday - Saturday 10 am to 4 pm.

Based on FEMA's findings to date, no significant adverse environmental effects are anticipated. However, if FEMA receives new information that results in a change from no adverse effects then FEMA would revise the findings and issue a second PN allowing time for additional comments. However, if there are no changes, this DEA will become the Final EA.

If no substantive comments are received, the DEA and associated Finding of No Significant Impact (FONSI) will become final and this initial PN will also serve as the final PN. Substantive comments will be addressed as appropriate in the final documents.

APPENDIX I



FEMA

**DRAFT FINDING OF NO SIGNIFICANT IMPACT
FIFI ISLAND RESTORATION ROCK BREAKWATER EXTENSION
IMPROVED PROJECT
JEFFERSON PARISH, LOUISIANA
*FEMA-1603-DR-LA***

Introduction

Hurricane Katrina, a Category 3 hurricane with a strong storm surge, made landfall on August 29, 2005, causing catastrophic damage to the western parishes of Louisiana. As a result of damages from Hurricane Katrina, the Federal Emergency Management Agency (FEMA) was authorized under Presidential disaster declaration FEMA-1607-DR-LA to provide Federal assistance to designated disaster areas in Louisiana. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93288), Section 406, authorizes FEMA's Public Assistance Program to provide financial and other forms of assistance to State and local governments to support response, recovery, and mitigation efforts following Presidentially declared disasters.

Jefferson Parish has submitted an application for FEMA Public Assistance funding being administered in response to FEMA-1603-DR-LA, Hurricane Katrina, which was signed as a Presidential Disaster Declaration on August 19, 2005. The applicant proposes an Improved Project to construct the Fifi Island Restoration Breakwater Extension. The proposed project involves the construction of a rock breakwater structure 900 feet long, 80 feet wide, and four (4) to six (6) feet wide at the crown. The structure would extend northeastward from the northeast end of Fifi Island to provide further restoration of the island and to provide abatement of waves causing adverse impacts on the Bayou Rigaud navigation channel and the economically valuable commercial, residential, and industrial development along the northeast shoreline of Grand Isle. The applicant requested funding from FEMA to replace of a 200-foot long, floating wave abatement facility known as the Whisper Wave Breakwaters, which was destroyed by Hurricane Katrina. The damaged facility was located within the footprint of the proposed project. The request for funding was initially approved, but subsequent to the approval, the applicant requested to have those funds to be used toward the construction of the proposed project in lieu of replacement of the facility. The proposed project primarily involves funding from the Bureau of Ocean Energy Management, Regulation and Enforcement through its Coastal Impact Assistance Program and secondarily from FEMA related to the cost of replacing the Whisper Wave Breakwaters facility.

In accordance with 44 CFR Part 10, FEMA regulations to implement the National Environmental Policy Act (NEPA), an Environmental Assessment (EA) was prepared. The purpose of the EA was to analyze the potential environmental impacts associated with the proposed project and to determine whether to prepare an Environmental Impact Statement (EIS) or Finding of No Significant Impact (FONSI).

Findings

The above described action would not result in any significant adverse impacts related to floodplains, wetlands, water quality, air quality, wildlife, state and federally listed threatened and endangered species, cultural resources, socioeconomics (including minority and low income populations), safety, noise,

hazardous materials, traffic, or transportation. Based on the information analyzed, FEMA has determined that the implementation of the proposed action would not result in significant adverse impacts to the quality of the natural and human environment. The proposed alternative is not anticipated to have the potential for significant cumulative effects when combined with past, present, and reasonably foreseeable future actions in accordance with 44 CFR Part 10.8 (d)(3)(x). As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10) and the proposed action as described in the EA may proceed.

CONDITIONS AND MITIGATION MEASURES

- Based upon the studies and consultations undertaken in this EA, several conditions must be met and mitigation measures must be taken by the applicant prior to and during project implementation. If human bone or unmarked grave(s) are present with the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify FEMA and the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery.
- If during the course of work, archaeological artifacts (prehistoric or historic) are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their Public Assistance (PA) contacts at FEMA, who will in turn contact FEMA Historic Preservation (HP) staff. The applicant will not proceed with work until FEMA HP completes consultation with the SHPO.
- Applicant must take appropriate measures to minimize potential short-term effects to air quality from construction related activities, such as increased dust and equipment exhaust emissions.
- Applicant must install and maintain any safety lights, signs, and signals prescribed by the US Coast Guard, through regulations or otherwise, during construction and on the completed project.
- Applicant must notify the US Coast Guard, approximately one (1) month before project commencement or future maintenance work involving the use of floating construction equipment (barge mounted cranes, floating dredge equipment, dredge discharge lines, etc.) in the waterway, to allow a Notice to Mariners, if required, to be prepared.
- If hazardous materials are encountered in the project area during the proposed construction, applicant must initiate appropriate measures for the proper assessment, remediation, and management of the contamination in accordance with applicable federal, state, and local regulations.
- Applicant must initiate appropriate measures during construction to prevent, minimize, and control spills of hazardous materials and any hazardous and non-hazardous wastes generated must be disposed of in accordance with applicable federal, state, and local requirements.
- Applicant must ensure that construction activities will not disrupt submerged or buried utility lines.
- Applicant must install turbidity curtains around the construction area to reduce adverse impacts to water quality and habitat within the surrounding aquatic environment.
- Applicant must coordinate with the Jefferson Parish Planning Department to ensure that the proposed project is in compliance with local zoning requirements.
- Applicant must coordinate with the Office of State Lands, Division of Administration, to determine if the proposed project constructed on a state-owned water bottom requires approval.

- Applicant must coordinate all construction-related activities with the local floodplain administrator and comply with the floodplain ordinance.
- Applicant is responsible for obtaining any required permits and/or clearances in accordance with applicable local, state, and federal regulations prior to the commencement of any construction-related activities.
- The proposed project must not interfere with the public's right to free navigation on all navigable waters of the United States.

Approval:

Jomar Maldonado, Environmental Officer
Washington, DC
FEMA-1603/1607-DR-LA

Date

Joseph Threat, Interim Director
Louisiana Recovery Office
FEMA-1603/1607-DR-LA

Date