



**State of Louisiana**  
DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF COASTAL RESTORATION AND MANAGEMENT

January 29, 2008

Department of the Interior  
Minerals Management Service  
Attention: Regulations and Standards Branch (RSB)  
381 Elden Street, MS-4024  
Herndon, VA 20170-4817

RE: **Louisiana Department of Natural Resources Comments on 30 CFR Parts 250, 253, 254, and 256 - Oil and gas and Sulphur Operations in the Outer Continental Shelf - Pipelines and Pipelines Rights-of-Way; Proposed Rule**

Dear Sir:

First, the Louisiana Department of Natural Resources appreciates the opportunity to comment on these proposed rules as they may have a large impact on our future restoration efforts. Our comments are as follows:

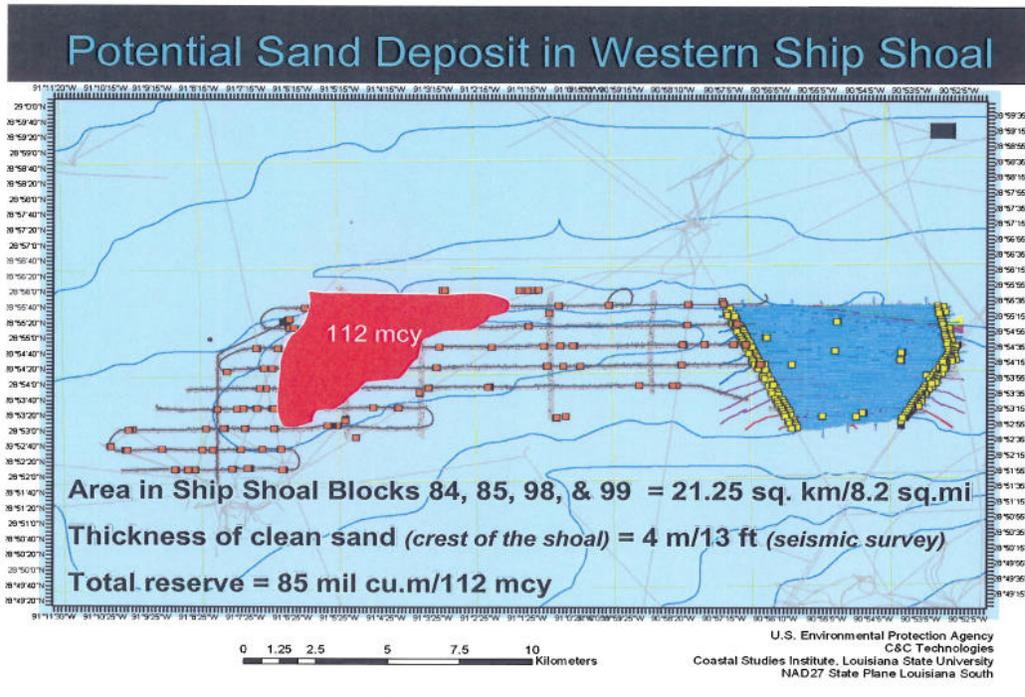
In the referenced document there appears to be no recognition of the fact that seabed resources are important and that the laying of pipelines jeopardizes any future extraction of those valuable deposits. This issue can be rectified only with the realization that exploration for offshore sand is crucial for coastal restoration activities. MMS and multiple coastal states spend millions of dollars exploring for these minerals in the OCS and their value must be recognized.

In Louisiana, coastal erosion is critical and the sand resources vital for restoration are very scarce. This situation is further compounded by huge numbers of oil and gas pipelines in waters off our coast. Major portions of vast sand deposits like Ship Shoal, Tiger and Trinity Shoals etc. are not extractable because of the presence of pipelines and oil & gas infrastructure. These proposed rules should reflect MMS's congressionally mandated guidance for a policy for multiple uses of seabed and seabed mineral resources. Also a NTL (Notice to Lessee) should address the multiple uses of the seabed as should all applications for new pipelines.

In order to allow multiple uses of seabed and seabed resources it is recommended that MMS define these sand reserves as "*Potentially Significant Mineral Resources*" (similar to *Potentially Sensitive Biological Resources*) and provide protection to these delineated areas by limiting pipeline Rights-of-Way (ROW) in "No Activity Zones".

Pipeline Rights-of-Ways should include a clause describing the multiple uses of the seabed. Significant sand deposits should be protected by assigning a *corridor for pipeline* laying or delineating *sand resources*. This can be illustrated by an example from coastal Louisiana. A

recent geophysical survey, funded partly by MMS, has discovered an area on the western end of Ship Shoal (please see figure) that has 112 million cubic yards of high quality sand that is free of infrastructure. This sand is available for restoration purposes along the central Louisiana coast. Ship Shoal has been identified as the highest priority available source of clean sand for rebuilding Louisiana's barrier islands. This sand resource should be recognized by MMS as off limits for future pipeline routing and other infrastructure development.



The pipeline ROW grant is only 200 feet (page 56446) whereas as per latest MMS guidance (Marine Mineral Division) no dredging activity for sediment can be undertaken between 1000 feet and 1980 feet (depending upon the seabed sediment) for the safety of the pipeline. To be consistent, the ROW grant should be 1000 feet in sand and 1980 feet (600 m) for muddy bottoms.

It was very encouraging to see on page 56454 Citation 30 CFR 250 Subpart J 1047 (d) which directs that the State natural resources agency be contacted to determine if the activity might disturb artificial reefs. Similarly a new Citation should be added to contact State agencies and MMS Leasing Division if any activity disturbs and jeopardizes any sand or gravel deposit.

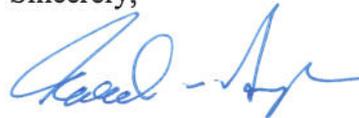
On page 56458 new Citation 30 CFR 250 Subpart J 1103 (b) suggests inspection of P/L after a major storm. It does not spell out clearly whether this inspection will require a survey if the pipeline has moved. Several questions arise: 1. Who will be responsible to perform the survey? 2. If the pipeline has moved, will the ROW move with it? 3. If so, does the original ROW cease to exist? 4. Will the pipeline owner/operator have to apply for a new ROW? All of these questions should be addressed in these proposed rules.

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Lastly only better coordination between the Leasing Division and Field Operations Division of MMS will lead to successful implementation of these requested modifications. A detailed *Standard Operating Procedure* of this coordination should be developed if one has not already been completed.

Again, thank you for the opportunity to comment on these proposed rule changes.

Sincerely,



Gerald M. Duszynski  
Acting Assistant Secretary

GMD:SK:pso  
cc: Syed Khalil  
Dr. Clayton Breland