



**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

C.U.P. No.: P20210822

C.O.E. No.: MVN- 2021- 01265 WQQ

NAME: HACKBERRY CARBON SEQUESTRATION, LLC

c/o T. BAKER SMITH, LLC
107 GLOBAL CIRCLE, SUITE 100
LAFAYETTE, LA 70503
Attn: Brady Trahan

LOCATION: Cameron Parish, LA

Injection Well and POB of 12" Injection Pipeline: Lat. 30-1-51.14N, Long. -93-26-54.28W, POE of 12" Injection Pipeline: Lat. 30-0-2.89N, Long. -93-25-0.73W (see plats for additional coordinates); Black Lake; Hackberry.

DESCRIPTION: Proposed installation of a CO2 injection well, a 16" suction pipeline (~30,720' in length), a 12" injection pipeline (~15,026' in length), and facility with boathouse and gangplank. Approx. 477,168 cy will be excavated for access and pipeline installation. Approx. 20,200 cy of topsoil, 32,267 cy of crushed stone or gravel, and 10 cy of sand will be hauled onto the project location.

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, and/or operate the use in accordance with the permit conditions, 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 entering a commencement date through the online system, or by mailing said information to OCM.
10. Unless specified elsewhere in this permit, this permit authorizes the initiation of the coastal use described under "Coastal Use Description" for two (2) years from the date of the signature of the Secretary or his designee on the original permit which was November 16, 2022. If the coastal use is not initiated within this two (2) year period, then this permit will expire and the applicant will be required to submit a new application. Initiation of the coastal use, for the 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:

- a. The requirement for compensatory mitigation for impacts to marsh habitat resulting from the referenced project will 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.

Permittee shall provide on-ground pre- and post-construction photographic documentation, including a photograph key that shows location and direction of each photograph, that clearly shows all vegetated wetlands occurring within the



permitted project area. The post-construction photos should be taken at the same location and in the same direction as the pre-construction photos. The post-construction documentation shall be acquired (photos actually taken) and submitted within 60 days of the end of the first full growing season following completion of the project. Permittee shall notify OCM of the date of completion of permitted activities within 5 working days of completion.

If OCM determines permanent impacts to wetlands or other coastal resources has resulted from permitted activities following one full growing season, the permittee shall be responsible for restoration or mitigation of those damages. The permittee shall submit a restoration plan proposal to OCM or provide a written alternatives analysis or justification document for use of a mitigation bank or monetary contribution instead of restoration of the permanent impacts resulting from permitted activities within 30 days of notification.

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.

- b. This permit does not convey any property rights, mineral rights, or exclusive privileges; nor does it authorize injury to property.
- c. All equipment utilized to perform activities authorized under this permit shall stay within the access routes and work areas designated on the permit plats utilizing the least damaging route and/or open water areas. Where access routes traverse vegetated wetlands, marsh buggy/tracked equipment access shall be limited to one pass ingress and one pass egress and shall not fall within the same tracks.
- d. Marsh buggy utilization shall be limited to the area depicted on the plats. Marsh buggy passes shall be kept to the minimum required to carry out authorized work, one pass ingress and one pass egress not to fall within the same track. Tracked equipment shall utilize open water where ever possible. When transitioning between marsh and open water, mats shall be placed between the tracked equipment treads and wetland vegetation. Tracked equipment shall not make standing turns. The applicant shall properly install adequate erosion/siltation control measures around construction areas that require land based earthwork (i.e. excavation and/or deposition of fill materials, land contouring, machinery rutting, fill maneuvering and redistribution, etc.), to ensure that no project related sediments, debris and other pollutants enter adjacent wetlands or waters. Acceptable measures include but are not limited to the proper use and positioning of temporary silt fences, straw bales, fiber/core logs, wooden barriers, seeding or sodding of exposed soils, or other approved EPA construction site storm-water runoff control and best practices. Control techniques shall be installed prior to the commencement of earthwork activities and maintained until the project is complete and/or the subject areas are stabilized. Upon the completion of construction activities or if at any time construction activities cease for more than 14 days, all disturbed soils shall be re-vegetated by sod, seed, or another acceptable method, as necessary, to restore cover and prevent erosion. The applicant shall adhere to all state statutes (R.S. 56:2011 et seq.) and department regulations (LAC 76:XIII.101 et seq.) concerning dredging of fill sand and fill material from water bottoms of the state of Louisiana and severance royalties. For more information, contact Mr. Dave Butler at 504-286-4173.
- e. As-built drawings and/or plats shall have written on them the date of completion of said activities and shall be submitted to the Louisiana Department of Natural Resources, Office of Coastal Management, P.O. Box 44487, Baton Rouge, LA 70804-4487 within 30 days following project completion.
- f. Applicant shall provide to OCM within 30 days following project completion as-built drawings and/or plats that include existing surrounding bottom elevations and dredged material surface elevations AND post-construction photographic



documentation clearly showing the entire dredged material placement area.

g. To mitigate for the unavoidable loss of ± 0.12 acres of brackish marsh habitat, the Office of Coastal Management (OCM) received documentation on October 11, 2022, that the permittee has purchased the OCM required 0.2 acres of brackish marsh habitat from the Rockefeller Refuge Mitigation Bank.

To mitigate for the unavoidable loss of ± 1.10 acres of scrub shrub habitat, the Office of Coastal Management (OCM) received documentation on September 23, 2022, that the permittee has purchased the OCM required 0.6 acres of cypress tupelo gum swamp habitat from the Petit Bois Mitigation Bank.

These purchases will satisfy the requirements for compensatory mitigation and allow permittee to conduct the activities authorized under this permit.

h. In accordance with the Beneficial Use of Dredged Material guidelines, in absence of the beneficial use of 27,891 cubic yards of dredge material, a contribution in the amount of \$27,891.00 to the Coastal Resources Trust Fund has been received for activities permitted under this authorization.

i. Permittee shall closely monitor discharge points of the hydraulic dredge pipeline(s) as to prevent the excessive accumulation of sediments (i.e., not to exceed a settled height of 6" inches above adjacent marsh elevations).

j. In accordance with the Beneficial Use of Dredged Material guidelines, dredged material resulting from activities permitted under this authorization shall be used beneficially to create, enhance or protect coastal wetlands.

Permittee shall insure dredge placement is limited to open water areas, shall not encroach on any existing marsh or wetland habitat, and shall not exceed a settled height of 6" above adjacent marsh elevations.

k. Containment constructed for the placement of dredge material shall be breached or degraded when "post settlement" marsh elevations are reached in order to allow the return of natural hydrologic tidal connectivity.

l. Impacts to existing containment dike(s) shall be restored to pre-project conditions following completion of permitted activities.

m. That a right-of-way grant be purchased from the Division of Administration, State Land Office prior to initiation of any construction activities.

n. Permittee shall obtain a Water Quality Certification, or any other LA Department of Environmental Quality (LA DEQ) authorization, should one be required, from the LA DEQ prior to initiation of any construction activities.

o. Wildlife Diversity Program: No impacts to rare, threatened or endangered species or critical habitats are anticipated from the proposed project. No state or federal parks, wildlife refuges, wildlife management areas or scenic rivers are known at the specified site or within $\frac{1}{4}$ mile of the proposed project. The Wildlife Diversity Program (WDP) reports summarize the existing information known at the time of the request regarding the location in question. WDP reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. If at any time WDP tracked species are encountered within the project area, please contact our biologist at 225-765-3554.

p. 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.



- q. Flowlines authorized by this Coastal Use Permit shall be buried (or jetted or bored) and maintained with a minimum cover of 3' below the mudline of any open water areas or waterbody crossings. Note that maintenance activities necessary to maintain the required 3' of cover over the flowline may require a new Coastal Use Permit.
- r. All fill material shall be clean and free of contaminants and shall not contain hazardous materials such as asbestos or asbestos residue, shingles, tires, oil/grease residue, exposed rebar, protruding objects, etc.
- s. Dredged material placement shall be gapped. Such gaps shall have a minimum width of 50 feet and a maximum spacing of 500 feet.
- t. No hydrocarbons, substances containing hydrocarbons, drilling mud, drilling cuttings, and/or toxic substances shall be allowed to enter adjacent waterways and wetlands.
- u. 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 DH and/or DEQ 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 DEQ 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 DH for purpose of review and approval prior to any utilization of such provisions.
- v. Structures must be marked/lighted in accordance with U. S. Coast Guard regulations.
- w. All structures, facilities, wells, and pipelines/flowlines shall be removed within 120 days of abandonment of the facilities for the herein permitted use unless prior written approval to leave such structures in place is received from the Office of Coastal Management. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for such removal activities.

Site clearance of abandoned oil and gas facilities located in Louisiana State waters is also subject to authorization by the Office of Conservation pursuant to La. R.S. 30:4(J). The Site Clearance and Verification for Abandoned Oil and Gas Structures Regulations became effective December 20, 1992. The Pipeline Division (225/342-5505) within the Office of Conservation is the designated regulatory agency for this regulation.

- x. Permittee is subject to all applicable state laws related to damages which are demonstrated to have been caused by this action.
- y. Permittee shall allow representatives of the Office of Coastal Management or authorized agents to make periodic, unannounced inspections to assure the activity being performed is in accordance with the conditions of this permit.
- z. Permittee shall comply with all applicable state laws regarding the need to contact the Louisiana One Call (LOC) system (1-800-272-3020) to locate any buried cables and pipelines.
- aa. This permit authorizes the initiation of the Coastal Use described under "Coastal Use Description" for two (2) years from the date of the signature of the Secretary or his designee on the original permit which was November 16, 2022. 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, Permittee must, in good faith and with due diligence, reasonably progress toward



completion of the project once the Coastal Use has been initiated. If the Coastal Use is not initiated within this two (2) year period, an extension may be granted pursuant to the requirements contained in the Rules and Procedures for Coastal Use Permits (Title 43:1.723.D.). Please note that a request for permit extension MUST be made no sooner than one hundred eighty (180) days and no later than sixty (60) days prior to the expiration of the permit.

The expiration date of this permit is five (5) years from the date of the signature of the Secretary or his designee on the original permit which was November 16, 2022. If the Coastal Use is not completed within this five (5) year period, an extension may be granted pursuant to the requirements contained in the Rules and Procedures for Coastal Use Permits (LAC 43:1.723(D)).

Upon expiration of this permit, a new Coastal Use Permit will be required for completion of any unfinished or uncommenced work items and for any maintenance activities involving dredging or fill that may become necessary. Other types of maintenance activities may also require a new Coastal Use Permit.

bb. This determination does not eliminate the need to obtain a permit from the United States Army, Corps of Engineers or any other Federal, state or local approval that may be required by law. The drawings submitted with your referenced application are attached hereto and made a part of the record.

***** 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 November, 2022.

THE DEPARTMENT OF NATURAL RESOURCES

A handwritten signature in black ink that reads "Karl L. Morgan".

Karl L. Morgan, Administrator
Office of Coastal Management

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

Attachments



Final Plats:

- 1) [P20210822](#) Final Plats 05/16/2022
- 2) [P20210822](#) Final Plats 05/16/2022

cc: Martin Mayer, COE w/attachments
Dave Butler, LDWF w/attachments
Channing Hayden, Jr., PortLC w/attachments
Steven Giambrone, DNR/OC w/attachments
Crystal Deroche, DNR/OC w/attachments
Les Rosso, State Land w/attachments
Elizabeth Hill, DEQ w/attachments
Kim Montie, Other w/attachments
Tianna Dunaway, Other w/attachments
Johan Forsman, DHH w/attachments
Jordan Cobbs, OCM w/attachments
Quintin Waguespack, OCM/FI w/attachments
Cameron Parish w/attachments

HACKBERRY CARBON SEQUESTRATION, LLC w/attachments