

**DEPARTMENT OF NATURAL RESOURCES
COASTAL MANAGEMENT DIVISION**

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

D32

COASTAL USE PERMIT/CONSISTENCY DETERMINATION

C.U.P. No. **COASTAL USE PERMIT - GENERAL PERMIT 10 (CUP-GP 10)**

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 maintenance of oil and gas canals and slips within the coastal zone of Louisiana.

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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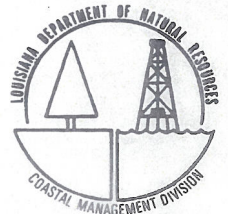
**COASTAL MANAGEMENT DIVISION GENERAL PERMIT
FOR THE MAINTENANCE OF EXISTING OIL AND GAS CANALS AND SLIPS
WITHIN THE LOUISIANA COASTAL ZONE**

DESCRIPTION OF WORK

THIS GENERAL PERMIT PROVIDES FOR THE MAINTENANCE OF OIL AND GAS CANALS AND SLIPS WITHIN THE COASTAL ZONE OF LOUISIANA.

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, L.A.C. Title 43, Part I, Chapter 7, Section 723.C.3.a., an application fee will be assessed for activities proposed for authorization under this General Permit and, if appropriate, a processing fee will 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. The applicant shall submit eight (8) application sets (form 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. If the proposed work is determined not to meet the criteria of this General Permit, 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.
- C. Individual, written approvals from CMD must be obtained prior to the commencement of any individual maintenance dredging operation proposed under this General Permit.



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- D. Review procedures will include a solicitation of views from the landowner(s) on whose property the activity will occur and those federal, state and local agencies deemed likely, by CMD, to have a potential interest in the project. The landowner(s) and reviewing agencies will be given a maximum of fifteen (15) days to submit their recommendations; however, the final decision to issue, to issue with modifications or additional conditions, or to deny approval for the individual maintenance dredging operation will rest with CMD. Positions of no objection may be forwarded to CMD via telephone; objections and/or recommendations (including a request to process an item of work as an individual permit) shall be made in writing and shall include a description of the reasons for the landowner(s) or agency's objections and/or recommendations. In those cases where there is a specific need for an expedited review and approval, the applicant is required to provide CMD, the landowner(s), and those other agencies as may be designated by CMD, the information required below as well as justification for the expedited review.
- E. Should it be deemed necessary 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. Approval for work under the authority of the General Permit shall expire if the work is not initiated within two (2) years from the date of issuance of the written approval, provided that the two-year term to initiate work is not extended in accordance with the Rules and Procedures for Coastal Use Permits, L.A.C. Title 43, Part I, Chapter 7, Section 723.D., or the rules and procedures in effect at the time of application submittal. 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. If the work approved under the authority of the General Permit is not completed within five (5) years from the date of issuance of the written approval, the approval shall expire, and a new CUP application shall be required for further work.
- 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. 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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- I. Approval of work under this General Permit shall not relieve the permittee of the responsibility of obtaining other lawfully required local, state and federal permits, (e.g., Department of Environmental Quality, U.S. Army Corps of Engineers, etc.) before commencing work.
- J. 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.
- K. Work carried out under this General Permit shall conform to all appropriate state and federal safety regulations.
- L. Approval for specific work authorized under this General Permit shall not be transferred to another party without written approval from CMD.
- 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. This General Permit authorizes maintenance dredging activities to deepen an existing oil and gas canal or slip to provide access for water-borne equipment used for the exploration or production of petroleum resources.
- B. This General Permit authorizes the maintenance dredging, in existing canals and open water channels, of a navigation passage with a maximum allowable bottom width of 70 feet and a maximum allowable depth of -8 feet mean water level. The maximum dimensions of maintenance dredging activities proposed to occur in existing slips which will be authorized under this General Permit shall be 160 feet bottom width by 375 feet bottom length by -8 feet depth below the mean water level.
- C. The permittee shall provide CMD with the following information for each individual maintenance operation proposed for authorization under this General Permit:
 - 1.) specific dredging locations, including canal, channel and slip dimensions, and anticipated date of proposed maintenance;
 - 2.) proposed dredging method;
 - 3.) anticipated volume of dredged material;
 - 4.) specific spoil disposal techniques and locations relative to existing upland, wetland and open water areas; and
 - 5.) reason(s) for requested access (i.e., new well, plug and abandon, re-entry/workover, etc.).



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- D. Spoil shall be disposed of by one of the following methods:
- 1.) placed upon existing spoil banks;
 - 2.) used to repair existing spoil banks;
 - 3.) placed in enclosed marsh ponds to a height suitable for the establishment of marsh vegetation, using a bucket or hydraulic dredge;
 - 4.) sprayed in a shallow layer over the marsh;
 - 5.) propwashed;
 - 6.) spread in open water to a depth of no more than 0.5 feet;
 - 7.) placed in abandoned oil field canals that have been plugged; or
 - 8.) subject to the approval of, or at the direction of, the interagency review team, other techniques may be used to create or otherwise benefit wetlands.
- E. Locations may be accessed by pulling in a barge to displace accumulated sediment in existing canals or channels. In channels in open water, this method shall not result in the creation of spoil ridges more than 0.5 feet in height.
- F. Spoil shall not be placed in and shall not block any tidal sloughs.
- G. Any canal plug removed in the performance of work authorized under this General Permit shall be restored to its pre-removal condition within one hundred and twenty (120) days of abandonment of the wellsite. Any canal plug removed in the performance of work under this General Permit shall be restored to have, after settling and subsidence, a minimum elevation of not less than three (3) feet above mean water level, a width of not less than thirty (30) feet at mean water level, and side slopes of not less than three (3) to one (1). The plug may be inspected by CMD to determine if it is operating to prevent water movement within two (2) years of construction, or within five (5) years of the date of issuance of written approval, whichever is longer. Should the plug not be operating in a satisfactory manner at the time of inspection, the permittee shall be required to restore the plug to proper functioning and the above minimum dimensions.
- H. Representative drawings showing the canals/channels dredged and the placement of spoil shall be submitted within thirty (30) days of completion of individual maintenance activities authorized by this permit to the Louisiana Department of Natural Resources, Coastal Management Division, P.O. Box 44487, Baton Rouge, LA 70804-4487.
- I. All logs and stumps unearthed during dredging shall be buried beneath the bottom of the waterway or removed to a disposal site on land.



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- J. 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.
- k. 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) 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.
- L. The permittee shall comply with all applicable state laws regarding the need to contact the DOTTIE System ([800]272-3020) to locate any buried cables and pipelines.
- M. 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 of 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.
- N. 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 LDWF:
- 1.) within one-quarter mile 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.



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0. 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.) within any State Park, State Recreational Area or State Commemorative Area; or
- 2.) within any known historic or archaeological site or within the boundaries of an historic district.

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

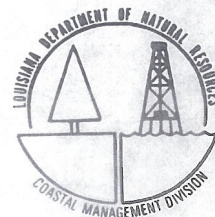
- A. Within one mile of a known bald eagle nesting site.
- B. Within one-half mile of a known rookery area.
- C. Within the critical habitat of any endangered species.
- D. On barrier islands, barrier features or cheniers.
- E. Within 1,000 feet of an area determined to be a unique ecological feature by the Secretary of the Department of Natural Resources.
- F. Within 1,000 feet of an established navigation channel or fairway constructed, 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 not accompanied by such written permission shall be processed as an application for an individual CUP.
- G. 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 not accompanied by such written permission shall be processed as an application for an individual CUP.
- 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 site.

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

I affix my signature and issue this permit this 1st day of November, 19 93.

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.