



KATHLEEN BABINEAUX BLANCO
GOVERNOR

State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES

BRYANT O. HAMMETT, JR.
SECRETARY

January 18, 2007

Standard LDWF Provisions for Coastal Use Permits (CUPs) in Currently Unproductive Public Oyster Seed Grounds

1. Applicant shall be liable for, and shall compensate the state for, any damages to the oyster seed grounds caused by Applicant or Applicant's contractors during any work done under this permit. Prior to commencement of the permitted activity, Applicant will also provide LDWF with the name of an individual in authority who can be contacted regarding any work done under the permit.
2. Compensation for impacts to the public oyster seed grounds shall be in the form of the planting of cultch material (i.e. crushed concrete, limestone, oyster shell, etc) at the rate of 1 cubic yard per acre of impacted area for barren, non-supportive areas of the seed grounds, 50 cubic yards per acre of impacted area for supportive areas, and 187 cubic yards per acre of impacted area for reef areas plus the value of any living oyster resources destroyed. Applicant shall bear the expense of acquisition and deposition of cultch. The cultch shall be deposited by the Applicant, Applicant's contractor, or sub-contractor, under the direct supervision of LDWF, and shall be deposited at a time, place, and in a manner prescribed by the Department. In lieu of planting cultch material, the Applicant may make payment directly to the Public Oyster Seed Ground Development Account.
3. Applicant shall not discharge any drilling and/or workover effluent except for flocculated filtered water into the waters in the areas of the proposed activity. Discharge rate of water shall not exceed the rate of filtering.
4. Applicant shall not discharge any produced waters into the waters in the areas of proposed activity.
5. Applicant, Applicant's contractors and sub-contractors shall not discharge any human waste from any vessel that does not meet or exceed the requirements of the Department of Health and Hospitals.
6. If access route traverses a currently productive public oyster area, the Applicant shall secure approval of the access route from LDWF and shall ingress and egress to the project location only along the approved route.

7. Applicant shall establish and maintain, until the project is complete, along the access route appropriate access route markings for vessels traveling to and from the project location. These markings may be subject to applicable local, state, and federal navigation requirements. These markings shall be sufficient to be used during day and night operations as well as in any climatic and sea condition which may occur during permitted activities.
8. Applicant shall provide legal representation and indemnification to LDWF for any and all lawsuits and legal claims that may be filed or made against LDWF as a result of the activities by Applicant.
9. This permit specifically does not authorize prop washing, wheel washing, dredging, or jetting beyond what is shown in the application and drawings. Any changes or variances in the location, access route, volume of material moved and/or magnitude of the area of impact shall require formal application to, and prior written authorization from, the Department of Natural Resources (DNR). The decision by DNR whether to authorize those changes will require consultation by DNR with LDWF in strict adherence to all applicable provisions of the February 3, 2005 Memorandum of Agreement between those two agencies.
10. Applicant shall have at the project location float booms for containing any spills.
11. At the discretion of the Secretary or Deputy Assistant Secretary of the Louisiana Department of Wildlife and Fisheries, any activities may be suspended until more favorable conditions prevail.
12. Applicant shall provide a letter of completion and as-built drawings of the completed project to the Department no later than 60 days following completion of the permitted activity.
13. At the discretion of LDWF, a post-project bottom contour and side-scan survey may be required. The results of these surveys will be made available to the Department, upon request.
14. Applicant shall remove or spread any dredged material which is greater than 0.5 feet above original bottom contours.
15. At the discretion of LDWF, the Applicant may be required to return all or part of water bottoms to pre-project conditions.
16. All vessels utilized under this permit shall be of such size and loaded in such a manner as to not impact the water bottoms over which they pass.
17. Applicant shall provide to the Louisiana Department of Wildlife and Fisheries a water bottom assessment (unless waived by LDWF) that meets LDWF water bottom assessment sampling protocol prior to commencement of permitted activity.