

DEPARTMENT OF THE ARMY PERMIT

Permittee: Bayou Bridge Pipeline, LLC

Permit No.: MVN-2015-02295-WII

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Clear, excavate and place earthen material to conduct trenching operations, horizontal directional drills and construct temporary workspaces, all to install and maintain approximately 163 miles of 24-inch crude oil pipeline, in accordance with drawings attached in 261 sheets, dated January 27, 2016, February 12, 2016, February 17, 2016, April 24, 2016, January 12, 2017 and January 2017.

Project Location: Located within a 163-mile long pipeline corridor beginning at the existing Clifton Ridge Marine Terminal on the Calcasieu River, in Lake Charles, Louisiana, Calcasieu Parish, then proceeding eastward through Jefferson Davis, Acadia, Vermilion, Lafayette, Iberia, St. Martin, Iberville, Ascension, Assumption, and St. James Parishes and terminating at crude oil terminals located near St. James, Louisiana.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2022**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: See Page 4

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

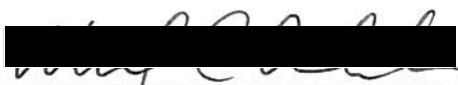
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


X 

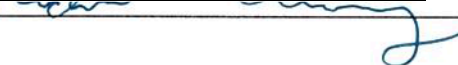
(PERMITTEE)

X 14 December 2017

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.





14 December 2017

(DATE)

Michael N. Clancy, Colonel, U.S. Army, District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

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7. That any excavated and/or fill material placed within wetlands must be free of contaminants, to the best of the permittee's knowledge.
8. The permittee must install and maintain, at his expense, any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on the authorized facilities.
9. The permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
10. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
11. If the authorized project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredging equipment, dredge discharge pipelines, etc.) in the waterway, you are advised to notify the U.S. Coast Guard so that a Notice to Mariners, if required, may be prepared. Notification, with a copy of your permit approval and drawings, should be mailed to the Commander (dpw), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Room 1230, New Orleans, Louisiana 70130, about 1 month before you plan to start work. Telephone inquiries can be directed to (504) 671-2107.
12. The authorized activities must not cause more than minimal changes to the existing hydrologic conditions and flow characteristics in wetland areas or cause more than minimal degradation of water quality of any stream. Work in wetlands must not excessively impede or increase natural drainage resulting in unnatural ponding on adjoining properties. All drainage areas must remain open during and after construction of the pipeline.
13. All work shall be done in accordance with the approved plans and confined to the permitted work area represented within the attached drawings. If the project requires modifications to the authorized plan, the permittee shall contact this office to obtain a permit amendment and/or review and decision on the plans, prior to commencement of those alterations.
14. The permittee is responsible for ensuring that all contractors and/or workers associated with project construction and implementation, are equally aware of the authorized plans, conditions, and/or restrictions associated with this approval.
15. The permittee shall provide this office with a *Notification of Completion* within five days of project construction being finalized.
16. Many local governing bodies have instituted laws and/or ordinances in order to regulate dredge and/or fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves dredging and/or placement of fill, therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your activities with local floodplain ordinances, regulations or permits.
17. Any damage to streams, streambanks, berms, ridges, or existing surface contours and ground elevations, including hydrologic connections created from equipment moving across shorelines or banklines must be repaired and restored to pre-project conditions. This includes hauling in appropriate fill material and stabilizing damaged areas, if necessary.

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18. To the greatest extent practicable, ongoing maintenance clearing of the authorized right-of-way (ROW) should be done within a 0 to 5 year rotation and/or prior to emergent tree stratum exceeding an overall diameter at breast height of approximately 4 inches or to a point in which mechanized land clearing would be required to re-establish the ROW. Failure to comply with this requirement may require this office to re-evaluate the need for you to obtain additional Department of the Army authorization for such work.

19. The permittee shall limit mechanized clearing, grading, dredging and filling to those areas shown within specified construction ROW and identified temporary work spaces. Timber and other woody vegetation associated with ROW construction shall either be cut and hauled to a non-wetland location, or if not achievable, cut, chipped and broadcast to the greatest extent within the pipeline ROW at a height not to exceed approximately 4 inches in jurisdictional wetlands. There shall be no stacking of chips, stockpiling, windrowing, and/or burning of any woody vegetation within jurisdictional wetlands inside or outside of the permitted ROW.

20. As to avoid potential disruption and impediment to natural watercourses or hydrologic exchange along the authorized pipeline route during construction, to the greatest extent practicable, the permittee shall maintain an approximate 50 foot gap for approximately every 500 feet of temporary side cast material resulting from pipeline trench activities. Gap locations and intervals can be modified, added, or substituted by the permittee, as to account for natural topographic conditions, low-lying areas and natural water exchange, and provided that the permittee insures that the altered locations or dimensions still suitably maintain normal hydrologic flows.

21. The permittee shall implement adequate erosion/siltation control measures to ensure that no sediment or other activity related debris is allowed to enter waters of the state. Accepted measures include the proper use of silt fences, straw bales, or other Environmental Protection Agency construction site storm water runoff control best management practices. These measures shall be installed before commencement of construction activities and maintained until construction is complete. 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.

22. This permit does not obviate you from obtaining any required permit or approvals from the Office of Pipeline Safety.

23. The permittee shall restore the **permanent** pipeline ROW by removing all boards and other extraneous construction materials used, and by re-establishing pre-project wetland contours as soon as possible and/or immediately following construction. Temporary stockpiled dredged material shall be returned to its previous borrow areas and/or pipeline trenches, and the areas graded to pre-project elevation. The use of appropriate imported fill material and/or the removal of any surplus fill may be necessary to accomplish the restoration.

24. The permittee shall restore all **temporary** work areas, construction ROWs, and access paths by removing all boards and other extraneous construction materials used, and by reestablishing pre-existing wetland contours and conditions immediately following project completion. Re-planting of desirable native tree species, erosion control, regrading, on-going site management, and/or exotic species control within these areas may be necessary, if natural regeneration of pre-existing wetland habitat does not occur. The permittee shall monitor these areas on a regular basis and as necessary, to verify site condition reestablishment. Clear descriptive photographic evidence of the overall temporary work areas, ROWs, and access routes shall be acquired (1) immediately following contour and site re-establishment, (2) one complete growing season following site reestablishment, and (3) three years following site re-establishment. This information, along with verification of restoration achievement and site conditions, shall be forwarded to this office, with reference to your Corps permit number immediately following Year 3 monitoring. The permittee is aware that the requirement of additional compensatory mitigation, further remediation actions, and/or further monitoring, will be assessed by this office in coordination with all pertinent resource agencies upon review of the monitoring information.

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25. There shall be no mechanized clearing of vegetation between Horizontal Directional Drilling entry and exit points, unless specifically reviewed/considered by this office and represented within the permit plans. The only exception, unless specifically approved, is hand clearing to provide a path for the guidance cables used to aid in the drilling process.

26. The permittee or its successor shall be aware that modifications/adjustments to the constructed pipeline, maybe required in order to facilitate any future USACE approved hydrologic restoration projects within the Atchafalaya Basin. Any relevant modifications to the constructed pipeline would typically be expected to occur at locations of historic drainage, waterways, or natural lower lying areas, and may consist of possible lowering of the pipeline within the permanent right-of-way, to a sufficient depth below design grade elevation of the hydrologic restoration activity. It is expected and/or will be required that the entity conducting potential future hydrologic restoration projects which could affect this pipeline, will coordinate with the permittee or successor at the onset of the planning process, in order to incorporate the appropriate workspace needed to complete the pipeline modification. Should the subject pipeline adjustment be found justifiable and appropriate for ensuring constructability of a future hydrologic restoration venture in the basin, the permittee will be required to modify their DA permit to depict the altered pipeline location depth(s).

27. Issuance of this permit confirms that the U.S. Army Corps of Engineers, New Orleans District, Regulatory Branch (CEMVN) has been provided with written notification from A. Wilbert's Sons, LLC that the permittee has contracted for **50.0 acres of bottomland hardwoods at Rosedale Mitigation Bank**. A. Wilbert's Sons, LLC has assumed responsibility for completing the mitigation in accordance with the Rosedale Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS).

28. Issuance of this permit confirms that CEMVN has been provided with written notification from Delta Land Services, LLC that the permittee has contracted for **8.9 acres of bottomland hardwoods and 4.4 acres of cypress/tupelo gum swamp at Ponderosa Ranch of Pointe Coupee Mitigation Bank**. Delta Land Services, LLC has assumed responsibility for completing the mitigation in accordance with the Ponderosa Ranch of Pointe Coupee Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

29. Issuance of this permit confirms that CEMVN has been provided with written notification from Delta Land Services, LLC that the permittee has contracted for **68.4 acres of bottomland hardwoods and 13.9 acres of cypress/tupelo gum swamp at Ponderosa Ranch of Pointe Coupee Mitigation Bank Amendment 1**. Delta Land Services, LLC has assumed responsibility for completing the mitigation in accordance with the Ponderosa Ranch of Pointe Coupee Mitigation Bank Amendment 1 Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

30. Issuance of this permit confirms that CEMVN has been provided with written notification from Delta Land Services, LLC that the permittee has contracted for **20.8 acres of bottomland hardwoods and 5.6 acres of cypress/tupelo gum swamp at Bayou Choupique Mitigation Bank**. Delta Land Services, LLC has assumed responsibility for completing the mitigation in accordance with the Bayou Choupique Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

31. Issuance of this permit confirms that CEMVN has been provided with written notification from Delta Land Services, LLC that the permittee has contracted for **243.8 acres of bottomland hardwoods and 65.0 acres of cypress/tupelo gum swamp at Bayou Fisher Mitigation Bank**. Delta Land Services, LLC has assumed responsibility for completing the mitigation in accordance with the Bayou Fisher Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

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32. Issuance of this permit confirms that CEMVN has been provided with written notification from Delta Land Services, LLC that the permittee has contracted for **152.1 acres of bottomland hardwoods** and **11.4 acres of cypress/tupelo gum swamp** at **Laurel Valley Coastal Mitigation Bank**. Delta Land Services, LLC has assumed responsibility for completing the mitigation in accordance with the Laurel Valley Coastal Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

33. Issuance of this permit confirms that CEMVN has been provided with written notification from Delta Land Services, LLC that the permittee has contracted for **2.9 acres of bottomland hardwoods** and **0.4 acres of coastal prairie** at **Moss Lake Mitigation Bank**. Delta Land Services, LLC has assumed responsibility for completing the mitigation in accordance with the Moss Lake Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

34. Issuance of this permit confirms that CEMVN has been provided with written notification from Cypress Knee Ranch, LLC that the permittee has contracted for **4.8 acres of bottomland hardwoods** and **30.8 acres of cypress/tupelo gum swamp** at **Bayou Grand Coteau Addendum I Mitigation Bank**. Cypress Knee Ranch, LLC has assumed responsibility for completing the mitigation in accordance with the Bayou Grand Coteau Addendum I Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

35. Issuance of this permit confirms that CEMVN has been provided with written notification from L.J.G. Land Company Mitigation Services, LLC that the permittee has contracted for **4.0 acres of cypress/tupelo gum swamp** at **Big Darbonne Bayou Mitigation Bank**. L.J.G. Land Company Mitigation Services, LLC has assumed responsibility for completing the mitigation in accordance with the Big Darbonne Bayou Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

36. Issuance of this permit confirms that CEMVN has been provided with written notification from The Lacassane Company, Inc. that the permittee has contracted for **5.0 acres of coastal prairie** at **The Lacassane Coastal Prairie Mitigation Bank**. The Lacassane Company, Inc. has assumed responsibility for completing the mitigation in accordance with the Lacassane Coastal Prairie Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

37. Issuance of this permit confirms that CEMVN has been provided with written notification from Coastal Louisiana Resource, LLC that the permittee has contracted for **12.2 acres of bottomland hardwoods** and **3.5 acres of cypress/tupelo gum swamp** at **Caney Creek Mitigation Bank**. Coastal Louisiana Resource, LLC has assumed responsibility for completing the mitigation in accordance with the Caney Creek Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

38. The permittee shall utilize the push-pull method of pipeline installation in inundated wetland areas to the maximum extent practicable to reduce ROW impacts.

39. All clearing activity in potential colonial wading bird habitats, shall occur outside of the nesting season (the nesting season is March 1st to July 31st). All clearing activities outside potential colonial wading bird habitats shall occur outside of the nesting season to the maximum extent practicable.

40. Should wading bird nesting be observed within 1,000 feet of the project, all work shall cease in that area and the U.S. Fish and Wildlife Service (USFWS) shall be contacted to determine the best course of action.

41. To minimize disturbance to colonial nesting birds, the following restrictions on activity shall be followed:

- For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, roseate spoonbills, anhingas, and/or cormorants), all project activities occurring within 1,000 feet of an active rookery shall be

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restricted to the non-nesting period, depending on the species present. Here is a list of colonial nesting birds that may be found and the corresponding window during which the project may occur. Please note no work shall occur outside those windows on a part of the project occurring within 1,000 feet of a rookery.

<i>Species</i>	<i>Project Activity Window</i>
Anhinga	July 1 to March 1
Cormorant	July 1 to March 1
Great Blue Heron	August 1 to February 15
Great Egret	August 1 to February 15
Snowy Egret	August 1 to March 1

42. The permittee shall have onsite contract personnel trained to identify colonial nesting birds and their nests, and avoid affecting them during the breeding season (i.e. the time period outside the activity window).

43. Colonial nesting bird colonies can move from year to year and there is no current information available on the status of these colonies. If work for the authorized project will commence during the nesting season, the permittee will conduct a field visit to the worksite to look for evidence of nesting colonies. This field visit should take place no more than two weeks before the project begins. If no nesting colonies are found within 400 meters (700 meters for brown pelicans) of the authorized project, no further consultation with the Louisiana Department of Wildlife and Fisheries (LDWF) will be necessary. If active nesting colonies are found within the previously stated distances of the authorized project, further consultation with LDWF will be required.

In addition, if any colonies are found, they shall be surveyed by a qualified biologist to document species present and the extent of the colonies. The permittee shall provide the LDWF and USFWS, Lafayette Ecological Field Services Office with the survey report which is to include the following information:

1. qualifications of survey personnel;
2. survey methodology including dates, site characteristics, and size of survey area;
3. species of birds present, activity, estimates of number of nests present, and general vegetation type including digital photographs representing the site; and
4. topographic maps and Arc View shape files projected in UTM NAD83 Zone 15 to illustrate the location and extent of the colony.

Please mail survey reports on CD to:
Louisiana Natural Heritage Program
LA Dept. of Wildlife & Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000

U.S. Fish and Wildlife Service
Lafayette Ecological Field Services Office
646 Cajundome Blvd., Suite 400
Lafayette, LA 70506

44. There have been eagle nests in the project area vicinity in the past. The permittee shall survey the pipeline route for the presence of eagle nests (both active and inactive), prior to start of work. If a bald eagle nest is discovered within 660 feet of the project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at <http://www.fws.gov/southeast/es/baldeagle/>. Following

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completion of the evaluation, that website will provide a determination of whether additional consultation is necessary. If additional consultation is required, the permittee should contact Mr. Michael Sealy of the USFWS at (337-291-3123) for further coordination.

45. The Louisiana black bear (*Ursus americanus luteolus*) may occur in the general project area and is considered a species of greatest conservation need in Louisiana by the LDWF. Bald cypress (*Taxodium distichum*) and tupelo gum (*Nyssa aquatica*) trees having a diameter at breast height of 36 inches or greater, shall be protected to the maximum extent practicable. If construction occurs during the denning season (December – April), further consultation with LDWF will be necessary. Workers and contractors shall avoid bears at all times. Workers shall also dispose of food and garbage in bear proof garbage containers at all construction sites. If you have any questions, Ms. Maria Davidson with the LDWF may be contacted at 337-948-0255.

46. Our Real Estate Division has indicated that your project is located in an area over which the federal government holds real estate interest. No work may be performed under this permit until a real estate instrument is issued by our Real Estate Division. You must contact our Real Estate Division to initiate these procedures at: Judith.Y.Gutierrez@usace.army.mil or at 504-862-2575.

47. A minimum of one 24" culvert shall be installed through authorized access roads, approximately every 500 feet or less within contiguous wetlands, and at the crossing of any waterways, ditches, sloughs, low lying areas, etc. These culverts shall be of sufficient size and quantity for the water exchange in the specific area, and set to an elevation which maintains natural pre-project flow conditions within the area(s), and shall not be installed in a manner which promotes the drainage of wetlands. Culvert openings shall be maintained free of debris and material, as to allow for unrestricted flow of water. Should it be determined at a later date by this office and/or any other pertinent resource agencies, that the authorized access road is creating unnatural flooding or ponding on adjacent properties, or causing drainage of and adverse impacts to adjacent wetlands and hydrology, the permittee will be required to immediately remediate the situation through alternative methods, additional culverts, and/or adjustments to the existing culverts.

48. In the event of unanticipated discovery of cultural resources or human remains within the permit area, the permittee will immediately cease all work in the vicinity of the discovery and contact CEMVN. CEMVN will then contact the State Historic Preservation Office (SHPO), all Federally-recognized Native American tribes with interests in the project area. CEMVN will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places, and will consult on the treatment and final disposition of the remains.

49. CEMVN has reviewed the Tribal Monitoring Plan prepared by Tribal Energy Resource, LLC, on behalf of the Coushatta Tribe of Louisiana dated August 2017. CEMVN has determined the Tribal Monitoring Plan, as agreed to be implemented by the permittee, satisfies requirements set forth under Section 106 of the National Historic Preservation Act. Any changes to the plan shall be forwarded to CEMVN for review prior to implementation of such changes.