

**DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF COASTAL MANAGEMENT  
P.O. BOX 44487  
BATON ROUGE, LOUISIANA 70804-4487  
(225)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; Office of Coastal Management  
P.O. Box 44487, Baton Rouge, LA 70804-4487

**LOCATION:** In the Louisiana Coastal Parishes of Ascension, 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.

**DESCRIPTION:** This GP 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, perform, operate and maintain the use in accordance with the permit conditions, plans and specifications approved by the Department of Natural Resources. Please be advised that a separate Coastal Use Permit (CUP) may be required for maintenance activities.
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 permittee shall notify the Office of Coastal Management (OCM) of the date on which initiation of the permitted activity described under the "Coastal Use Description" began. The applicant shall notify the OCM by mailing the enclosed green initiation card on the date of initiation of the coastal use.
10. The following special conditions must also be met in order for the use to meet the guidelines of the Louisiana Coastal Resources Program:



## I. General Conditions

- A. The Secretary of DNR has determined that full individual permit processing by OCM is in the public interest in order to determine whether proposed activities qualify for authorization under the authority of this General Permit. This full individual permit processing will consist of review by the staff of OCM 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 the authority of this General Permit. If appropriate, permit processing fees and appropriate mitigation plan processing fees also will be assessed.
- B. A standard Joint Application Form shall be completed and submitted to OCM along with drawings depicting the location and character of work proposed for approval under the authority of this General Permit. The applicant shall submit a complete application packet (forms and plats) to OCM. The application shall be accompanied by 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 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 OCM must be obtained prior to the commencement of any individual activity proposed under the authority of this General Permit.
- D. Should OCM deem that they may have an interest in the project, prior to issuance of authorization for an individual activity under the authority of this General Permit, the following agencies shall have a five (5) calendar day period to review the proposed activity: the Louisiana Department of Wildlife and Fisheries (LDWF); Department of Health and Hospitals (DHH); Department of Environmental Quality (DEQ); Coastal Protection and Restoration Authority (CPRA); Department of Culture Recreation, and Tourism (CRT); Department of Transportation and Development (DOTD); State Land Office (SLO); and the approved Local (Parish) Coastal Zone Management Program (LCP), if applicable. OCM may issue authorization for the proposed activity after the designated 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. However, the final decision for the issuance of authorization for individual activities 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 DNR, or his designee.
- E. Should it be deemed in the public interest, the Secretary shall deny authorization to perform work under the authority of this General Permit and require the applicant to obtain an individual CUP for the proposed activity.
- F. Unless otherwise specified in the General Permit or specific work approval, authorization for work under the authority of this General Permit shall expire if the work is not initiated and completed within two (2) years from the date of issuance of the original written individual approval. Initiation of the Coastal Use, for purposes of this General 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 90 days of initiation of the work, with a one-time mobilization, unless a different time schedule is specifically approved by OCM.

- G. The term to initiate and complete an individual authorization issued under the authority of this General Permit may be extended for up to an additional two (2) years beyond the initial two (2) year term. Extension requests shall be in the form of a written letter which shall refer to the original CUP application number and specifically state that a permit extension is desired. Submission of extension requests via the online application system also is acceptable. A nonrefundable extension request fee in the amount of \$80 shall be included with such a request, and the request must be received by the Permits and Mitigation Division of OCM no sooner than 180 days and no later than 60 days prior to the expiration of the individual authorization in question. Requests received later than 60 days prior to the expiration date of the permit shall be eligible for consideration for extension, however a permittee who fails to make a timely request for an extension shall not engage in any activity requiring a CUP past the original permit expiration date until an extension of the lapsed permit or a new permit is granted
- H. 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.
- I. The permittee shall notify OCM of commencement of activities which are authorized under the authority of this General Permit. The permittee shall notify OCM by either providing the information in writing or entering the information through the online system, within three (3) days of the date of initiation of the authorized work.
- J. Issuance of approval under the authority of this General Permit does not relieve the applicant of obtaining other lawfully required permits (local, state, or federal) before commencing work.
- K. The permittee shall allow representatives of OCM or authorized agents to make periodic, unannounced inspections to assure the activity is being performed in accordance with the conditions of the permit.
- L. Work performed under the authority of this General Permit shall conform to all appropriate state and federal safety regulations.
- M. An authorization issued under the authority of this General Permit may not be transferred to another party without giving prior notice to, and receiving written approval from, the OCM Administrator. A transfer form can be downloaded at [http://dnr.louisiana.gov/assets/OCM/permits/Transfer\\_FORM.pdf](http://dnr.louisiana.gov/assets/OCM/permits/Transfer_FORM.pdf), or can be provided upon request.
- N. Work carried out under the authority of this General Permit shall be performed in full compliance with the rules and regulations of DNR which exist at the time of approval for that work.



- O. Permittee shall provide legal representation and indemnification to State agencies for any and all lawsuits and/or claims whether they be legal or otherwise that may be filed or made against State agencies as a result of the activities by Applicant.

## II. Operating Conditions

- A. All logs, stumps and other debris encountered during dredging activities shall be removed from the site during or immediately after the permitted activity and disposed of in accordance with all applicable laws and regulations.
- B. Spoil shall not be placed in or block any tidal sloughs.
- C. This General Permit does not convey any property rights, mineral rights, or exclusive privileges, nor does it authorize injury to property.
- D. If archaeological, historical or other cultural resources are encountered during activities authorized under the authority of this General Permit, work shall cease and the applicant shall immediately notify the Division of Archaeology, CRT (P. O. Box 44247, Baton Rouge, LA 70804) and OCM (P. O. Box 44487, Baton Rouge, LA 70804-4487, (225) 342-7591). Work may not resume until written approval is obtained from CRT.
- E. The permittee 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 not be discharged into any of the streams or adjacent waters of the area without authorization from DHH and/or DEQ 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 and DEQ regulations. 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 DHH for purpose of review and approval prior to any utilization of such provisions.
- F. The permittee shall comply with all applicable laws regarding the need to contact the Louisiana One Call System (811) or online at [http://www.laonecall.com/how\\_to\\_use\\_us.htm](http://www.laonecall.com/how_to_use_us.htm) to locate any buried cables and pipelines.
- G. The permittee is subject to all laws related to damages which are demonstrated to have been caused by the permitted activities.
- H. All activities involving any discharge of pollutants must be consistent with applicable water quality standards, and any necessary permits issued through the DEQ, Office of Water Resources must be obtained.
- I. Dredging and/or filling activities authorized under the authority of this General Permit shall not exceed the volume specified in the project description of the individual authorization.
- J. When adverse impacts to vegetated wetlands may result from the proposed activity, and/or when otherwise determined necessary by OCM, the applicant and OCM 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 OCM, 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. Unless otherwise stated 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.

- K. If applicable, the requirement for compensatory mitigation for impacts to wetlands resulting from the referenced project may be determined after one full growing season (March 1 to November 1) following the completion of the permitted activities. This assessment shall include both primary impacts and secondary impacts which may result from the permitted activities.

If OCM determines that compensatory mitigation is required, permittee shall submit a compensatory mitigation plan for approval within 30 days of notification of the compensatory mitigation requirements by OCM. All necessary approvals shall be obtained for the compensatory mitigation plan and the plan shall be implemented as directed by OCM. The permittee should be aware that compensatory mitigation projects may be required to be maintained for as many as 20 years for marsh mitigation projects and 50 years for forested wetland mitigation projects. A processing fee will be assessed for the determination of compensatory mitigation requirements and evaluation of the proposed compensatory mitigation plan in accordance with LAC Title 43, Part I, Chapter 7, §724.D. This fee shall apply regardless of which compensatory mitigation option is selected and does not include the cost incurred to implement the required compensatory mitigation.

- L. Individual activities authorized under the authority of this General Permit and occurring on LDWF identified Public Oyster Seed Grounds or Reservations shall be conditioned as agreed upon per the Memorandum of Understanding between the LDNR and LDWF, and all subsequent amendments to said document. This document can be found at <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=96>.
- M. Individual activities authorized under the authority of 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, or phased construction) may be specified in the work statement of the individual authorization. Additional authorizations may be necessary for maintenance activities or work beyond the scope of the authorized activities.
- N. If the project authorized under the authority of this General Permit is located on the aboriginal homelands of the Chitimacha Tribe of Louisiana and/or at any time during the course of work any traditional cultural properties are discovered, the permittee shall immediately contact the Chitimacha Tribe of Louisiana, P.O. Box 661, Charenton, LA 70523 - phone (337) 923-7215.

**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, unless the applicant first provides a letter of no objection from the LDWF:



1. Within the boundary of a currently productive oyster seed ground, oyster seed reservation or public oyster harvesting area; or
  2. Within the boundaries of a LDWF owned or managed Wildlife Management Area (WMA) or Wildlife Refuge (WR).
  3. Within 1,000 feet, or other distance deemed appropriate by LDWF, of a known bald eagle nest.
  4. Within 1,500 feet, or other distance deemed appropriate by LDWF, of a known bird rookery area.
  5. Within the officially designated critical habitat of a threatened or endangered species.
- 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 CRT:
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 1,500 feet of the Mississippi River or Atchafalaya River levees or within 300 feet of all other levees or other flood control structures which are owned, operated or maintained by the federal government, or with federal funds, without the written consent of each appropriate agency or governing body.
- E. Within 1,000 feet of levees or other flood control facilities constructed, owned, operated or maintained by state or local governments, or with state or local government funds, without the written consent of each appropriate agency or governing body.
- F. Within 1,500 feet of a barrier island, barrier island feature, chenier or other coastal feature without the approval of the appropriate resource agencies that OCM determines to have programmatic interests.

**IV. This General Permit does NOT apply in the following situations:**

- A. Within 1,000 feet of an area determined to be a unique ecological feature by the Secretary of DNR.



- B. Within Special Significance Areas designated pursuant to R.S. 49:214.41(F) and those rules and regulations adopted thereunder, where applicable.
- C. Within the boundaries of a national park or monument, national wildlife refuge or established buffer zone for any such national site.

**V. Special Conditions**

- A. This General Permit authorizes the construction of a ring levee up to 300 feet by 300 feet, or a ring levee that impacts up to 90,000 square feet. This General Permit 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 (GR) to be a requirement of drilling the well. Clean fill material for the construction of the ring levee shall be excavated from within the ring levee or hauled in from an upland site. Fill materials shall be free of contaminants, solid and/or hazardous wastes (as specified in DEQ regulations), including but not limited to wood debris, shingles, insulation and asbestos. All concrete/rip-rap shall be free of protruding materials. 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 GR.
- B. This General Permit authorizes dredging and filling for the construction, maintenance, and removal of up to 1,100 linear 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, and spoil banks) to the maximum extent practicable, as determined through GR. Applicants requesting approval for the construction of a board road under the authority of this General Permit must submit drawings with the CUP application which show all existing roads, waterways, well locations, pipelines, canals, etc., within one and one half miles of the proposed well site.
- C. Board roads constructed under the authority of this General Permit shall meet all of the following specifications, in addition to the conditions specified in subsection V. B above, unless it is determined through GR that such conditions would cause significant adverse environmental impacts:
  - 1. Height of the road shall not exceed 5 feet above mean sea level, or 3 feet above adjacent ground, whichever is less;
  - 2. Maximum width of the base of the board road (i.e., toe-of-slope to toe-of-slope) shall not exceed 40 feet.
  - 3. Borrow pits for roads dredged under the authority of this General Permit shall be discontinuous and shall have a maximum length of 300 feet. Maximum width of the borrow pits shall not be greater than 30 feet 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 feet. The borrow pits shall be staggered on alternating sides of roads whenever feasible and practical. If the pits dredged under the authority of this General Permit are not staggered on alternating sides of the road, gaps (i.e., undredged areas) at least 50 feet 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

4. 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 pre-project 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.

D. Activities proposed for authorization under the authority of this General Permit must undergo GR to consider alternative drilling sites when:

1. There are adverse impacts to 0.25 acres or more of vegetated wetlands or submerged aquatic vegetation.
2. Requested by LDWF for projects to occur within:
  - a. 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;
  - 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.
3. The Secretary or his designee determines that it is in the public interest.

E. This General Permit does not authorize dredging for fill on beaches, barrier islands, salt domes or cheniers.

F. 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 Special Conditions V.G. and V.H. below. 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.

G. Within one hundred and twenty (120) days of plugging the well, the drilling site and board road must be restored to as near pre-project conditions as practical, 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 objection 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 a 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. CRT for areas within

- a. any State park, State Recreational Area or State Commemorative Area; or
- b. any known historic or archaeological site or within the boundaries of an historic district.

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

1. All E&P wastes shall be removed from the site and disposed of at a state approved facility, or shall be treated and disposed of on site in accordance with DNR, Office of Conservation and DEQ regulations.
2. Removal of all boards from the site and disposal of unusable boards at a state approved facility;
3. Disposal of all other debris, trash, and garbage in a state approved facility;
4. Return of excavated material to borrow areas;
5. Disposal of hauled-in fill material in existing borrow areas or a state approved facility; and
6. Re-grading of the site to pre-project elevations to the maximum extent practicable.

I. 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 OCM 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. Requests for permatized areas must be included in the application or a separate authorization will be required.

- J. In forested areas, the clearing of trees associated with site preparation shall not exceed that necessary to construct a board road and/or ring levee. The maximum width of disturbed area in these areas shall include a 10-foot work area outside of the boundaries of the board road and ring levee.
- K. A closed-loop mud system is required on individual activities authorized under the authority of this General Permit.

**VI. Definitions**

A. As used in this General Permit, the following terms shall have the meaning ascribed to them:

1. Geologic Review Procedure (GR) means the process by which alternative methods, including alternative locations, for oil and gas exploration are evaluated on their environmental, technical, and economic merits on an individual basis; alternative methods, including alternative locations, of oil and gas production and transmission activities which are specifically associated with the proposed exploration activity shall also be evaluated in this process. These alternative methods, including alternative locations, are presented and evaluated at a meeting by a group of representatives of the involved parties. A GR group is composed, at a minimum, of representatives of the applicant, a petroleum geologist and a petroleum engineer representing OCM and/or the New Orleans District US Army Corps of Engineers (CEMVN), and a representative of the OCM Permit Section, and may include, but is not limited to, representatives of LDWF, DEQ, CEMVN, the U.S. Fish and Wildlife Service (USFWS), the NOAA Fisheries (NOAA), and the U.S. Environmental Protection Agency (USEPA).
2. 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.

\*\*\*\*\*END OF CONDITIONS\*\*\*\*\*

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

I affix my signature and issue this permit this 5<sup>th</sup> day of February, 2014.

DEPARTMENT OF NATURAL RESOURCES

Karl L. Morgan  
Karl L. Morgan, Administrator, Office of Coastal Management

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