



DEPARTMENT OF NATURAL RESOURCES  
COASTAL MANAGEMENT DIVISION

P.O. BOX 44487  
BATON ROUGE, LOUISIANA 70804-4487  
(225) 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 operations for seismic surveys to include surveying locations, placement of bamboo poles, receiver lines, casings (pipes), buoys, stakes, detectors, etc. The pipes to be marked with flags by day and yellow lights by night. Generation of seismic energy source may be by drilling and detonation of shot points, discharge of air guns in water, and/or use of Vibraseis or other vibrating energy sources.

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. 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 Joint Permit Application Form 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 a \$20.00 application fee. 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. Should CMD deem that they may have an interest in the project, 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: the Louisiana Departments of Wildlife and Fisheries; Health and Hospitals; Environmental Quality; Natural Resources/Coastal Restoration Division; Culture Recreation, and Tourism ; Transportation and Development; State Land Office; and the approved Parish Local Program if applicable. 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 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 and completed 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 90 days of initiation of the work, with a one-time mobilization, unless a different time schedule is specifically approved by CMD.

- 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. The term of individual authorizations issued under the authority of this General Permit shall be two years from the date of issuance of the individual authorization.
- 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 authority of 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 CMD 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 CMD Administrator. A transfer form is included with each authorization.
- 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.
- N. This General Permit authorizes a one-time mobilization to conduct the authorized activities. Additional authorizations may be necessary for maintenance or work beyond the scope of the authorized activities.

## 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 or 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 CMD 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. 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, (225) 342-7591.) Work may not resume until written approval is obtained from the CMD.
- G. 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 BOD<sub>5</sub>; 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.
- H. 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.
- I. 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.
- J. Dredging activities authorized under this General Permit shall not exceed the volume specified in the work statement of the individual authorization.
- K. If unavoidable impacts to vegetated wetlands are to occur as a result of the proposed activity 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.

**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 the currently productive boundaries of an 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 1,500 feet, or other distance deemed appropriate by the Louisiana Department of Wildlife and Fisheries, of a known bald eagle nesting site.
  - 4) Within 1,500 feet, or other distance deemed appropriate by the Louisiana Department of Wildlife and Fisheries, of a known bird rookery area.
- 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 the written consent of each appropriate agency or governing body.
- E. Within 1,500 feet of a barrier island, barrier island features, cheniers, or other coastal feature without the approval of the appropriate resource agencies that CMD determines to have programmatic interests.

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

- A. Within the officially designated critical habitat of a threatened or endangered species.

- B. Within 1,000 feet of an area determined to be an unique ecological feature by the Secretary of the Department of Natural Resources.
- C. Within Special Significance Areas designated pursuant to R. S. 49:214.41(F) and those rules and regulations adopted thereunder, where applicable.
- D. Within the boundaries of an national park or monument, national wildlife refuge or established buffer zone for any such 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 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**

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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

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  
CZM Administrator  
P. O. Drawer 3287

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Lake Charles, LA 70602  
Ph: (337) 437-3600  
Fax: (337) 437-3586

**CAMERON PARISH**  
Cameron Parish Police Jury  
CZM Administrator  
P. O. Box 1280  
Cameron, LA 70631  
Ph: (337) 775-5718  
Fax: (337) 775-5567

**JEFFERSON PARISH**  
Jefferson Parish  
CZM Administrator  
Jefferson Parish Environmental  
and Development Control Dept.  
1221 Elmwood Park Blvd., Suite 703  
Harahan, LA 70123  
Ph: (504) 731-4612  
Fax: (504) 731-4607

**LAFOURCHE PARISH**  
Lafourche Parish Council  
CZM Administrator  
101 West 112th Street  
Cut Off, LA 70345  
Ph: (985) 632-4666  
Fax: (985) 632-8653

**ORLEANS PARISH**  
Office of Environmental Affairs  
CZM Administrator  
Suite 8 E 06, City Hall  
1300 Perdido Street  
New Orleans, LA 70112  
Ph: (504) 568-4071  
Fax: (504) 568-4076

**PLAQUEMINES PARISH**  
Plaquemines Parish Government  
CZM Administrator

106 Ave "G"  
Belle Chasse, LA 70037  
Ph: (504) 297-5320  
Fax: (504) 394-9541  
Toll Free (888) 784-9541

**ST. BERNARD PARISH**  
St. Bernard Parish Planning Commission  
CZM Administrator  
8201 West Judge Perez Drive  
Chalmette, LA 70043  
Ph: (504) 278-4303  
Fax: (504) 278-4298

**ST. JAMES PARISH**  
St. James Parish Council  
CZM Administrator  
Courthouse  
P. O. Box 106  
Convent, LA 70723  
Ph: (225) 562-2262  
Fax: (225) 562-2279

**ST. TAMMANY PARISH**  
St. Tammany Parish  
Department of Engineering  
CZM Administrator  
P.O. Box 628  
Covington, LA 70434  
Ph: (504) 898-2552  
Fax: (504) 898-5205

**TERREBONNE PARISH**  
Terrebonne Parish  
CZM Administrator  
P. O. Box 2768  
Houma, LA 70361  
Ph: (504) 580-8145  
Fax: (504) 873-6439

- 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.

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I affix my signature and issue this permit this 1st day of November, 2005.

DEPARTMENT OF NATURAL RESOURCES



Jim Rives, Acting Administrator  
Coastal Management Division

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



