

Draft Compatibility Determination

Draft Compatibility Determination for P19, 12" Natural Gas pipeline Right-of-Way, Lacassine National Wildlife Refuge

Refuge Use Category

Rights-of-way and Rights to Access

Refuge Use Type

Rights-of-way (ROW, utility)

Refuge

Lacassine National Wildlife Refuge (NWR, refuge)

Refuge Purposes and Establishing and Acquisition Authorities

Lacassine NWR was established on December 30, 1937, as Lacassine Migratory Waterfowl Refuge by the following: 1) Executive Order 7780, "...as a Refuge and breeding ground for migratory birds and other wildlife...;" 2) the Migratory Bird Conservation Act, "... for use as an inviolate sanctuary, or any other management purpose, for migratory birds," (USC 715d); and 3) the Fish and Wildlife Act of 1956 "...for the development, advancement, management, conservation, and protection of fish and wildlife resources..." [16 USC 742f(a)(4)] and "...for the benefit of the United States Fish and Wildlife Service, in performing its activities and services" [16 USC 742f(b)(1)].

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System, otherwise known as Refuge System, is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (Pub. L. 105-57; 111 Stat. 1252).

Description of Use

Is this an existing use?

Yes-This Compatibility Determination (CD) reviews and replaces the June 1989 CD for the ROW of a 12-inch natural gas pipeline through parts of the Lacassine NWR.

What is the use?

The right to use and possibly alter the landscape through construction, maintenance, and

operation of fuel pipeline. We propose to continue to allow for the 12-inch natural gas pipeline ROW through parts of the Lacassine NWR.

This is a renewal of an existing 30-year ROW for the operation and maintenance of a 12-inch underground pipeline (P-19) by Targa (operator). This pipeline was installed in 1989, and the previous ROW lasting 30 years was 25 feet wide and approximately a mile long for a total of 3 acres. The State of Louisiana (2017) defines three categories of pipelines: Category 1 includes pipelines 2 inches up to 19 inches, Category 2 includes pipelines 19 inches up to 36 inches, and Category 3 includes pipelines over 36 inches. Being a 12-inch pipeline, the P-19 natural gas pipeline is considered a Class 1 pipeline and should have a maximum width of 75 feet right-of way during construction to revert to 35 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal, or modification. Due to the equipment needed to maintain this ROW, the refuge does not deem it is necessary to increase the ROW to 35 feet and believes a 25-foot ROW will accurately capture the needed space to maintain the pipeline, and accurately captures the acreage of habitat that is affected by the pipeline's existence.

Is the use a priority public use?

No

Where would the use be conducted?

The use is to be conducted on Lacassine NWR, Unit B. Unit B, which once was managed as a rice impoundment through cooperative farming, is now managed as an early successional wetland (moist-soil habitat). The 724-acre unit is west of the refuge headquarters and west of Streeter Road (See Figure 1). Unit B is also considered the youth and senior waterfowl hunt unit. The moist-soil unit is managed with timed draw downs and flooding for overwintering waterfowl, colonial water birds, and secretive marsh birds.

When would the use be conducted?

All pipeline work will be done only during daylight hours and will be regulated by a Special Use Permit (SUP) that will be renewed as needed. The majority of the pipeline operator's maintenance activities will be restricted to the period of March 15 through October 15, annually. Only minor maintenance (field operations including operating valves and other minor maintenance activities) or emergency situations will be permitted on the refuge between October 16 and March 14 and must be coordinated with and authorized by the refuge. Airboats and any larger equipment are prohibited to be used between October 16 and March 14 unless for emergency reasons. Any work activities that occur between October 16 and March 14 must be conducted from boats with outboard engines. Boats with outboard engines must be issued an SUP to be operated on the refuge from October 16 through March 14. Aerial flights for fixed wing planes for maintenance will only be permitted during the March 15-October 15

time frame; aerial flights will not be allowed outside of this time frame unless they are needed due to an emergency.

How would the use be conducted?

An SUP will be issued to the pipeline operator maintaining the natural gas pipeline (P-19) via the 25-foot ROW. The SUP will outline stipulations and will be signed by the applicant (see appendix A). Airboats and amphibious equipment, such as a "Marsh Master," are some of the types of equipment that would be used to access the ROW. The operator maintaining the pipeline is responsible for all equipment, fuel, and labor necessary to maintain the pipeline within the ROW. The operator maintaining the pipeline assumes responsibility for all associated costs with this maintenance. This CD only allows normal pipeline maintenance activities, which includes access to the refuge via motor vehicle, outboard motorboat, airboat, and aerial over flights. The refuge manager or designee will administer the natural gas pipeline ROW program and will be required to issue SUPs, meet with pipeline operators, verify that stipulations and special conditions are met, and negotiate any needed addendums throughout the duration of the permit.

Why is this use being proposed or reevaluated?

This reevaluation is pursuant to Part 603 Section 2.11 H of the Fish and Wildlife Service Manual (USFWS 2000), which instructs the time frame of reevaluation of public uses on NWRs. This ROW has been successfully implemented on the refuge for the past 30 years with no detrimental impacts. The ROW is necessary for proper access to, and maintenance of, the pipeline. The company maintains the ROW to ensure access is not hindered for annual cathodic protection surveys as well as visual inspections of the ROW for damage or erosion, which could unearth the buried pipeline and create a hazard to its structural integrity. ROW maintenance includes vegetation clearing and the placement of signage. Without the ROW, visual and physical access to the pipeline would be obstructed, thereby hindering proper maintenance to prevent a hazardous leak. The pipeline is a gathering line which contains unrefined, unscented natural gas. If a leak were to occur, it could not be detected by nearby wildlife or people.

The pipeline buried along this ROW must meet state and federal safety standards associated with maintaining a natural gas pipeline. These maintenance standards involve visual inspections, maintaining valves, annual cathodic protection surveys, installation of pipeline markers, regularly scheduled pigging operations to clean the pipeline internally.

Availability of Resources

Preparation of the compatibility determination, coordination with other offices, public involvement, and assembly of the ROW Permit package requires refuge staff time. Document preparation for the ROW package to be submitted to the Division of Realty, and the coordination, review, and monitoring by various U.S. Fish and Wildlife Service (Service) divisions will likely require 40 – 80 hours of refuge staff and consultant time. Additionally, some staff time and transportation expenses, will be required for monitoring the project during construction.

One-time costs (document preparation and review, monitoring): \$6,080

Annual/recurring expenses (annual monitoring of the ROW): \$3,344

Off-setting Revenue: none

Resources involved in the administration and management of the use - The refuge manager or designee will be responsible for ensuring that an SUP is issued, and any associated special conditions are followed. The refuge manager or designee is also required to meet with pipeline operators, verify that stipulations and special conditions are met, and identify any needed addendums throughout the duration of the permit.

Special equipment, facilities, and improvements necessary to support the use - The pipeline operator is required to provide all equipment and resources to maintain the pipeline. It is not necessary for the refuge to provide any special equipment, facilities, or improvements.

Maintenance costs - The pipeline operator is required to maintain the pipeline. The refuge will not provide any maintenance equipment, personnel, or other costs.

Monitoring costs - The refuge manager or designee, including a refuge law enforcement officer, will monitor pipeline maintenance activity and for compliance with all required stipulations.

Anticipated Impacts of the Use

Potential impacts of a proposed use on the refuge's purposes and the Refuge System mission

ROWs are highly regulated to ensure compatibility with refuge purposes, the mission of the Refuge System and the objectives in the Lacassine NWR CCP (USFWS 2007). The Lacassine NWR EA associated with the draft CCP (2006) and the final CCP, including the Finding of No Significant Impact and the Intra-Service Endangered Species Act (ESA) Section 7 Biological Evaluation, analyzed the use and the associated impacts and are incorporated herein by reference (USFWS 2007). An updated ESA Intra-Service Section 7 Biological Evaluation for this CD provides additional analysis and is incorporated by reference. A summary discussion of the impacts is provided

here; no significant impacts are anticipated.

Short-term impacts

Physical and Biological Resources Impacts

The maintenance of the ROW by the operator could have temporary impacts associated with the disturbance of wildlife from equipment and/or human presence. However, these impacts are considered negligible when restricted to March 15 through October 15 which is outside of the primary season for wintering migratory birds. Some disturbance occurs during this time frame but is considered temporary since the operator typically completes maintenance within one week with a crew of about three workers.

Based on the previous ROW that lasted 30 years, no adverse impacts are anticipated. Pipeline maintenance could involve digging up the line at discovered weak points to prevent a spill. Disturbed areas will be kept to an appropriate size to allow a safe work area and will be reestablished completely once maintenance is completed. However, the SUP and the ROW agreements both stipulate that any and all adverse impacts to the refuge will be mitigated under the guidance of the refuge manager or designee. All actions will comply with Service Policy 603 FW 2.1 1 D (USFWS 2000).

This CD only allows normal pipeline maintenance activities, which includes access to the refuge via motor vehicle, outboard motorboat, airboat, and aerial over flights. Aerial flights would have minimal impact to migratory birds along this pipeline corridor during the March 15-October 15 time frame. In order to avoid impacting wintering waterfowl and other migratory birds, aerial flights will not be allowed outside of this time frame unless they are needed due to an emergency. The refuge manager will work with the pipeline operator to ensure aerial flight elevation will not disturb wildlife.

Cultural and Socioeconomic Impacts

Because impacts to underground archeological and historical artifacts would be of concern for this project, the U.S. Fish and Wildlife Service's Regional Archeologist reviewed the project and consulted with Louisiana's State Historical Preservation Office and Tribes. This consultation has determined that this ROW would have no effect on underground archeological and historical artifacts since no historic properties are present. Thus, no further archaeological investigations are warranted or recommended.

Disturbance to refuge management activities, such as drawdown and flooding of the encompassing moist-soil unit, and refuge visitors, including the youth and senior waterfowl hunters, is expected to be minimal because of the seasonal timing, short duration, and small work crew used for routine maintenance along the ROW.

Long-term impacts

The refuge would be protected from any harmful effects caused by existing oil and gas activity in accordance with Fish and Wildlife Service Policy 603 FW 2 in general, and explicitly under section 2.11D (USFWS 2000) and state and federal laws. These provisions allow this use to be highly regulated and long-term effects to the biological, physical, socioeconomic, and cultural resources would be negligible. Long-term or cumulative impacts are not expected as new oil and gas activity will be considered an inappropriate use considering the current status of Louisiana's coastal wetlands and the Fish and Wildlife Service's role in managing and protecting this state's coastal resources.

Public Review and Comment

This CD will be made available for public review and comment for a 15-day period from June 08, 2022 to June 24, 2022 by 1) posting on the refuge bulletin board and kiosk at 209 Nature Road, Lake Arthur, Louisiana, 70549-6510, 2) posting on the refuge website <https://www.fws.gov/refuge/lacassine>) and social media sites (<https://www.facebook.com/SouthwestLouisianaComplex>) 3) public media informational bulletin to local newspaper, radio stations and new outlets. Please send all comments to the refuge address or to the SWLRComplex@fws.gov.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

1. All activities associated with this 30-year ROW renewal will be regulated via SUP and associated special conditions issued by the refuge. The SUP will address the allowed time frame, type of equipment that will be used and type of maintenance activity that is to occur.
2. All refuge regulations will be enforced, and the pipeline operator shall be responsible for the actions of all maintenance and support personnel.
3. Take or harassment of wildlife is prohibited. Adverse impacts on fish, wildlife, and the environment shall be kept to a minimum.
4. Most maintenance activities by the pipeline operator will be restricted to the period of March 15 through October 15
5. Only minor maintenance (such as field operations including operating valves) or emergency situations will be permitted on the refuge between October 16 and March 14 and must be coordinated with and authorized by the refuge.
6. Airboats and any larger equipment are prohibited to be used between October

16 and March 14 unless for emergency reasons. Any maintenance activities that occur between October 16 and March 14 must be conducted from boats with outboard engines, which requires issuance of an SUP.

7. The pipeline operator will not discharge any solids or fluids onto the refuge at any time.
8. The refuge staff may permit fluid transfers into containers but should be consulted prior to the opening of pig traps or lines on refuge property.
9. Proof of general liability insurance in the amount of \$1,000,000 must be furnished to repair and mitigate any damages. This action does not limit the liability for damages to this amount. Additional damage assessments may be made during the course of the work.
10. In the event of major construction or repairs on the refuge, the pipeline operator must submit a written request to the refuge for a construction permit which can be reviewed for compatibility at the discretion of the refuge manager.
11. This CD does not cover any herbicide treatment; the pipeline operator must contact the refuge staff for an herbicide treatment permit.
12. This CD only allows normal pipeline maintenance activities, including access to the refuge via motor vehicle, outboard motorboat, airboat, and fixed wing aerial over flights.
13. Small boat and air boat operations and routes of travel for personnel and equipment transport shall be confined to routes authorized by the refuge prior to operations. The pipeline operator must call at least 48 hours prior to any airboat operations on refuge property. All boats shall comply with applicable state and federal regulations.
14. The pipeline operator shall designate in writing an onsite representative for field operations who shall be present during all phases of the pipeline maintenance operations.

Justification

This ROW renewal will not materially detract from or interfere with the purposes of Lacassine NWR or the mission of the Refuge System and is based on sound professional judgement and best available science.

This is a renewal of an existing, 30-year ROW for the operation and maintenance of an in-place, underground pipeline which is 12 inches in diameter. For the previous 30 years, the ROW has been a 25-foot-wide ROW. The ROW will continue to be 25 feet wide because this is needed to adequately provide a safe corridor to perform pipeline maintenance and accurately monitor and assess the refuge acreage that is affected by the pipeline. Public safety is also enhanced by ensuring that the Natural Gas Pipeline

Company is able to adequately access their pipeline for any U.S. Department of Transportation-mandated annual maintenance and inspections.

The proposed ROW renewal complies with the U.S. Fish and Wildlife Service and Department of Interior Policies as follows:

U. S. Fish and Wildlife Service Policy 603 FW 2.11 D (USFWS 2000):

"We will not make a compatibility determination and will deny any request for maintenance of an existing right-of-way that will affect a unit of the National Wildlife Refuge System, unless (1) the design adopts appropriate measures to avoid resource impacts and includes provisions to ensure no net loss of habitat quantity and quality; (2) restored or replacement areas identified in the design are afforded permanent protection as part of the national wildlife refuge or wetland management district affected by the maintenance; and (3) all restoration work is completed by the applicant prior to any title transfer or recording of the easement, if applicable. Maintenance of an existing right-of-way includes minor expansion or minor realignment to meet safety standards. Examples of minor expansion or minor realignment include expand the width of a road shoulder to reduce the angle of the slope; expand the area for viewing on-coming traffic at an intersection; and realign a curved section of a road to reduce the amount of curve in the road."

- Addressing Provision 1 above: The pipeline is buried; the ROW surface is visually inspected, and pipeline is properly maintained each year. The maintenance includes, but is not limited to, cathodic protection survey and pigging operations to internally clean pipelines and inspect thickness of pipe. According to Intra-Service Section 7 consultations, the ROW is in habitat that will not affect threatened or endangered species. This ROW will cause minimal disturbance on wildlife.
- Addressing Provisions 2 and 3 above: These are not applicable in this case. All pipeline construction was completed years ago, and no additional construction is being proposed.

U.S. Fish and Wildlife Service Policy 603 FW 2.10 E (USFWS 2000):

"Compatibility determinations in existence prior to the effective date of this policy will remain in effect until and unless modified and will be subject to periodic reevaluation as described in section 2.1 IH. Any use specifically authorized for a period longer than 10 years (such as rights-of-way) is subject to a compatibility determination at the time of the initial application and when the term expires, and we receive a request

for renewal. We will use periodic reevaluations for such long-term uses to review compliance with permit terms and conditions."

Department of the Interior Policy 516 DM 8.5 Categorical Exclusions C. Permit and Regulatory Functions (4):

"The issuance or reissuance of permits for limited additional use of an existing ROW for underground or above ground power, telephone, or pipelines, where no new structures (i.e., facilities) or major improvement to those facilities are required; and for permitting a new ROW, where no or negligible environmental disturbances are anticipated."

Literature Cited/References

- State of Louisiana Granting of Rights-of-Way to Corporations or Individuals, R.S. 41:1173-1174, (2017).
- U.S. Fish and Wildlife Service. 2000. Part 603 FW 2: National Wildlife Refuge System Uses-Compatibility. Fish and Wildlife Service Manual. Division of Conservation Planning and Policy. <https://www.fws.gov/policy/603fw2.html>
- U.S. Fish and Wildlife Service. 2006. Lacassine National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Assessment. Atlanta, Georgia. 249 pp.
- U.S. Fish and Wildlife Service. 2007. Lacassine National Wildlife Refuge Comprehensive Conservation Plan. Atlanta, Georgia. 245 pp.

Signature of Determination

Refuge Manager Signature

Signature of Concurrence

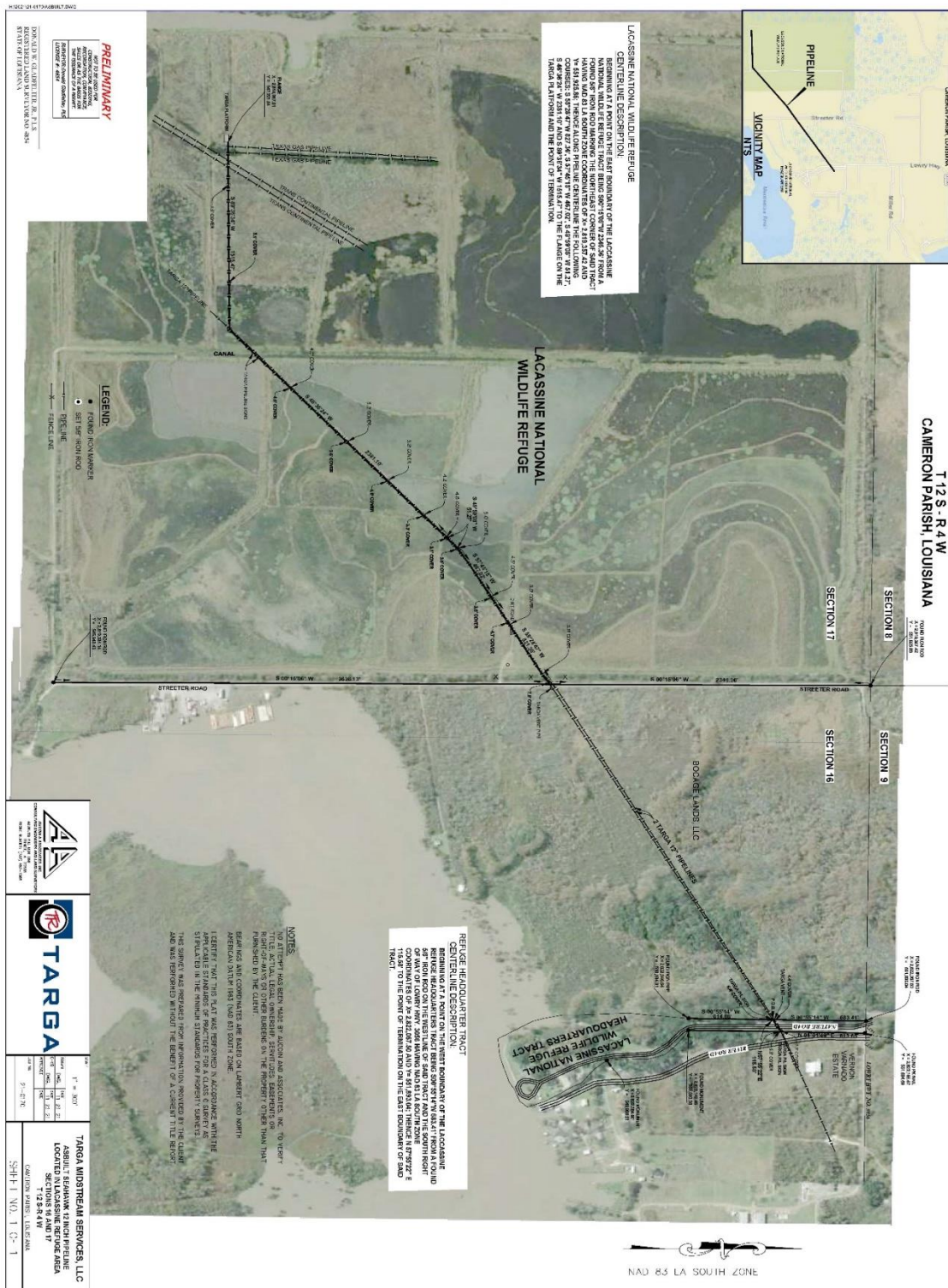
Assistant Regional Director Signature

Mandatory Reevaluation Date

2037

Figure

Figure 1. Lacassine National Wildlife Refuge natural gas right-of-way.



Appendix A.

Special Conditions for Pipeline Maintenance with Airboat Southwest Louisiana National Wildlife Refuge Complex

Cameron Prairie, Lacassine, Sabine, and Shell Keys National Wildlife Refuges

General Conditions

1. The Refuge Manager is the coordinating official having immediate jurisdiction and administrative responsibility for pipeline maintenance conducted on the Southwest Louisiana National Wildlife Refuge (SWLA NWR) lands and property. All entry upon the Refuge Complex must be coordinated with the Refuge Manager or authorized representative (Refuge Representative). **The Refuge Manager or Refuge Representative must be advised at least 48 hours in advance of initial entry onto the complex.**

Contacts: Refuge Manager: Shane Baxter, shane_baxter@fws.gov

Refuge Representative: Patrice Betz, patrice_betz@fws.gov

2. The failure of the United States to require strict performance of the terms, conditions, covenants, agreements, or stipulations of this permit, for access to conduct pipeline maintenance activities on national wildlife refuge lands, shall not constitute a waiver or relinquishment of the right of the United States to strictly enforce thereafter such terms, conditions, covenants, agreements, or stipulations which shall, at all times, continue in full force and effect.

3. The Permittee shall save, hold harmless, defend, and indemnify the United States of America, its agents, and employees for loss, damages, or judgments and expenses on account of bodily injury, death or property damage, or claims for bodily injury, death, or property damage of any nature whatsoever, and by whomever made, arising out of the Permittee, his/her employees, subcontractors or agents with respect to conducting right-of-way maintenance within the lands administered by the SWLA NWR.

4. **All Refuge regulations will be in force. The Permittee shall be responsible for the actions of all support personnel.** Violations of applicable laws or regulations may subject the Permittee and/or their agents to prosecution under State and/or Federal laws and put this permit in jeopardy.

5. **Adverse impacts to fish, wildlife and the environment shall be kept to an absolute minimum:**

- Killing or harassing wildlife is prohibited.
- Feeding alligators or any other wildlife is prohibited.
- It is illegal to molest or destroy the home, nests, and/or dens of wildlife. All alligator nests and muskrat beds will be avoided with equipment. If nests are found at any time, a cane pole with distinctive flagging will be used to alert all personnel of the nest location.
- No fishing will be permitted while on location. Personnel can fish on their own time when properly licensed and in areas open and accessible to the general public.
- No pets or other animals are allowed on the Refuge.

6. **Littering is prohibited.** All cans, bottles, lunch papers, and operations trash must be removed daily. Cigarette butts and chewing gum are considered litter. All vehicles and boats, including airboats, will be equipped with a container to carry out trash.

7. Permittee and all support personnel will obey the posted speed limits of all Refuge roads within SWLA NWR.

8. All applicable Federal and State regulations apply. All support personnel, including contractors and subcontractors, must understand what is required of them. Permittee will be responsible for all actions conducted while under the authority of this permit. **Individuals utilizing the Refuge under this permit are subject to the inspection of boats, vehicles, and their contents by federal and state officers.**

Conditions for Pipeline Maintenance

1. The Permittee and all support personnel are required to possess a copy of this Special Use Permit at all times while on SWLA NWR property.
2. The Permittee will notify the Refuge Manager or Refuge Representative at least **48 hours** in advance of initial entry onto the Refuge. All activities will be coordinated with the Refuge Manager or Refuge Representative.
3. **The Permittee's activities will be restricted to the period of March 15th through October 15th.** Any field operations conducted during the Refuge's closure period will be coordinated with and authorized by the Refuge Manager or Refuge Representative.
4. **Permittee will not discharge any solids or fluids onto the Refuge at any time.** Refuge Manager or Refuge Representative may permit fluid transfers into containers, but should be consulted prior to any opening of pig traps or lines on Refuge property. Permittee will ensure that LA One Call (1-800-272-3020) is contacted 48 hours prior to any digging.
5. This permit only covers regular pipeline maintenance activities which include access to the Refuge via motor vehicle, outboard motor boat, airboat, and/or aerial overflights (500 ft altitude or less). **This permit does not cover herbicide treatment, construction, or major pipeline repairs.** If any of these activities are necessary, the Permittee will submit a request to the Refuge Manager or Refuge Representative for a separate permit.
6. Small boat / airboat / marsh buggy operations and routes of travel for personnel and equipment transport shall be confined to route(s) authorized by the Refuge Manager or Refuge Representative prior to operations. All boats shall comply with applicable State and Federal regulations.
7. The Permittee shall designate an onsite representative for field operations who shall be present during all phases of the Permittee's operations. This individual will be the sole representative of the Permittee and subcontractors regarding all communications and decisions of the Refuge Manager or Refuge Representative. If the Permittee's representative is switched to a different individual during the course of the operation, the Permittee must inform the Refuge Manager or Refuge Representative of the change. The onsite representative shall inform the Refuge Manager or Refuge Representative within 48 hours of any activities conducted on or over (aerial overflights 500 ft or less) the Refuge.