

**DEPARTMENT OF NATURAL RESOURCES
COASTAL MANAGEMENT DIVISION**

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

D33

COASTAL USE PERMIT/CONSISTENCY DETERMINATION

C.U.P. No. COASTAL USE PERMIT - GENERAL PERMIT 7 (REVISED) (CUP-GP 7 Revised)

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 dredging to construct a parallel slip adjacent to an existing man-made canal or slip, for dredging to deepen an existing slip, and for dredging to construct an oil or gas access canal and slip. This general permit also authorizes the removal and replacement of existing plugs in oil and gas canals to access work sites approved under this general permit and the construction of plugs in oil or gas access canals constructed under the authority of this general permit.

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 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.
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:

C.U.P. No.

COASTAL USE PERMIT - GENERAL PERMIT 7 (REVISED) (CUP-GP 7 Revised)

C.O.E. No.

COASTAL MANAGEMENT DIVISION GENERAL PERMIT
FOR OIL AND GAS ACTIVITIES IN THE LOUISIANA COASTAL ZONE

DESCRIPTION OF WORK

THIS GENERAL PERMIT PROVIDES FOR DREDGING TO CONSTRUCT A PARALLEL SLIP ADJACENT TO AN EXISTING MAN-MADE CANAL OR SLIP, FOR DREDGING TO DEEPEN AN EXISTING SLIP, AND FOR DREDGING TO CONSTRUCT AN OIL OR GAS ACCESS CANAL AND SLIP. THIS GENERAL PERMIT ALSO AUTHORIZES THE REMOVAL AND REPLACEMENT OF EXISTING PLUGS IN OIL AND GAS CANALS TO ACCESS WORK SITES APPROVED UNDER THIS GENERAL PERMIT AND THE CONSTRUCTION OF PLUGS IN OIL OR GAS ACCESS CANALS CONSTRUCTED UNDER THE AUTHORITY OF THIS GENERAL PERMIT.

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 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. If the proposed work is determined 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 considered for approval under this General Permit.
- C. 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.

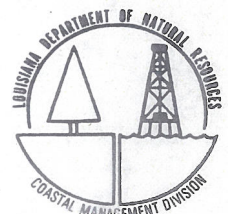


C.U.P. No.

COASTAL USE PERMIT - GENERAL PERMIT 7 (REVISED) (CUP-GP 7 Revised)

C.O.E. No.

- D. Subsequent to Geologic Review Procedure meetings which may be required in accordance with Operating Condition A. of this General Permit, CUP applications for proposed work which meet the criteria of this General Permit shall be sent, with notification stating that the proposed work is being considered for approval under the authority of this General Permit, to the following State agencies for review and comment: the Louisiana Department of Environmental Quality, Office of Water Resources (DEQ); the Louisiana Department of Wildlife and Fisheries, Environmental Branch (DWF); the Louisiana Department of Culture, Recreation and Tourism; the Louisiana Department of Transportation and Development; the Louisiana Division of Administration, State Land Office; and the Louisiana Department of Health and Hospitals. Those State agencies shall have five (5) calendar days from the date of that notification to comment. State agency concurrences may be provided to CMD by telephone. Statements of nonconcurrence may be provided initially by telephone, but shall be followed by written objection, within fifteen (15) days of that notification, with an information copy sent to the applicant, and shall include the reasons for the State agency's nonconcurrence. Lack of comment by these State agencies within the 5-day period shall be considered as no objection or no position. After receipt of comments from the State agencies, or after fifteen (15) days from the date of the above-referenced letter to the applicant, a decision will be made to issue approval under the authority of this General Permit, to issue approval with modifications or additional Operating Conditions, or to deny approval for the proposed work. If a decision is made to issue approval under the authority of this General Permit, or to issue approval with modifications or additional Operating Conditions, that approval shall be granted to the applicant in writing within ten (10) calendar days of the end of the agency comment period.
- E. 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 R.S. 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, and the requirement to implement that plan by the permittee shall become a condition of approval for work 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.



C.U.P. No.

COASTAL USE PERMIT - GENERAL PERMIT 7 (REVISED) (CUP-GP 7 Revised)

C.O.E. No.

- F. Approval 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, 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 this 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 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.
- H. 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.
- I. Approval of work under this General Permit shall not relieve the applicant of the responsibility of obtaining other lawfully required local, state and federal permits, (e.g., DEQ, 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 the authority of 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.



C.U.P. No.

COASTAL USE PERMIT - GENERAL PERMIT 7 (REVISED) (CUP-GP 7 Revised)

C.O.E. No.

II. Definitions

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

- A. "Directional Drilling Radius" means the maximum horizontal distance from a proposed bottomhole location from which it is feasible to directionally drill a given well. It is determined by the following formula: $[(\text{Proposed Total Well Depth in feet} - \text{surface casing distance in feet} - 1425) \times 0.57735027] + 375$.
- B. "Geologic Review Procedure" means a process by which alternative methods for oil and gas exploration are evaluated on their environmental, technical, and economic merits on an individual basis; alternative methods of oil and gas production and transmission which are specifically associated with the proposed exploration activity shall also be evaluated in this process. These alternative methods are presented and evaluated at a meeting by a group of representatives of the involved parties. A Geologic Review group is composed, at minimum, of representatives of the applicant, a petroleum geologist and a petroleum engineer representing CMD and/or the New Orleans District Corps of Engineers, and a representative of the CMD Permit Section, and may include, but is not limited to, representatives of DWF, DEQ, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. National Marine Fisheries Service, and the U.S. Environmental Protection Agency.
- C. "Wetlands" means an open water area or an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, but specifically excluding fastlands and lands more than five feet above mean sea level which occur within the designated coastal zone of the state. Wetlands generally include swamps, marshes, bogs, and similar areas.



C.U.P. No.

COASTAL USE PERMIT - GENERAL PERMIT 7 (REVISED) (CUP-GP 7 Revised)

C.O.E. No.

III. Operating Conditions

- A. No work shall be authorized under this General Permit without review of the proposed work via the Geologic Review Procedure,
- 1) when such work shall impact vegetated wetlands; or
 - 2) when requested by DWF for projects proposed to occur within:
 - (a) one-quarter mile of an oyster seed ground, oyster seed reservation, public oyster harvesting area, or other shell reef area;
 - (b) the boundaries on a DWF owned or managed wildlife refuge or wildlife management area; or
 - (c) an area designated as a natural and scenic river in accordance with the provisions of R.S. 56:1840 et seq.
- B. This General Permit authorizes dredging to construct a 120-foot by 375-foot by 8-foot deep parallel slip with a 60-foot by 60-foot by 8-foot deep wing, adjacent and contiguous to an existing oil or gas canal or slip for the purpose of drilling an oil or gas well. Other configurations which would disturb the same area or a reduced area may also be approved under this General Permit. Unless it is determined through the Geologic Review Procedure that alternative placement would have reduced adverse environmental impacts, excavated material shall be placed in continuous spoil banks along the canal and slip. The base of spoil banks shall not exceed 75 feet in width.
- C. This General Permit authorizes dredging to deepen an existing oil or gas well slip to provide sufficient water depth, not to exceed eight feet, to accommodate a drilling or workover rig. Excavated material shall be placed upon existing spoil banks to the maximum extent practicable. The base of spoil banks shall not exceed 75 feet in width.
- D. This General Permit also authorizes dredging to construct a 70-foot wide by 8-foot deep canal off an existing oil or gas canal or slip for the purpose of drilling an oil or gas well. The total length of the canal and slip constructed under the authority of this General Permit shall not exceed 500 feet. The total width of the slip constructed under the authority of this General Permit shall not exceed 160 feet. Unless it is determined through the Geologic Review Procedure that alternative placement would have reduced adverse environmental impacts, excavated material shall be placed in continuous spoil banks along the canal and slip. The base of spoil banks shall not exceed 75 feet in width.



C.U.P. No.

COASTAL USE PERMIT - GENERAL PERMIT 7 REVISED (CUP-GP 7 Revised)

C.O.E. No.

- E. Within one hundred and twenty (120) days of plugging the well, an earthen plug capped with rip-rap or other erosion resistant material approved by CMD shall be constructed at the mouths of all canals which are constructed under the authority of this General Permit, unless it is determined through Geologic Review Procedure or by the Secretary that such plugging will cause significant adverse environmental impacts. The plug shall have, after settling and subsidence, an elevation of not less than three feet (3') above mean water level, a width of not less than thirty feet (30') 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. Within one hundred and twenty (120) days of plugging the well, gaps at least fifty feet (50') in width shall be cut at least every 300 feet (300') in spoil banks constructed under the authority of this General Permit, unless it is determined through the Geologic Review Procedure or by the Secretary that such gapping will cause significant adverse environmental impacts. Modifications of or exceptions to the canal plugging and/or spoil bank gapping requirements shall not be considered by the Secretary unless the permittee first provides a letter(s) of no objection from:

(1) DWF for areas:

- (a) within one-quarter mile of an oyster lease, oyster seed ground, oyster seed reservation or public oyster harvesting area;
- (b) within the boundaries of an DWF owned or managed wildlife refuge or wildlife management area; or
- (c) within an area designated as a natural and scenic river in accordance with the provisions of R.S. 56:1840 et seq., and

(2) the Louisiana Department of Culture, Recreation and Tourism within:

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

- F. Any canal plug removed in the performance of work under this General Permit shall be restored to its pre-removal condition within one hundred and twenty (120) days of abandonment of the well site. Any canal plug removed in the performance of work under this General Permit shall be restored, at a minimum, to meet the specifications and requirements of Operating Condition E.



C.U.P. No.

COASTAL USE PERMIT - GENERAL PERMIT 7 (REVISED) (CUP-GP 7 Revised)

C.O.E. No.

- G. Should a parallel slip require the use of an existing permitted canal for access and if the existing canal is required to be restored upon abandonment, the application for the proposed work shall include a signed agreement between the permittee of the existing canal and the applicant for the proposed slip or canal. That agreement shall describe a plan for plugging all adjoining canals and gapping of all involved spoil banks, upon abandonment of each respective well site(s), and shall also describe each party's responsibilities to ensure that all canal plug(s) are installed and all spoil banks gapped or degraded as required in the original permit. This condition will apply even if different companies or individuals are involved.
- H. 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 DWF:
- (1) Within one-quarter mile of an oyster lease, oyster seed ground, oyster seed reservation or public oyster harvesting area; or
 - (2) Within the boundaries of an DWF 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.
- I. 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) Any State Park, State Recreational Area or State Commemorative Area; or
 - (2) Any known historic or archaeological site or within the boundaries of an historic district.
- J. 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 CMD.



C.U.P. No. COASTAL USE PERMIT - GENERAL PERMIT 7 REVISED (CUP-GP 7 Revised)

C.O.E. No.

- K. 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.
- L. 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 the CMD's review. Copies of notification letters sent to the landowner(s) shall be provided to CMD with the CUP application.

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

- 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 100 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.
- 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. Authorization requests not accompanied by such written permission shall be processed as requests 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 park site.

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

I affix my signature and issue this permit this 2nd day of February, 19 94.

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.