



**DEPARTMENT OF NATURAL RESOURCES  
COASTAL MANAGEMENT DIVISION**

P. O. BOX 44487  
BATON ROUGE, LOUISIANA 70804-4487  
(504) 342-7591

D26

**COASTAL USE PERMIT/CONSISTENCY DETERMINATION**

**C.U.P. No. COASTAL USE PERMIT - GENERAL PERMIT 8 (CUP-GP 8)**

**C.O.E. No.**

**NAME AND ADDRESS: LOUISIANA DEPARTMENT OF NATURAL RESOURCES,  
COASTAL MANAGEMENT DIVISION**

P.O. Box 44487, Baton Rouge, LA 70804-4487

**LOCATION: THE LOUISIANA COASTAL ZONE, in the parishes of: Assumption, Calcasieu, Cameron, Iberia, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne and Vermilion.**

**PROJECT DESCRIPTION:**

This general permit provides for the construction of wave dampening fences in shallow water locations. Individual fence units may vary in overall dimensions with maximum segment length not to exceed 150', maximum width not to exceed 12' and height not greater than 6'. Units to be constructed of treated lumber, galvanized fencing or other suitable, CMD approved materials. Christmas trees or other clean suitable brush may be used to fill fence units when design requires.

In accordance with the rules and regulations of the Louisiana Coastal Resources Program and Louisiana R.S. 49, Sections 213.1 to 213.21, the State and Local Coastal Resources Management Act of 1978, as amended, the permittee agrees to:

1. Carry out or perform the use in accordance with the plans and specifications approved by 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 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 Coastal Management Division of the date on which initiation of the permitted activity described under the "Coastal Use Description" began. The applicant shall notify the Coastal Management Division 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 purposes of this permit, means the actual physical beginning of the use 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. This Coastal Use Permit authorizes periodic maintenance, but such maintenance activities must be conducted pursuant to the specifications and conditions of this permit.
12. The following special conditions must also be met in order for the use to meet the guidelines of the Coastal Resources Program:

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COASTAL MANAGEMENT DIVISION GENERAL PERMIT  
FOR THE CONSTRUCTION OF WAVE DAMPENING FENCES IN  
SHALLOW WATER LOCATIONS

DESCRIPTION OF WORK

THIS GENERAL PERMIT PROVIDES FOR THE CONSTRUCTION OF WAVE DAMPENING FENCES IN SHALLOW WATER LOCATIONS. INDIVIDUAL FENCE UNITS MAY VARY IN OVERALL DIMENSIONS WITH MAXIMUM SEGMENT LENGTH NOT TO EXCEED 150', MAXIMUM WIDTH NOT TO EXCEED 12' AND HEIGHT NOT GREATER THAN 6'. UNITS TO BE CONSTRUCTED OF TREATED LUMBER, GALVANIZED FENCING OR OTHER SUITABLE, CMD APPROVED MATERIALS. CHRISTMAS TREES OR OTHER CLEAN SUITABLE BRUSH MAY BE USED TO FILL FENCE UNITS WHEN DESIGN REQUIRES.

I. General Conditions

- A. The Secretary of the Department of Natural Resources has determined that full individual permit processing by the Coastal Management Division (CMD) is in the public interest in order to determine whether proposed activities qualify for authorization under this General Permit. This individual permit processing will consist of review by the staff of CMD of each authorization request.
- B. A standard Coastal Use Permit (CUP) Application Form (ENG FORM 4345) shall be completed and submitted to CMD along with drawings depicting the location and character of work proposed for approval under this General Permit. Specific work plans and plats shall include, but not be limited to, those showing the action to occur; the access routes to reach work sites; length of fence; plan and cross section views of proposed work; and equipment and technique to be used in construction. The applicant shall submit eight (8) application sets (form and plats) to CMD. If the proposed work is determined not to meet the criteria of this General Permit, applicants shall be advised that the application shall be processed as an individual CUP.
- C. Should it be deemed necessary in the public interest, the Secretary may deny authorization to perform work under this General Permit and require the applicant to obtain an individual CUP for the proposed activity.



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- D. Applicants whose proposals meet the criteria of this General Permit shall be notified by letter that their project is being considered for approval under this General Permit. CMD shall send copies of the letter and the CUP application to the following agencies for review and comment: the Louisiana Department of Environmental Quality, Office of Water Resources; the Louisiana Department of Wildlife and Fisheries, Habitat Conservation Division; the Louisiana Department of Culture, Recreation and Tourism; the Louisiana Department of Transportation and Development; the Louisiana Division of Administration, State Land Office; and the Louisiana Department of Health and Hospitals. These State agencies shall have fifteen (15) **WORKING** days from the date of the letter to comment. State agency concurrences may be provided to CMD by telephone. Statements of nonconcurrence may be provided initially by telephone, but shall be followed by written objection, with an information copy sent to the applicant, and shall include the reasons for the State agency's nonconcurrence. Lack of comment by these State agencies within the 15-day period shall be considered as no objection or no position. After receipt of comments from the State agencies, or after fifteen (15) days from the date of the above-referenced letter to the applicant, a decision will be made to issue approval under the authority of this General Permit, to issue approval with modifications or additional Operating Conditions, or to deny approval for the proposed work. The applicant shall be notified of CMD's decision by letter.
- E. Work approved under this General Permit shall be initiated within two (2) years from the date of issuance of the written approval, except as provided for in Rules and Procedures for Coastal Use Permits, L.A.C. Title 43, Part I, Chapter 7, Section 723.D., and shall be completed within five (5) years of the date of issuance of the written approval. Initiation of work shall not include preparatory activities, such as movement of equipment onto the site, expenditure of funds, execution of contractual agreements relating to the work, or performing activities which, by themselves do not require a CUP. In addition, the permittee shall, in good faith and with due diligence, reasonably progress toward completion of the project once the work has been initiated.
- F. The permittee shall notify CMD of commencement of work which is authorized under this General Permit. The applicant shall notify CMD by mailing the green initiation card provided with the written approval within three (3) days of the date of initiation of the authorized work.



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- G. The term of this General Permit shall be five (5) years from the date of issuance, except as provided for in the Rules and Procedures for Coastal Use Permits, L.A.C. Title 43, Part I, Chapter 7, Section 723.E.3.b.
- H. Approval of work under this General Permit shall not relieve the applicant of the responsibility of obtaining other lawfully required permits, licenses or other authorizations (local, state, and federal) before commencing work. Other required permits may include, but are not limited to, a permit or waiver from the Corps of Engineers and a water quality certification from the Louisiana Department of Environmental Quality, Office of Water Resources.
- I. The permittee shall allow CMD representatives to make periodic, unannounced work site inspections to ensure that the activity is being performed in accordance with the conditions of this General Permit.
- J. Work carried out under this General Permit shall conform to all appropriate state and federal safety regulations.
- K. Approval for specific work authorization under this General Permit shall not be transferred to another party without written approval from CMD.
- L. Work carried out under the authority of this General Permit shall be performed in full compliance with the rules and regulations of the Department of Natural Resources which exist at the time of approval for that work.

## II. Operating Conditions

- A. No dredging or propeller washing, including that required for access, is authorized by this General Permit.
- B. Vessels and other equipment used during the installation of fences adjacent to shorelines shall draft no more than 24". Vessels and other equipment used during the installation of wave abatement fences in open water areas shall have drafts which allow a minimum of one (1) foot bottom clearance during low tide conditions.
- C. No heavy equipment shall be allowed on vegetated marsh during construction.
- D. Gaps of at least six (6) feet will be left between each section of fence constructed under this General Permit. This condition may be waived on a project specific basis if agreement can be reached with each of the commenting agencies (see General Condition D., above).



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- E. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.
- F. Should it be deemed necessary by the Coastal Management Division, upon abandonment of a site, the area shall be restored to a condition that is satisfactory to the Coastal Management Division Director. Such restoration may include, but is not limited to, the removal of all structures, non-biodegradable components and underwater obstructions. The applicant shall make such changes in the project concerned or in the arrangement thereof as may be necessary to satisfactorily meet the restoration requirements of the Coastal Management Division and shall bear the cost thereof.
- G. Work authorized under this General Permit must not interfere with the public's right to free navigation on all navigable waters of the State and of the United States.
- H. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the applicant's expense.
- I. In order to protect the State's interests in navigable lakes, bays and streams the following four items shall be performed in CONJUNCTION WITH each planned construction location and submitted to the Division of Administration, State Land Office:
- 1) The location of the shoreline shall be documented as it exists at the time each project is initiated.
  - 2) Any accretion or erosion of the shoreline shall be well documented and monitored.
  - 3) The adjacent landowners shall be notified of the State of Louisiana's claim to the subject waters and accretions thereto - including mineral rights.
  - 4) Authorization to conduct work under this General Permit will not be issued until a Class B permit has been obtained from the State Land Office, should one be required.
- J. The permittee shall contact the DOTTIE System at (800)272-3020 a minimum of 48 hours before any actual construction to locate any buried cables and pipelines.
- K. The activities covered by this permit shall not adversely affect any threatened or endangered species. Adverse impacts on fish, wildlife, and the environment shall be minimized.



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- L. Work under the authority of this General Permit shall not be approved in the following areas, unless the applicant first provides a letter of no objection from the Louisiana Department of Wildlife and Fisheries (LDWF):
- (1) Within 200 feet of or within the boundaries of an oyster lease, oyster seed ground, oyster seed reservation or public oyster harvesting area; or
  - (2) Within the boundaries of an LDWF owned or managed wildlife refuge or wildlife management area; or
  - (3) Within an area designated as a natural and scenic river in accordance with the provisions of R.S. 56:1840 et seq.
- M. Work under the authority of this General Permit shall not be approved in the following areas, unless the applicant first provides a letter of no objection from the Louisiana Department of Culture, Recreation and Tourism:
- (1) Any State Park, State Recreational Area or State Commemorative Area; or
  - (2) Any known historic or archaeological site or within the boundaries of an historic district.
- N. If archaeological remains are encountered during activities authorized under this General Permit, work shall cease and the applicant shall immediately notify the Division of Archaeology, Louisiana Department of Culture, Recreation, and Tourism (P.O. Box 44247, Baton Rouge, LA 70804). Work may not resume until approved by the Division of Archaeology.
- O. That applicant 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 BOD<sub>5</sub>; 30 mg/l TSS) 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.
- P. The applicant shall notify the landowner(s), upon whose property the proposed work shall occur, of the fact that the application has been submitted and also of the results of CMD's review. Copies of notification letters sent to the landowner(s) shall be provided to CMD prior to commencement of the activity.



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This General Permit Authorization Does NOT Apply in the Following Areas:

- A. Within one mile of a known bald eagle nesting area.
- B. Within one-half mile of a known rookery area.
- C. Within the critical habitat of any endangered species.
- D. On barrier islands, barrier features or cheniers.
- E. Within 1,000 feet of an area determined to be unique ecological feature by the Secretary of the Department of Natural Resources.
- F. Within 1,000 feet of an established navigation channel or fairway constructed or maintained with Federal funds, or owned and operated by agencies of state and local governments without written consent of each appropriate agency or governing body. Authorization requests not accompanied by such written permission shall not be processed.
- G. Within 1,000 feet of a levee or other flood control facility constructed or maintained with Federal funds, or owned and operated by agencies of state and local governments without written consent of each appropriate agency or governing body. Authorization requests not accompanied by such written permission shall not be processed.
- H. Within Special Significance Areas designated pursuant to R.S. 49:214.41(F) and those rules and regulations adopted thereunder, where applicable.
- I. Within the boundaries of any national park or monument, national wildlife refuge or established buffer zone at a national park site.
- J. Across any navigable waterway, stream, tributary, tidal slough or canal.
- K. In areas where impacts to submerged grasses may occur.

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

I affix my signature and issue this permit this 22nd day of October, 1992.

DEPARTMENT OF NATURAL RESOURCES

Terry W. Howey  
TERRY W. HOWEY, DIRECTOR  
Coastal Management Division



This agreement becomes binding when signed by the Director of the Coastal Management Division, Department of Natural Resources.