



DEPARTMENT OF NATURAL RESOURCES
COASTAL MANAGEMENT DIVISION

P.O. BOX 44487
BATON ROUGE, LOUISIANA 70804-4487
(504) 342-7591
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COASTAL USE PERMIT/CONSISTENCY DETERMINATION

Coastal Use Permit - General Permit 5 (CUP-GP-5)

Name and Address: Louisiana Department of Natural Resources
Coastal Management Division
P. O. Box 44487, Baton Rouge, LA 70804

LOCATION: 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 and maintenance of a ring levee and board road for the purpose of oil and gas exploration and production.

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 or perform the use in accordance with the 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 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 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. 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.

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 full individual permit processing will consist of review by the staff of CMD of each authorization request. Therefore, pursuant to the Rules and Procedures for Coastal Use Permits, Title 43, Subpart 723.C.3.a, of the Louisiana Code of Administrative Procedure, an application fee will be assessed for activities proposed for authorization under this General Permit and, if appropriate, processing fees, and appropriate mitigation plan processing fees will also be assessed for activities approved under this General Permit.
- 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 and an Affidavit that all owners of the affected property have been notified of the application submittal. The applicant shall submit eight (8) application sets (forms and plats) to CMD. The application shall be accompanied by the \$20.00 application fee or the application fee in effect at the time of application submittal. This General Permit shall not apply if the proposed work is determined not to meet the criteria. The applicant shall be advised by letter within five (5) calendar days of receipt of the complete application that the application shall be processed as an individual CUP if the determination is made that the proposed activity is not consistent with this General Permit.
- C. Individual written approvals from CMD must be obtained prior to the commencement of any individual activity proposed under this General Permit.
- D. Review procedures will include a solicitation of views from the landowner(s) on whose property the activity will occur. In order to reduce the processing time, the applicant may submit a letter of no objection from the landowner with the Coastal Use Permit application. Prior to issuance of authorization for individual activities under this general permit, the following agencies shall have a five (5) calendar day period to review the proposed activity: Louisiana Department of Wildlife and Fisheries, the approved Parish Local Program if applicable, Louisiana Department of Health and Hospitals, Louisiana Department of Environmental Quality, State Land Office, Louisiana Department of Culture, Recreation, and Tourism, Coastal Restoration Division of the Louisiana Department of Natural Resources, and Louisiana Department of Transportation and Development. CMD may issue authorization for the activity after the five day review period or after receiving notification by each of the agencies, either in writing or by telephone, that there are no objections to the proposed activity. The landowner must be given a full five days (in addition to the time required for the letter to be delivered by certified mail) to review the proposed activity to decide if he/she wants to submit written comments. The applicant may provide CMD with a valid fax number for the applicant or obtain a letter of no objection from the landowner in order to reduce the review period and/or the mail delivery time.

However, the final decision for the issuance of authorization for individual activities under this General Permit to issue authorization under the authority of this General Permit, to issue approval with modifications or additional Operating Conditions, or to deny approval for the proposed work, shall be made by the Secretary of the Department of Natural Resources.

- E. Should it be deemed in the public interest, the Secretary shall deny authorization to perform work under this General Permit and require the applicant to obtain an individual CUP for the proposed activity.
- F. Authorization for work under the authority of this General Permit shall expire if the work is not initiated within two (2) years from the date of issuance of the written approval. 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, the permittee must, in good faith and with due diligence, reasonably progress toward completion of the project once the Coastal Use has been initiated. All activities authorized under the authority of this General Permit must be completed within 120 days of initiation of the work unless a different time schedule is specifically approved by the Coastal Management Division.
- G. The Term of this General Permit shall be five (5) years from the date of issuance, except as provided for in LAC 43 Subpart 723.E.3.b.
- H. 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.
- I. Issuance of approval under the authorization this Coastal Use General Permit does not relieve the applicant of obtaining other lawfully required permits (local, state, or federal) before commencing work.
- J. The permittee shall allow representatives of the Coastal Management Division or authorized agents to make periodic, unannounced inspections to assure the activity is being performed in accordance with the conditions of the permit.
- K. Work carried out under this General Permit shall conform to all appropriate state and federal safety regulations.
- L. An authorization issued under this General Permit may not be transferred to another party without giving prior notice to, and receiving written approval from, the Coastal Management Division Administrator.

- M. Work carried out under 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. All logs and stumps unearthed during dredging shall be buried beneath the bottom of the waterway or removed to a disposal site on land.
- B. Spoil shall not be placed in and shall not block any tidal sloughs.
- C. The permittee shall provide notification of the proposed activity to any oyster lease holder who may be affected by it prior to commencement of the activity. The applicant shall provide the Coastal Management Division with copies of the notification letters prior to the issuance of authorization under this General Permit.
- D. 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.
- E. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.
- F. The applicant shall notify the landowner(s), upon whose property the proposed work shall occur, of the fact that the application will be submitted and also provide the results of CMD's review. Copies of the initial notification letters sent to the landowner(s) shall be provided to CMD with the authorization request.
- G. If archaeological, historical, or other cultural resources 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) and CMD (P. O. Box 44487, Baton Rouge, LA 70804-4487, (504) 342-7591. Work may not resume until written approval is obtained from the CMD.
- H. That the 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 BOD₅; 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.

- I. The permittee shall comply with all applicable laws regarding the need to contact the Louisiana One Call System ([800] 272-3020) to locate any buried cables and pipelines.
- J. All activities, involving any discharge of pollutants, must be consistent with applicable water quality standards and any necessary permits issued through the Department of Environmental Quality/Office of Water Resources must be obtained.
- K. Dredging and/or fill activities authorized under this General Permit shall not exceed the volume specified in the work statement of the individual authorization.
- L. Activities authorized under this General Permit shall be carried out on a one-time basis, during a one-time mobilization, except in situations where sequential phases (e.g., use of different types of dredging techniques) may be specified in the work statement of individual authorizations.
- M. The applicant and CMD shall negotiate, in consultation with the owner(s) of land on which the permitted activity is proposed to occur, and those other natural resource agencies deemed appropriate by CMD, a compensatory mitigation plan, and the applicant shall implement that plan. That plan shall fulfill the requirements of Louisiana Revised Statute 49:214.41 and those rules and regulations adopted thereunder. The compensatory mitigation plan shall be developed prior to the issuance of approval under this General Permit. The expiration of the term of this General Permit, or the revocation or expiration of approval to perform work under the authority of this General Permit, shall not absolve the permittee, its transferees, or assignees from the obligation and responsibility of implementing and maintaining the compensatory mitigation plan.
- N. Work under the authority of this General Permit shall not be approved on or within 1,500' of a barrier island, barrier features or cheniers without the approval of the interagency review team.

III. This General Permit does not apply in the following locations without prior written authorization from the appropriate agencies.

- A. Work under the authority of this General Permit shall not be approved in the following areas, without prior written approval of the Louisiana Department of Wildlife and Fisheries (LDWF).
 - (1) Within one-quarter of a mile 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 La. R. S. 56:1840.

- B. 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 (LDCRT).
- (1) within a State Park, State Recreation Area or State Commemorative Area; or
(2) within any known historic or archaeological site or within the boundaries of an historical district.
- C. Within 1,000 feet of an established navigation channel or fairway constructed, owned, operated, or maintained by federal, state, or local governments, or with federal, state, or local government funds, without written consent of each appropriate agency or governing body. An authorization request that is not accompanied by such written permission shall be processed as an application for an individual CUP. If however, there is a physical barrier at the project site that isolates the Coastal Use from the navigation channel or fairway and effectively prevents any interchange between the two, this restriction does not apply.
- D. Within 1,000 feet of a levee or other flood control facility constructed, owned, operated, or maintained by federal, state, or local governments, or with federal, state, or local government funds, without written consent of each appropriate agency or governing body. An authorization request that is not accompanied by such written permission shall be processed as an application for an individual CUP.

IV. This General Permit does NOT apply in the Following Situations:

- A. Within one half mile, or other distance deemed appropriate by the Louisiana Department of Wildlife and Fisheries, of a known bald eagle site.
- B. Within one-half mile of a known bird rookery area.
- C. Within the critical habitat of any endangered species.
- D. Within one half mile of an area determined to be an unique ecological feature by the Secretary of the Department of Natural Resources.
- E. Within Special Significance Areas designated pursuant to R. S. 49:214.41(F) and those rules and regulations adopted thereunder, where applicable.
- F. Within the boundaries of an national park or monument, national wildlife refuge or established buffer zone at a national site.

V. Special Conditions

- A. Activities proposed for authorization under the authority of this general permit must undergo the Geologic Review Procedure to consider alternative drilling sites when:

- (1) there are adverse impacts to vegetated wetlands, submerged, or emergent aquatic vegetation.
 - (2) requested by the Louisiana Department of Wildlife and Fisheries for projects to occur within:
 - (a) Within one-quarter of a mile or within the boundaries of an oyster lease, oyster seed ground, oyster seed reservation or public oyster harvesting area or other shell reef area; or
 - (b) Within the boundaries of an LDWF owned or managed wildlife refuge or wildlife management area; or
 - (c) Within an area designated as a natural and scenic river in accordance with the provisions of R. S. 56:1840.
- B. This general permit authorizes the construction of a ring levee up to 300 feet by 300 feet, or ring levees that impact up to 90,000 square feet. This general permit also authorizes the construction of a ring levee of up to 400 feet by 400 feet, or a ring levee that impacts a total of 160,000 square feet, if determined through the Geologic Review Procedure to be a requirement of drilling the well. Fill material for the construction of the ring levee shall be excavated from within the ring levee or hauled in from an upland site. This general permit authorizes the placement of up to 400 square feet of boards outside of the ring levee to construct a derrick jack stand when determined to be necessary through the Geologic Review Procedure.
- C. This general permit also authorizes dredging and filling for the construction, maintenance, and removal of up to 1,100 feet of board road in conjunction with a specific ring levee approved under the authority of this general permit, provided that the board road will connect that approved ring levee to an existing access point. Board road routes shall be located in non-wetland areas and existing disturbed corridors (e.g., pipeline, power lines, spoil banks) to the maximum extend practicable, as determined through the Geologic Review Procedure. Applicants requesting approval for the construction of a board road under the authority of this general permit submit drawings with the CUP applications which show all existing roads, waterways, well locations, pipelines, canals, etc., within one and one half miles of the proposed well site.
- D. Board roads constructed under the authority of the general permit shall meet all of the following specifications, in addition to the conditions specified in subsection C of Section V. Special Conditions, unless it is determined through the Geologic Review Process that such conditions would cause significant adverse environmental impacts:
- (1) Height of the road shall not exceed five feet above mean sea level, or three feet above adjacent ground, whichever is less.

- (2) Maximum width of the base of the base of the board road (i.e., toe-of-slope to toe-of-slope) shall not exceed 40 feet.
 - (3) Maximum width of the borrow pits shall not be greater than 30' at the surface, and maximum distance between the inside bank of the borrow pit and the toe of the road shall not be more than 20'.
 - (4) Borrow pits for roads dredged under the authority of this General Permit shall be discontinuous and shall have a maximum length of three hundred feet. The pit dredged under the authority of this General Permit shall be staggered on opposite sides of roads whenever feasible and practical. If the pits dredged under that authority of this General Permit are not staggered on opposite sides of the road, gaps (i.e., undredged areas) at least 50' in length shall be left between the 300-foot long segments of borrow pits. In no case shall borrow pits dredged under the authority of this General Permit connect to existing borrow pits. Gaps of at least 50 feet in length shall be left between newly dredged borrow pits and existing borrow pits. Culverts or bridge openings shall not be installed through road fill to connect staggered segments of the pits. Culverts and/or ditches shall not be installed to connect sections of discontinuous borrow pits along one side of the road; and,
 - (5) Culverts shall be installed through the road fill at least every 250 feet and at the crossing of any creeks, streams, sloughs, and other water bodies. Culverts shall provide a minimum of 452 square inches of cross-sectional flow area, but must be of sufficient size to convey normal flows. Culverts shall be installed at elevations to approximate preproject flow conditions and shall not be installed to promote the drainage of wetlands or to impede wetland flooding. Bridges with clear openings at least 6 feet wide may be substituted for culverts. Culvert openings and bridges shall be periodically maintained and cleaned of debris to allow for free flow of water.
- E. Should a proposed ring levee and/or board road require the use of an existing permitted ring levee or board road for access and if the existing ring levee or board road is required to be restored upon abandonment, the application for the proposed work shall include a signed agreement between the permittee of the existing ring levee or board road and the applicant for the proposed ring levee and/or board road. That agreement shall describe a plan for restoration of all adjoining board roads and ring levees upon abandonment of each respective well site(s), and shall also describe each party's responsibilities to ensure that the entire adjoining board road(s) and all associated ring levee(s) are restored in accordance with Operating Conditions F. and G. This condition shall apply even if different companies or individuals are involved unless it is determined by the Secretary that leaving the ring levee and/or board road in place would enhance the overall habitat value of the immediate area.
- F. Within one hundred and twenty (120) days of plugging the well, the drilling site and/or board road must be restored in accordance with Operating Condition G., unless a modification of the restoration requirement is requested by the permittee and approved by the Secretary in consultation with the owner of the land on which the permitted activity has

occurred. Modification of or exceptions to the restoration requirement shall not be considered by the Secretary unless the permittee first provides a letter(s) of no objections to the modification of the restoration requirement from:

- (1) LDWF for areas (a) within one-quarter mile of an oyster lease, oyster seed ground, oyster reservation or public oyster harvesting area; (b) within the boundaries of an LDWF owned or managed refuge or wildlife management area; or (c) within an area designated as a natural and scenic river in accordance with the provisions of La. R. S. 56:1840 et seq., and,
- (2) the LDCRT within (a) any State park, State Recreational Area or State Commemorative Area; or (b) and known historic or archaeological site or within the boundaries of an historic district.

G. Restoration of abandoned drill sites and/or board roads shall, at a minimum, include:

- (1) Removal and disposal of the contents of NOW waste pits shall be removed from the site and disposed of in a lawful manner or shall be treated and disposed of on site in accordance with the Department of Natural Resources' Office of Conservation Statewide Order 29-B. If waste material is to be disposed of on site, post closure material must not exceed the following EP-toxicity limits.

Arsenic	5.0 mg/l	Mercury	0.2 mg/l
Barium	100.0 mg/l	Selenium	1.0 mg/l
Cadmium	1.0 mg/l	Silver	5.0 mg/l
Chromium	5.0 mg/l	Zinc	50.0 mg/l
Lead	5.0 mg/l		

- (2) Removal of all boards from the site, and disposal of unusable boards at an approved landfill site;
- (3) Disposal of all other debris, trash, and garbage in an approved landfill site;
- (4) Return of excavated material to borrow areas;
- (5) Disposal of hauled-in fill material in borrow areas or a non-wetland site; and
- (6) Re-grading of the site to pre-project elevations to the maximum extent practicable.

H. If the well is a producer, the drill site shall be reduced within ninety (90) days to the minimum size required for well service and production activities. Both the drill site and board road may be permatized using CMD approved materials if needed. The area to be permatized must be reduced to the smallest area practical and if the original authorization does not provide for permatization, a new or amended authorization must be obtained. Upon plugging the well, the permittee shall comply with the requirements of Operating Condition G.

I. In forested areas, the clearing of trees associated with site preparation shall not exceed that

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necessary to construct a board road and/or ring levee. The maximum width of disturbed area in these areas shall include a 10' work area outside of the boundaries of the board road and ring levee.

VI. Definitions

As used in this general permit, the following terms shall have the meaning ascribed to them:

- A. "Geologic Review Procedure" means the process by which alternative methods for oil and gas exploration are evaluated on their environmental, technical, and economic merits on an individual basis; specifically associated with the proposed exploration activity shall also be evaluated in this process. These alternative methods are presented and evaluated at a meeting by a group of representatives of the involved parties. A Geologic Review group is composed, at a minimum, of representatives of the applicant, a petroleum geologist and a petroleum engineer representing CMD and/or the New Orleans District Corps of Engineers, and a representative of the CMD Permit Section, and may include, but is not limited to, representatives of DWF, DEQ, U. S. Army Corps of Engineers, U. S. Fish and Wildlife Service, U. S. National Marine Fisheries Service, and U. S. Environmental Protection Agency.
- B. "Wetlands" means an open water area or an area that is inundated or saturated by surface or ground, water at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, which occur within the designated coastal zone of the state. Wetlands generally include swamps, marshes, bogs, and similar areas.

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

I affix my signature and issue this permit this 27th day of January, 19 99.

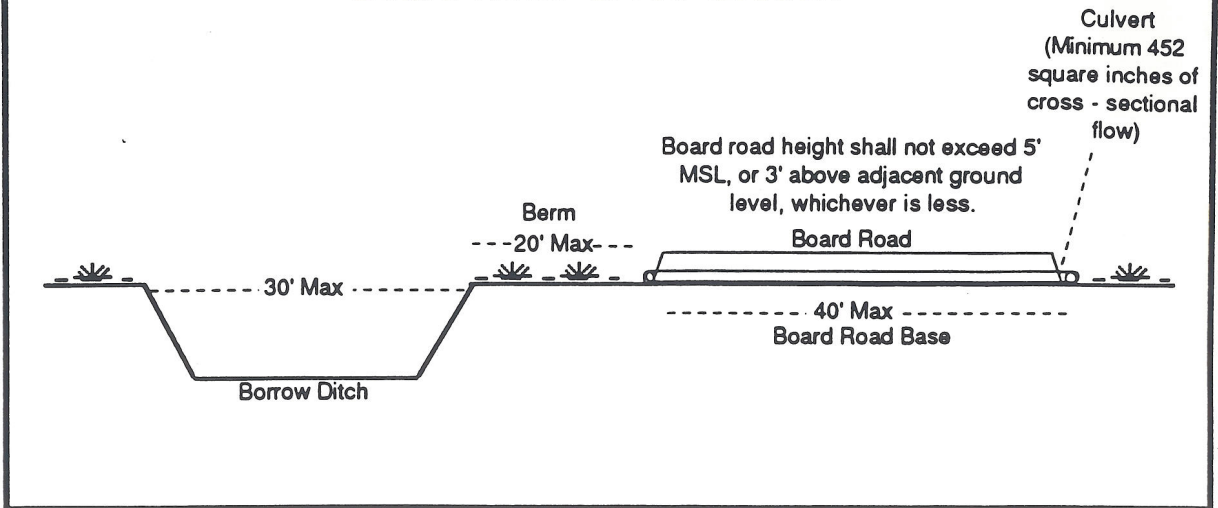
DEPARTMENT OF NATURAL RESOURCES

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

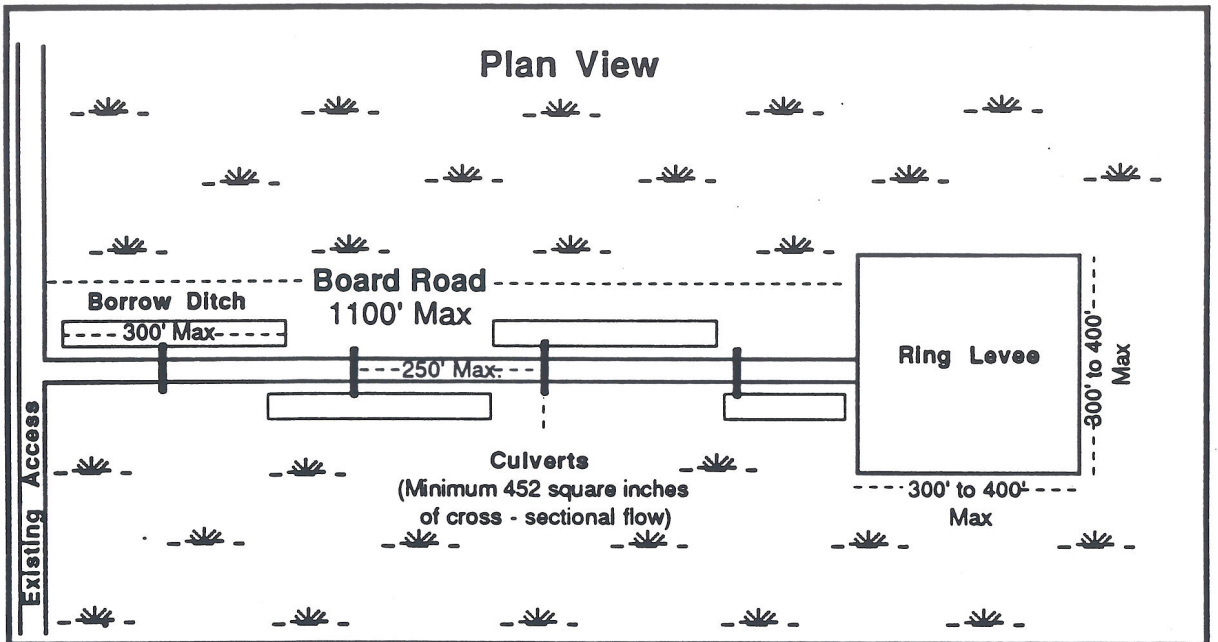
This agreement becomes binding when signed by the Administrator of the Coastal Management Division, Department of Natural Resources.



Board Road Cross Section



Plan View



Ring Levee Cross Section

