



DEPARTMENT OF NATURAL RESOURCES
COASTAL MANAGEMENT DIVISION

P.O. BOX 44487
BATON ROUGE, LOUISIANA 70804-4487
(504) 342-7591
1-800-267-4019

COASTAL USE PERMIT/CONSISTENCY DETERMINATION

Coastal Use Permit - General Permit 22 (CUP-GP-22)

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:

Provides for the authorization of seismic survey operations in the Louisiana Coastal Zone.

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. Individual written approvals from CMD must be obtained prior to the commencement of any individual activity proposed under this General Permit.
- C. 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, 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. 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 or Special Conditions or to deny approval for the proposed work, shall be made by the Secretary of the Department of Natural Resources.
- D. 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.
- E. 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 365 days of initiation of the work unless a different time schedule is

specifically approved by the Coastal Management Division. The initiation period of authorizations issued under the authority of this general permit may not be extended.

- F. 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.
- 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. An affidavit attesting to the fact that the landowner was notified of the application by the applicant, 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 activities authorized under this General Permit shall not exceed the volume specified in the work statement of the individual authorization.

L. 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 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.

M. 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.

- 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 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.

- 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 1,500', or other distance deemed appropriate by the Louisiana Department of Wildlife and Fisheries, of a known bald eagle site.
- B. Within 1,500', or other distance deemed appropriate by the Louisiana Department of Wildlife and Fisheries, of a known bird rookery area.
- C. Within the critical habitat, as deemed appropriate by the Louisiana Department of Wildlife and Fisheries, of any endangered species.
- D. Within 1,000 feet of an area determined to be a 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 a national park or monument, national wildlife refuge or established buffer zone at a national site.

V. Special Conditions

- A. The permittee shall provide CMD with information on the specifications for all heavy equipment, vessels, and vehicles which are planned to be used on these projects. Specifications are to include weight and track width of all tracked vehicles, weight and tire width of all wheeled off-road vehicles, width and draft of all water-borne vessels, and weight, overall size and skid sizes of any skidded equipment. Also, the applicant shall provide CMD with a grid map that shows the layout of the locations of the transmission and receiving stations for the seismic operations and the routes to be used to access the location.
- B. If the applicant determines that watering pits are necessary for the seismic survey work, an estimate of the size, number, and maximum total cubic yardage of the watering pits must be made as part of the application. If the applicant does not provide this information, watering pits will not be authorized.

- C. All activities authorized under the authority of this general permit shall be in strict adherence to all regulations of the LA Department of Wildlife and Fisheries and Office of Mineral Resources, Department of Natural Resources, governing seismographic operations.
- D. Landowners, oyster or other surface lease holders, and levee, road, pipeline or other right-of-way holders shall be notified before seismographic operations occur on their holdings.
- E. No activity shall present a hazard to navigation. All structures shall be marked with the correct aids to navigation in accordance with U.S. Coast Guard and the U.S. Army Corps of Engineers regulations.
- F. Adverse impacts on fish, wildlife, and the environment shall be minimized. Minimization of damage to coastal waters, fragile marsh soils and vegetation, and sensitive features of other wetland habitats shall be accomplished by conducting all activities in accordance with International Geophysical Contractors standards delineated in IAGC's "Environmental Guidelines For Worldwide Geophysical Operations" (1994) or revisions thereof.
- G. The applicant shall, *wherever possible*, restore any wetlands that are disturbed during work, including the temporary crossing of wetland areas, to their preproject elevations and conditions. This condition does not preclude the necessity of obtaining a separate Coastal Use Permit for such restoration activities, if one is required. The applicant will be required to mitigate for any impacted, unrestored wetlands.
- H. For each individual seismic survey the permittee shall provide pre- and post-survey aerial photographic documentation that clearly show all vegetated wetlands within the project area. The scale of the photos must be 1" =400'. Substitution of commercially available aerial photography for pre-project documentation may be approved by CMD, on a project by project basis, when it would provide sufficient detail and the permittee can demonstrate that obtaining project-specific aerial photography would present an economic hardship that would make the project infeasible. Such approval must be obtained prior to commencement of operations. The pre-survey documentation shall be submitted within 10 days of initiation of the seismic survey, the post-survey documentation shall be submitted within 30 days of completions.
- I. The permittee shall notify CMD of the date of completion of each individual survey within five (5) working days of completion. The requirement for compensatory mitigation for the unavoidable impact to vegetated wetlands will be determined after one full growing season (March 1 to November 1) following the completion of the seismic survey.

If CMD determines that compensatory mitigation is required, the permittee shall submit a compensatory mitigation plan for approval within 30 days of notification of the compensatory mitigation requirements by CMD. All necessary approvals shall be obtained for the compensatory mitigation plan and the plan shall be implemented as directed by CMD. A processing fee will be assessed for the determination of compensatory mitigation

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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.

- J. Notification of each individual seismic survey shall be sent at least twenty (20) days prior, but not more than six weeks prior, to commencement of work, to CMD at the Baton Rouge office and the appropriate field investigator(s) listed below. Notification shall be made by providing a complete CMD "Notification of Commencement of Seismic Operations" form (enclosed), or a letter of explanation with anticipated date of initiation and completion, a description of techniques to be used, and the methods of access, along with project plats showing the locality and route for each survey line.

The applicant will send the information on all projects to:

Coastal Management Division
P.O. Box 44487
Baton Rouge, LA 70804-4487

The applicant will send the information on all projects in **Livingston, Orleans, St. Bernard, St. James, St. John, St. Tammany, and Tangipahoa Parishes** to:

Tim Killeen, CMD/Field Investigator
LA DNR
1600 Canal Street
New Orleans, LA 70112

The applicant will send the information on all projects in **Plaquemines and Jefferson Parishes** to:

Frank Cole, CMD/Field Investigator
LA DNR
1600 Canal Street
New Orleans, LA 70112

The applicant will send the information on all projects in **Lafourche and St. Charles Parishes** to:

Kirk Kilgen, CMD/Field Investigator
LA DNR
2124 Grand Caillou Road
Houma, LA 70363

The applicant will send the information on all projects in **Terrebonne Parish** to:

Rod Pierce, CMD/Field Investigator
LA DNR
2124 Grand Caillou Road
Houma, LA 70363

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The applicant will send the information on all projects in **Iberia, St. Mary, Vermilion, Assumption, and St. Martin Parishes** to:

Charles Mestayer, CMD/Field Investigator
LA DNR
Drawer 42930-USL
Lafayette, LA 70504-2930

The applicant will send the information on all projects in **Calcasieu and Cameron Parishes** to:

John Stacy, CMD/Field Investigator
LA DNR
P.O. Box 90255-MSU
Lake Charles, LA 70609

- K. The applicant shall notify the Parish Coastal Zone Management Program or the specified persons in each parish below of each individual seismic survey to be carried out under this permit within the political boundaries of the parish. Notification shall be made by providing a completed CMD "Notification of Commencement of Seismic Operations" form, or a letter of explanation with anticipated date of initiation and completion, a description of techniques to be used, and the method of access, along with project plats showing the locality and route for each survey line, at least twenty (20) days prior to seismographic operations. Such notification shall be sent to the following address(es) as applicable:

CALCASIEU PARISH

Calcasieu Parish Police Jury
Office of Parish Plan. & Dev.
Attn: Pam Sturrock,
Planning Mgr.
P. O. Drawer 3287
Lake Charles, LA 70602
Ph: (318) 437-3600
Fax: (318) 437-4100

Attn: Marnie Winter, Director,
or Mr. Jason Smith
Jefferson Parish Environmental
and Development Control Dept.
1221 Elmwood Park Blvd.,
Suite 703
Harahan, LA 70123
Ph: (504) 736-6440 (Winter)
Fax: (504) 736-6445 (Winter)
Ph: (504) 838-4230 (Smith)
Fax: (504) 838-4256 (Smith)

CAMERON PARISH

Cameron Parish Police Jury
Attn: Tina Horn or
Myles Hebert
P. O. Box 366
Cameron, LA 70631
Ph: (318) 775-5718
Fax: (318) 775-5567

LAFOURCHE PARISH

Lafourche Parish Council
Attn: Grady Galiano
101 West 112th Street
Cut Off, LA 70345
Ph: (504) 632-4666
Fax: (504) 632-8653

JEFFERSON PARISH

Jefferson Parish

LIVINGSTON PARISH

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Livingston Parish Council
Office of the President
Attn: Dewey Ratcliff
P. O. Box 427
Livingston, LA 70754
Ph: (225) 686-3021
Fax: (225) 686-7079

ORLEANS PARISH

City of New Orleans, Mayor's
Ofc. of Environmental Affairs
Attn: Charlie Young
Suite 8 E 06, City Hall
1300 Perdido Street
New Orleans, LA 70112
Ph: (504) 565-8115
Fax: (504) 565-6589

PLAQUEMINES PARISH

Plaquemines Parish Government
Attn: Vicky Caridas
106 Ave "G"
Belle Chasse, LA 70037
Ph: (504) 394-4080
Fax: (504) 394-9541
Toll Free (888) 784 9541

ST. BERNARD PARISH

St. Bernard Parish Planning
Commission
Attn: Mike Hunnicutt and
Chris Andry, CZM admin.
8201 West Judge Perez Drive
Chalmette, LA 70043
Ph: (504) 278-4303
Fax: (504) 278-4298 Hunnicutt
Fax: (504) 271-7343 Andry

ST. CHARLES PARISH

St. Charles Parish Council
Attn: Earl Matherne
P. O. Box 302

Hahnville, LA 70057
Ph: (504) 783-5060
Fax: (504) 783-6447

ST. JAMES PARISH

St. James Parish Council
Attn: Mr. Jody Chenier
Courthouse
P. O. Box 106
Convent, LA 70723
Ph: (225) 562-2262
Fax: (225) 562-2279

ST. MARY PARISH

St. Mary Parish Council
Attn: Mr. Carol Vinning
Director of Planning
5th Floor, Courthouse Building
Franklin, LA 70538
Ph: (318) 828-4100, ext. 508
Fax: (318) 828-4092

ST. TAMMANY PARISH

St. Tammany Parish
Department of Engineering
Attn: Brian Fortson
P.O. Box 628
Covington, LA 70434
Ph: (504) 898-2552
Fax: (504) 898-5205

TERREBONNE PARISH

Terrebonne Parish
Attn: Robert Jones or
Matthew Sevier
P. O. Box 2768
Houma, LA 70361
Ph: (504) 873-6720 (Jones)
Fax: (504) 873-6874 (Jones)
Ph: (504) 580-8145 (Sevier)
Fax: (504) 873-6439 (Sevier)

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L. The applicant shall notify **Andre Fant** or the current Permits Manager of the Board of Commissioners, **Port of New Orleans**; P. O. Box 60069; New Orleans, LA 70160; (504) 528-3328 of any proposed seismic work to be done within the **parishes of Jefferson, Orleans, and St. Bernard**, and obtain prior written permission from the Board of Commissioners of the Port of New Orleans before entering on its properties in those parishes to perform seismic operations.

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

I affix my signature and issue this permit this 19th day of May, 2000.

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.

