DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT
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-24 (CUP-GP-24, Amended)

Name and Address: Louisiana Department of Natural Resources; Office of Coastal Management P.O. Box 44487, Baton Rouge, LA 70804-4487

LOCATION: In the Louisiana Coastal Parishes of Ascension, 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.

AMENDMENT: Addition of condition V.A.

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, perform, operate and maintain the use in accordance with the permit conditions, plans and specifications approved by the Department of Natural Resources. Please be advised that a separate coastal use permit may be required for maintenance activities.
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 amended permit shall be subject to all applicable federal and state laws and regulations.
8. This amended 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 (OCM) of the date on which initiation of the permitted activity described under the "Coastal Use Description" began. The applicant shall notify the OCM by mailing the enclosed green initiation card on the date of initiation of the coastal use.
10. 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 DNR has determined that full individual permit processing by OCM is in the public interest in order to determine whether proposed activities qualify for authorization under the authority of this amended General Permit. This full individual permit processing will consist of review by the staff of OCM 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 the authority of this amended General Permit. If appropriate, permit processing fees and appropriate mitigation plan processing fees also will be assessed.

B. 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 amended General Permit. The applicant shall submit a complete application packet (forms and plats) to OCM. The application shall be accompanied by the application fee in effect at the time of application submittal. This amended General Permit shall not apply if the proposed work is determined not to meet the criteria. The applicant shall be advised 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 amended General Permit.

C. Individual written approvals from OCM must be obtained prior to the commencement of any individual activity proposed under the authority of this amended General Permit.

D. Should OCM deem that they may have an interest in the project, prior to issuance of authorization for an individual activity under the authority of this amended 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; Office of Coastal Protection and Restoration; Culture Recreation, and Tourism; Transportation and Development; State Land Office; and the approved Parish Local Program, if applicable. OCM may issue authorization for the proposed activity after the designated 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 amended 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, or his designee.

E. Should it be deemed in the public interest, the Secretary shall deny authorization to perform work under the authority of this amended General Permit and require the applicant to obtain an individual CUP for the proposed activity.

F. Unless otherwise specified in the General Permit or specific work approval, authorization for work under the authority of this amended 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 individual approval. Initiation of the Coastal Use, for purposes of this amended 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 amended 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.

G. The term to initiate and complete an individual authorization issued under the authority of this amended General Permit may be extended for up to an additional two (2) years beyond the initial two (2) year term. Extension requests shall be in the form of a written letter which shall refer to the original coastal use permit application number and specifically state that a permit extension is desired. Submission of extension requests via the online application system also is acceptable. A nonrefundable extension request fee in the amount of $80 shall be included with such a request, and the request must be received by the Permits, Mitigation and Support Division no sooner than 180 days and no later than 60 days prior to the expiration of the individual authorization in question. Requests received later than 60 days prior to the expiration date of the permit shall be eligible for consideration for extension, however a permittee who fails to make a timely request for an extension shall not engage in any activity requiring a coastal use permit past the original permit expiration date until an extension of the lapsed permit or a new permit is granted

H. The Term of this amended General Permit shall be five (5) years from the date of issuance, except as provided for in LAC 43 Subpart 723.E.3.b.

I. The permittee shall notify OCM of commencement of activities which are authorized under the authority of this amended 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.

J. Issuance of approval under the authority of this amended General Permit does not relieve the applicant of obtaining other lawfully required permits (local, state, or federal) before commencing work.

K. 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.

L. Work carried out under the authority of this amended General Permit shall conform to all appropriate state and federal safety regulations.

M. An authorization issued under the authority of this amended 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.

N. Work carried out under the authority of this amended 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.

O. Permittee shall provide legal representation and indemnification to State agencies for any and all lawsuits and/or claims whether they be legal or otherwise that may be filed or made against State agencies as a result of the activities by Applicant.

II. Operating Conditions

A. All logs, stumps and other debris encountered during dredging activities shall be removed from the site during or immediately after the activity and disposed of in accordance with all applicable laws and regulations.

B. Spoil shall not be placed in or block any tidal sloughs.

C. This amended General Permit does not convey any property rights, mineral rights, or exclusive privileges, nor does it authorize injury to property.

D. If archaeological, historical or other cultural resources are encountered during activities authorized under the authority of this amended General Permit, work shall cease and the applicant shall immediately notify the Division of Archaeology, Louisiana Department of Culture, Recreation, and Tourism (CRT) (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 CRT.

E. The permittee 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 not be discharged into any of the streams or adjacent waters of the area without authorization from DHH and/or LDEQ 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 and LDEQ regulations. 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 (DHH) for purpose of review and approval prior to any utilization of such provisions.

F. The permittee shall comply with all applicable laws regarding the need to contact the Louisiana One Call System (811) or online at http://www.laonecall.com to locate any buried cables and pipelines.

G. The permittee is subject to all laws related to damages which are demonstrated to have been caused by the permitted activities.

H. 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.

I. Dredging and/or filling activities authorized under the authority of this amended General Permit shall not exceed the volume specified in the project description of the individual authorization.

J. 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. Unless otherwise stated the expiration of the term of this amended General Permit, or the revocation or expiration of approval to perform work under the authority of this amended General Permit, shall not absolve the permittee, its transferees, or assignees from the obligation and responsibility of implementing and maintaining the compensatory mitigation plan.

K. If applicable, the requirement for compensatory mitigation for impacts to wetlands resulting from the referenced project may be determined after one full growing season (March 1 to November 1) following the completion of the permitted activities. This assessment shall include both primary impacts and secondary impacts which may result from the permitted activities.

If OCM determines that compensatory mitigation is required, permittee shall submit a compensatory mitigation plan for approval within 30 days of notification of the compensatory mitigation requirements by OCM. All necessary approvals shall be obtained for the compensatory mitigation plan and the plan shall be implemented as directed by OCM. Permittee should be aware that compensatory mitigation projects may be required to be maintained for as many as 20 years for marsh mitigation projects and 50 years for forested wetland mitigation projects. 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.

L. Individual activities authorized under the authority of this amended 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, or phased construction) 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.

M. If the project authorized under the authority of this amended 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 the Chitimacha Tribe of Louisiana, P.O. Box 661, Charenton, LA 70523 - phone (337) 923-7215.

III. This amended General Permit does not apply in the following locations without prior written authorization from the appropriate agencies:

A. Work under the authority of this amended 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 amended 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 feet of the Mississippi River or Atchafalaya River levees or within 300 feet of all other levees or other flood control structures which are owned, operated or maintained by the federal government, 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 amended 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 mean low water (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 the map attached.

G. In tidal passes.

H. On bayou, river and stream bottoms.

I. Within 1,500 feet of a barrier island or barrier beach.

J. 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.

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. Mats must be installed in a manner whereby the edges and ends are buried and must remain at least 1.5' below the surface of the water bottom.

B. Permittee must perform inspections/surveys of the project and submit a report to OCM 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 applicant's 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.

C. 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 the project life.

D. 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 prior to authorization.

E. Mats must be marked and 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 and lights must be included in the monitoring report submitted to OCM.

F. 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.

G. Permittee must agree to maintain liability for any damages resulting from the mat's presence on the waterbottom for as long as the mat installation remains on the waterbottom.

H. 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 amended General Permit.

I. Permittee must agree to remove the mats and any portions of the line not buried below the sediment service 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 required removal of the line in its entirety upon abandonment.

J. 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.

K. 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 transferred 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 authorization must be accompanied by an appropriate financial assurance in the transferree's name.

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 (GP, CUP, emergency authorization) from OCM to install mats or their successors and assigns.

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

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

I affix my signature and issue this amended permit this 31st day of October, 2012.

DEPARTMENT OF NATURAL RESOURCES

Karl L. Morgan

Karl L. Morgan, Administrator
Office of Coastal Management

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