



**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT**

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COASTAL USE PERMIT/CONSISTENCY DETERMINATION

C.U.P. No.: General Permit 24 (GP-24)

NAME: Louisiana Department of Natural Resources
Office of Coastal Management
PO Box 44487
Baton Rouge, LA 70804-4487

LOCATION: In the Louisiana Coastal 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.

DESCRIPTION: Installation, maintenance and/or removal of up to 1,000 linear feet of concrete mats and other hard-structure or engineered alternatives for pipeline protection.

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 permitted 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 Office of Coastal Management of the date on which initiation of the permitted activity described under the "Coastal Use Description" began. The applicant shall notify the Office of Coastal Management by 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.
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 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 permitted 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. 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 a \$100.00 application fee or the application fee in effect at the time of application submittal. This General Permit shall not apply if the proposed work is determined not to meet the criteria. The applicant shall be advised by letter within five (5) calendar days of receipt of the complete application that the application shall be processed as an individual CUP if the determination is made that the proposed activity is not consistent with this General Permit.
- B. Individual written approvals from OCM must be obtained prior to the commencement of any individual activity proposed under the authority of this General Permit.
- C. Should OCM 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. OCM 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 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.
- D. 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.
- E. 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 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.

- F. 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 original individual authorization.
- G. The permittee shall notify OCM of commencement of work which is 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.
- H. 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.
- I. 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.
- J. Work carried out under the authority of this General Permit shall conform to all appropriate state and federal safety regulations.
- K. 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/crm/coastmgt/cup/cup.asp>, or can be provided upon request.
- L. 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.
- M. Work carried out under the authority of this General Permit must be maintained in conformance with the plans and specifications of the authorization.

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 activities covered by this General Permit shall not adversely affect any threatened or endangered species. Adverse impacts on fish, wildlife and the environment shall be minimized.
- D. This permit does not convey any property rights, mineral rights, or exclusive privileges, nor does it authorize injury to property.
- E. 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 OCM's

review. Copies of the initial notification letters sent to the landowner(s) shall be provided to OCM with the authorization request.

- F. 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, Louisiana Department of Culture, Recreation, and Tourism (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 OCM.
- 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 BOD₅) 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 and/or filling activities authorized under the authority of this General Permit shall not exceed the volume specified in the work statement of the individual authorization.
- K. 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) 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.
- L. 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. The compensatory mitigation plan shall be developed prior to the issuance of approval under the authority of 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.
- M. 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 Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator) at (337) 923-9923 or (337) 923-4395. Office hours are Monday through Thursday from 7:30 AM - 5:00 PM. and on Friday between 7:30 AM and 11:30 PM. If traditional cultural properties are discovered on the weekend or after business hours, the notification shall be made the next business morning.

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 Louisiana Department of Wildlife and Fisheries:
 - 1. Within the boundaries of a LDWF owned or managed Wildlife Management Area or Wildlife Refuge.
 - 2. Within 1,000 feet, or other distance deemed appropriate by LDWF, of a known bald eagle nest.
 - 3. Within 1,500 feet, or other distance deemed appropriate by LDWF, of a known bird rookery area
 - 4. 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 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 1,500' of the Mississippi River and Atchafalaya River levees or within 300 feet of all other levees or other flood control facility constructed, owned, operated or maintained by federal, governments, or with federal funds, without the written consent of each appropriate agency or governing body.
- D. 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.

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.
- D. On public oyster areas (seed grounds, seed reservations, etc.).

- E. Within 500 feet of an oyster lease.
- F. In waters where the clearance above the mat at MLW NAVD88 is 10 feet or less for offshore waters and 6 feet or less for inshore waters. The designation of offshore/inshore waters being shown on a map attached.
- G. In tidal passes.
- H. On bayou, river and stream bottoms.
- I. Within 1500 feet of a barrier island or barrier beach.
- J. Within 1000 feet of an established navigation channel, fairway or anchorage area constructed, owned, operated, or maintained by federal, state or local governments, or with federal, state or local government funds unless:
 - 1. The request is accompanied by written consent from each appropriate agency or governing body; or
 - 2. There is a physical barrier that isolates the project site from the navigation channel, fairway or anchorage area.
- K. Exceptions
 - 1. Mats may be used within a 100-foot radius of existing platforms and other emergent production facilities to cover lines less than 10 inches in diameter and within a 250-foot radius to cover lines 10 inches or greater in diameter subject to site specific evaluation; mats cannot extend more than 24 inches above the natural water bottom, must be associated with lines going to the adjacent structure and must be removed upon abandonment of the line or the structure.
 - 2. Mats may be used in the Mississippi and Atchafalaya Rivers contingent on approval of the U.S. Coast Guard.

V. Special Conditions:

- A. Permittee must perform inspections/surveys of the project and submit a report to OCM/DNR after each inspection/survey occurrence. The frequency of inspection and reporting shall occur one year after the mats are installed, and within 60 days of the passage of any named storm whose eye passes within 150 nautical miles of the mat location; and as required by the applicants written shallow water inspection plan (a copy of which shall be provided), but not to exceed 5 years from any previous inspection. The applicant shall maintain as part of that inspection plan, protocols to ensure the reports are sent to OCM. The reports must be sufficient to demonstrate that the mats remain in place over the pipeline and the ends buried. DNR shall have the right to require a more detailed inspection using means (e.g. divers or side scan sonar) capable of providing the required level of detail should the initial report be insufficient. Inspections shall also be performed upon demand by OCM for reported incidents involving that location. Permittee also agrees to remove mats should they become, in the opinion of OCM/DNR (as the permitting body), a hazard to navigation or to be no longer performing the role for which they were installed.
- B. In the event the permit for a pipeline protected by mats is transferred, both the pipeline permit number and the concrete mat permit number are required to be referenced in the permit transfer request. If a financial assurance is required as part of the original permit or any subsequent authorization to install mats to protect the line, the request to transfer the authorizations must be accompanied by an appropriate financial assurance in the transferee's name.

- C. The permittee must agree to maintain liability for any damages resulting from the mats' presence on the waterbottom for as long as the mat installation remains on the waterbottom.
- D. The permittee must agree to hold and save the State of Louisiana, its agencies and political subdivisions and their officers and employees harmless from any damage to persons or property arising from the installation, presence or subsequent removal of mats as authorized in this General Permit.
- E. If multiple mats are required, the mats must be permanently joined together during installation to form a single unit. The unit must be maintained as a singular structure throughout its project life.
- F. The permittee must affix a permanent, unique identifier to each mat. The identifier and the methods of marking and attachment (e.g., embossing the permit number in the concrete or attaching a type of tag) must be approved by OCM/DNR prior to authorization.
- G. The permittee must provide notification of the project to the U.S. Coast Guard and the DNR Underwater Obstruction Program within 30 days of installation. The notification must include the GPS coordinates of the mat installation site and the ID number of each mat.
- H. The permittee must agree to remove the mats and any portions of the line not buried below the sediment surface upon abandonment of the line. "Abandonment" shall mean the cessation of the specific function provided at the time the use of mats is approved (e.g., servicing a particular well or platform). This stipulation does not supersede any provision that may be contained in the original authorization for the installation of the line that requires removal of the line in its entirety upon abandonment.
- I. Should changes in the location or the section of the existing waterways, or in the generally prevailing conditions in the vicinity be required in the future, in the public interest (e.g., to allow for successful construction, implementation, maintenance, etc. of features contained in the Integrated Ecosystem Restoration and Hurricane Protection: Louisiana's Comprehensive Master Plan for a Sustainable Coast), permittee shall make such changes in the project concerned or in the arrangement thereof as may be necessary to satisfactorily meet the situation and shall bear the cost thereof. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for project modifications.
- J. Mats must be marked/lighted in accordance with U. S. Coast Guard regulations. These markers/lights, if required, must be maintained at the site until such time as the mats are removed. A description of the condition of the markers/lights must be included in the monitoring report submitted to OCM/DNR.

VI. Definitions

- A. The term "mats" shall refer to articulated concrete mats as well as other hard-structure or engineered alternatives (rip-rap, etc.) designed to protect exposed pipelines or those with less than three (3) feet of sediment cover.
- B. The term "permittee" shall refer to companies or individuals who have received any sort of authorization (CUP, GP, emergency authorization) from Office of Coastal Management to install mats or their successors and assigns.

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

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

I affix my signature and issue this permit this 16th day of August, 2010.

DEPARTMENT OF NATURAL RESOURCES

Karl L. Morgan

Karl L. Morgan, Administrator
Permits & Mitigation Division

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

