



Construction and Jurisdictional Waters 101 Bayou Aux Carpes

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ENVIRONMENTAL CONSULTANTS

Today's Purpose

- Identifying importance of Bayou Aux Carpes
- Identifying boundaries of protected and regulated areas
- Ramification of encroachment/Violation
- Discuss protection of NPS land



Whitenton Group, Inc.

Environmental Consulting and Training

Southeastern US

Surveying and Permitting

- Wetlands, streams, ponds, lakes, etc
- Endangered species

Construction Monitoring

Habitat Evaluations

Environmental Training

Wildlife Management

Sedimentation/Erosion Control





West Closure Project

- What do YOU do?
- What are your responsibilities?
- Experiences with environmental regulations?
Consultants?
- What are your biggest challenges (environmental) in getting your job done?

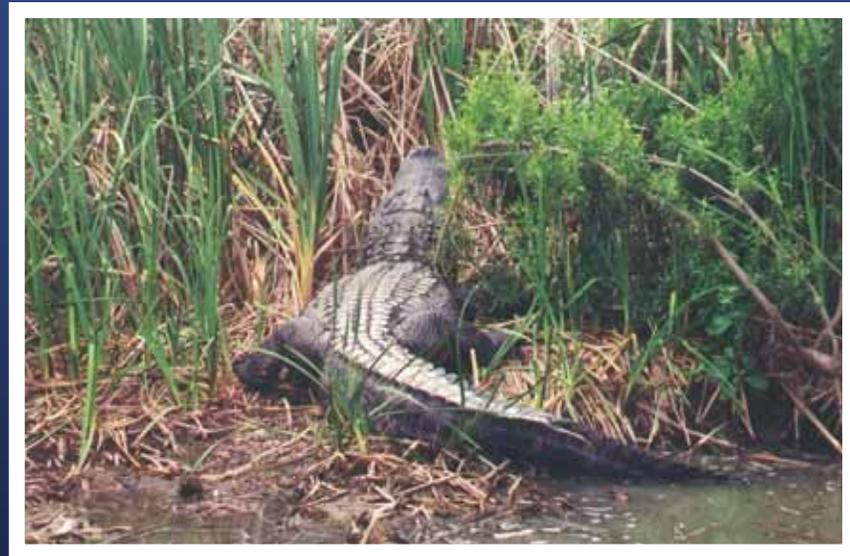
Introduction to the Regulatory World

Waters of the US

Ultimate regulator –
Environmental Protection
Agency (EPA)

US Army Corps of
Engineers (USACE)

- Some state guidelines
but the Fed's rule in
our neck of the woods



Regulatory Basics

- Rivers/streams/tributaries
- Wetlands, lakes, in-stream ponds
- Territorial seas, bays

What's Regulated?

Discharges of fill material into jurisdictional Waters of the US – streams, wetlands, etc.

- Fill material – any foreign material (concrete, caliche, rock, dirt, etc) that serves the purpose of removing the aquatic environment
- Tulloch rule - exception
- Mechanized land clearing in forested wetlands



Water Quality

- Even if permit is not required must protect water resources
- Best Management Practices
 - Silt fence
 - Socks
 - Hay bales
 - Water bars
- Monitoring



Bayou Aux Carpes

- Long term study area
- Floating marsh (flotant) – one of a kind
- Marsh comprised of floating mats of vegetation with open water beneath them.
- Ability to float vertically as water level increases effectively neutralizes flooding as a stress

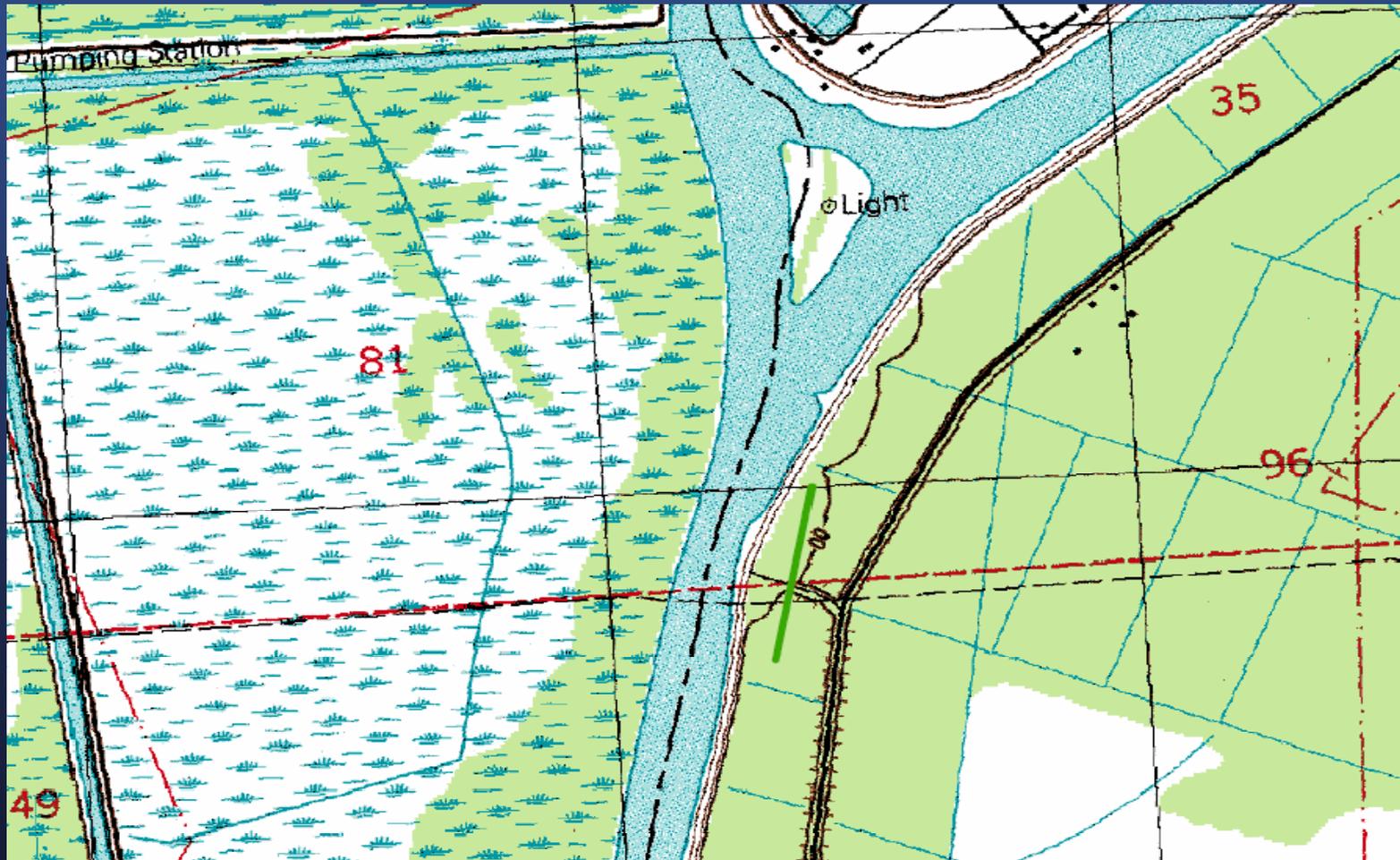


Bayou Aux Carpes

- EPA designated area
- Only 12 of these since 1985



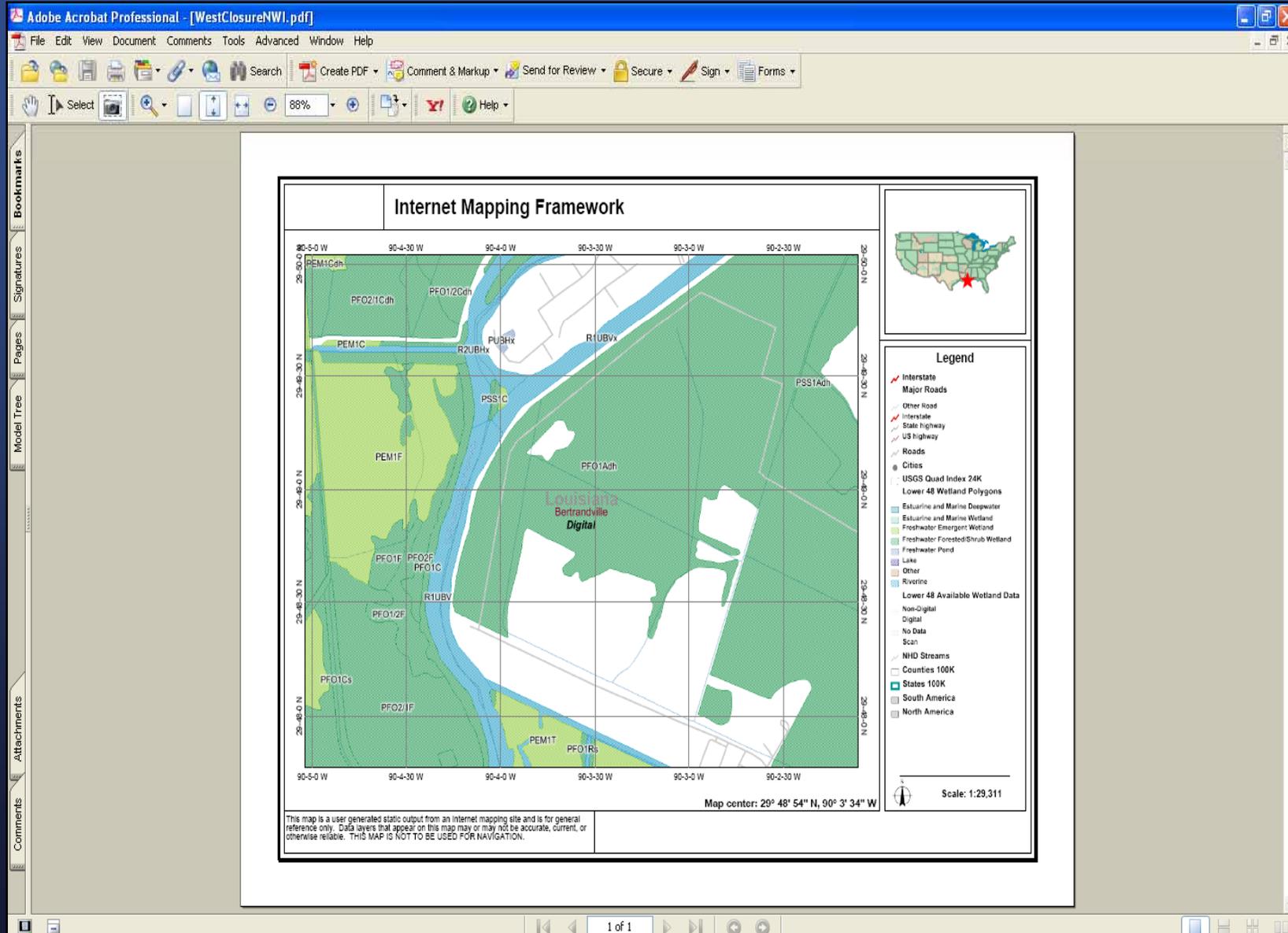
USGS Topographic Map



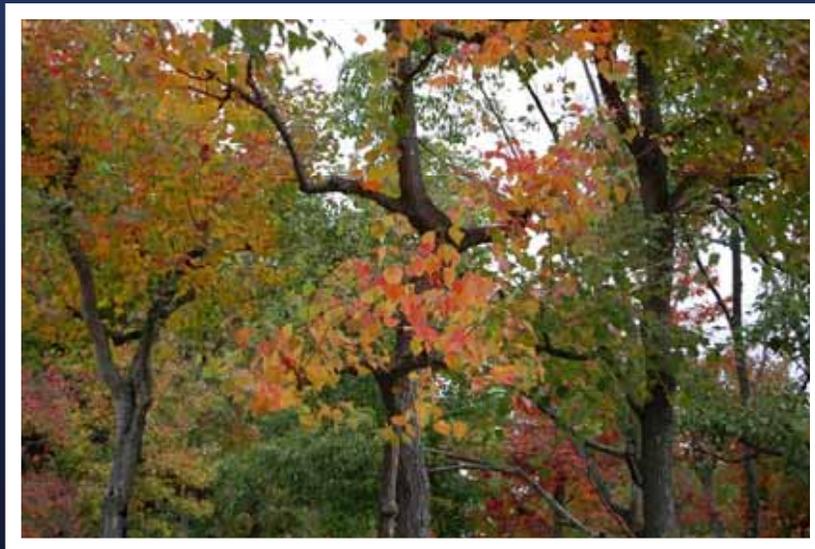
Aerial Photography



National Wetlands Inventory



Chinese Tallow Invasion



West Closure Agency Involvement

EPA

USACE

National Parks Service (NPS)

US Fish & Wildlife Service
(USFWS)



Hurricane and Storm Surge Protection – A Must

- EPA and USACE agreement for project
In tandem with NPS
- Impacts to Forested Wetland fringe inevitable – 100% wet
- Must minimize and monitor



Permit Conditions – confusing sometimes

Wall project area – 100% jurisdictional wetlands

Impacts to 100 feet?

Impacts to 90 feet?

Impacts other than what is needed - subjective



Encroachment Issues

- no clearing past the 90 foot line
- 6 areas - total of 9,452 square feet beyond 90 foot boundary











Result of Encroachment

Cease and Desist

- No more work until project is reviewed and under control of regulating agencies
- Very important to avoid impacts in the future
- Important to avoid financial strain on the project



Actions necessary for rectifying encroachment issues

Multiple meetings and expenses

Contractual agreements between GIC and USACE/EPA/NPS

1) operations (training and monitoring)

2) remediation (planting of encroached areas)

3) additional mitigation

Lots of stops and starts – very expensive

Environmental Protection

- Do not place any equipment, fuel, or fill in areas beyond the orange fence
- Look twice...and think
- Know your location

If you don't know...ask

- Avoid the orange and barbed wire fence



Environmental Protection

- Permitted for activity only on the riverside of the orange fence/barbed wire fence
 - all wetlands
- Don't take risks with heavy machinery near orange fence



Remediation Project

- Replanting in the 6 encroachment areas
- Avoid disturbance



Questions?

