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STEPHEN CHUSTZ
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

September 23, 2013

Ms. Angie Gobert
Bureau of Safety and Environmental Enforcement
1201 Elmwood Park Boulevard
New Orleans, Louisiana 70123-2394

Dear Ms. Gobert:

This letter serves to memorialize our telephone conversation of September 9, 2013, and to further our mutual understanding of Louisiana's review of "minor reconfigurations" of pipelines as addressed in NTL 2007-G20.

As you are aware, the Coastal Zone Management Act (CZMA) and associated regulations do not set a lower limit for state's review of federally licensed or permitted activities. The Bureau of Safety and Environmental Enforcement's (BSEE) policy regarding "minor reconfigurations", that pipeline modifications of less than one and one half miles does not reach the threshold to trigger CZM review, was not known to the Office of Coastal Management (OCM). This was the source of concern that lead to Administrator Don Haydel's letter of July 17, 2013, and our subsequent telephone conversation. At this time, I believe that our respective agencies can reach an understanding concerning consistency review for these projects.

As we discussed in the recent phone conversation, OCM generally agrees that the types of pipeline projects under discussion will have insignificant coastal impacts. However, Louisiana's coastal restoration efforts will require a significant amount of sediment to be obtained from offshore shoals and deposits. Oil and gas facilities (pipeline rights-of-ways) whose placement may obstruct access to these critical sand and gravel deposits may have significant implications with regard to limited offshore sand resources that are vital to the state's coastal restoration efforts. I cannot overstate that these offshore sand and gravel deposits are of paramount interest to the state.

In light of the foregoing, I propose the following concerning Louisiana's consistency review of minor pipeline reconfigurations as addressed by NTL 2007-G20:

- OCM will provide to BSEE a list of OCS blocks in which sand and gravel resources have been identified by the Louisiana Coastal Protection and Restoration Authority. We will also provide GIS data depicting these areas, which will include a 1000 ft. buffer needed for resource protection.

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- The state will not require consistency review for pipeline modifications of less than one and one half mile length in the OCS, provided these activities do not fall within the sand and gravel resource or buffer areas.
- Applications in which any structure or facility will be placed within the identified resource or buffer areas will be subject to consistency review.
- Applications for pipeline or facility decommission, whether proposed to be abandoned in-place or removed, will be subject to consistency review if they are within the resource or buffer areas. This is a departure from prior OCM practice, but these are listed activities in the Louisiana Coastal Resources Program (LCRP) and the need to balance potentially competing uses makes this procedural change necessary.
- Louisiana may re-assert its right under the CZMA to review any federally licensed or permitted projects listed in the LCRP, should we find that they may have reasonably foreseeable impacts on coastal resources.

In consideration of the above, BSEE is requested to provide OCM with a list of all authorizations, including "minor reconfigurations," which have been issued for activities within the resource and buffer areas in the past five years.

If this arrangement is satisfactory to you, please have your staff coordinate with Jeff Harris of the Consistency Section for future application reviews, and for exchange of the information mentioned. Mr. Harris can be reached at (225) 342-7949 or Jeff.Harris@LA.gov. If further discussion is warranted, please contact me directly.

Sincerely,



Keith Lovell
Assistant Secretary

KL:pso

cc: Tershara Matthews, BOEM MS 5412
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