

**23RD JUDICIAL DISTRICT COURT
PARISH OF ST. JAMES
STATE OF LOUISIANA**

**PASTOR HARRY JOSEPH, SR.,
GENEVIEVE BUTLER, HUMANITARIAN
ENTERPRISE OF LOVING PEOPLE,
GULF RESTORATION NETWORK,
ATCHAFALAYA BASINKEEPER, and
BOLD LOUISIANA**

VERSUS

**SECRETARY, LOUISIANA
DEPARTMENT OF NATURAL
RESOURCES**

NUMBER _____

DIV. "____"

PETITION FOR JUDICIAL REVIEW

1. The Louisiana Department of Natural Resources, Office of Coastal Management ("DNR"), violated the Louisiana Constitution and its own Guidelines by issuing Coastal Use Permit P20160166 to Bayou Bridge Pipeline, LLC, ("Bayou Bridge") for a project to construct a pipeline through the sensitive Coastal Zone of Louisiana, terminating in St. James, Louisiana. In issuing its decision, the Department refused to consider potential adverse environmental impacts of the project on the majority African-American residents of St. James, Louisiana, who are surrounded by crude oil terminal facilities, pipelines and associated industry. It ignored its Constitutional and regulatory duties to consider the cumulative impact of this pipeline when added to other past, present, and future operations on this community in the Coastal Zone. It ignored evidence that the St. James community may be trapped in the event of an emergency and that no viable evacuation plan is in place for their safety. Finally, it ignored and misapplied its own Guidelines intended to insure that projects impacting the sensitive Coastal Zone have no alternative and that they minimize that impact as much as possible. Its action issuing the permit was arbitrary and capricious and in violation of the Louisiana Constitution and proper procedure, and its decision granting the permit must be vacated.

PARTIES

2. Plaintiff Harry Joseph, Sr., is pastor of Mt. Triumph Baptist Church and a citizen of Louisiana domiciled in St. James, Louisiana.

3. Plaintiff Genevieve Butler is a citizen of Louisiana domiciled in St. James, Louisiana. She also goes by the name Eve Miller.

4. The Humanitarian Enterprise of Loving People (H.E.L.P.) is a nonprofit organization of pastors and residents that own property, live, pray, recreate, and enjoy the environment in and near St. James Parish, on the west bank of the Mississippi River. Over many years, the residents have come together to organize H.E.L.P. H.E.L.P. is about every resident working together to better the community - helping people in the community who are in need and helping people in the community who are hurting. H.E.L.P. is concerned about living next to and between industrial plants. H.E.L.P. is speaking up for the community to make sure that elected officials know the environmental threats and public health needs of the handicapped and elderly so that the people can get help in their time of need, during a crisis. H.E.L.P. is helping the community as a whole, to clean up the environment around us, and to make it safer. It includes residents of Burton Lane.

5. The Gulf Restoration Network is a network of environmental, social justice, and citizens' groups and individuals whose purpose is to restore the Gulf of Mexico to an ecologically and biologically sustainable condition and to protect and restore the resources of the Gulf Region for future generations. The Gulf Restoration Network has members statewide, including members who live, work, or recreate in the area affected by DNR's decision to issue Coastal Use Permit P20160166.

6. The Atchafalaya Basinkeeper is a non-profit corporation organized under the laws of Louisiana. The Atchafalaya Basinkeeper is committed to protecting and restoring the bayous, wetlands, and greater ecosystems within and around the Atchafalaya Basin. To this end, the Basinkeeper acts as an advocate for the protection of the Basin by helping to ensure that the state and federal laws and regulations intended to preserve and enhance the Basin's natural resources and environmental quality are followed. The Atchafalaya Basinkeeper has members statewide, including members who live, work, or recreate in the area affected by DNR's decision to issue Coastal Use Permit P20160166.

7. Bold Louisiana engages with people across Louisiana and mobilizes unlikely alliances to protect our land and water. Socially vulnerable populations – like low-wealth residents, fishers, and communities of color – continue to bear disproportionately the negative impact of energy production and climate disaster. This has created an entire region deeply entrenched in environmental and social injustice. Bold Louisiana builds alliances to bring together people who lack the political voice to move our elected officials to adequately invest in

protecting our neighborhoods from environmental threats. Bold Louisiana has members statewide, including members who live, work, or recreate in the area affected by DNR's decision to issue Coastal Use Permit P20160166.

8. The Louisiana Department of Natural Resources is an agency of the state of Louisiana which took the final action in issuing Coastal Use Permit P20160166 to Bayou Bridge Pipeline, LLC, and which can be sued pursuant to the provisions of La. Rev. Stat. Ann. § 36:351(A).

9. Pastor Joseph, Genevieve Butler, H.E.L.P., the Gulf Restoration Network, the Atchafalaya Basinkeeper, and Bold Louisiana are adversely affected parties with a real and actual interest in the DNR's Coastal Use Permit allowing Bayou Bridge to build and operate a pipeline through the Coastal Zone of Louisiana ("permit").

10. Pastor Joseph, Genevieve Butler, H.E.L.P., the Gulf Restoration Network, the Atchafalaya Basinkeeper, and Bold Louisiana are aggrieved persons who may appeal DNR's decision pursuant to La. Rev. Stat. Ann. § 49:214.30(D).

JURISDICTION AND VENUE

11. Jurisdiction is proper in this Court, and Petitioners have a right to bring this judicial review action pursuant to La. Rev. Stat. Ann. § 49:214.35(D) and (E).

12. Venue is proper in this Court pursuant to La. Rev. Stat. Ann. § 49:214.35(E), which provides: "Proceedings for review may be instituted by filing a petition in the district court of the parish in which the proposed use is to be situated" The DNR permitted the Bayou Bridge Pipeline portion passing through the Coastal Zone in Ascension, Assumption and St. James Parishes.

13. This petition is timely filed pursuant to La. Rev. Stat. Ann. § 49:214.35(E), which requires filing a petition "within thirty days after mailing of notice of the final decision by the secretary or, if a reconsideration is requested, within thirty days after the decision thereon."

APPLICABLE LAWS

Review Standard

14. Judicial review of coastal use permits shall be "pursuant to the Louisiana Administrative Procedure Act, provided that all such cases shall be tried with preference and priority. Trial de novo shall be held on request of any party." La. Rev. Stat. Ann. § 49:214.35(F).

15. The Louisiana Administrative Procedure Act provides: "The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are: (1) In violation of constitutional or statutory provisions; (2) In excess of the statutory authority of the agency; (3) Made upon unlawful procedure; (4) Affected by other error of law; (5) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or (6) Not supported and sustainable by a preponderance of evidence as determined by the reviewing court." La. R.S. § 49:964(G).

Environmental Laws and Regulations

16. Coastal use permit decisions are subject to the Coastal Use Guidelines contained in Louisiana Administrative Code title 43, part I, Chapter 7 ("Guidelines").

17. In the Oil Spill Prevention and Response Act, the Louisiana legislature found that "Louisiana is subject to greater exposure to a major oil spill disaster than any other state. This is the result of the large volumes of stored oil, numerous production platforms and miles of pipelines, large numbers of inland barges, and heavy tanker traffic, including the Louisiana Offshore Oil Port which receives fifteen percent of the oil imported into the United States. This exposure, coupled with the limited adequate highway access to the coast and remote inland areas for rapid transport of oil spill equipment and few areas suitable for staging facilities, creates great potential for a major oil spill event and its consequences" La. R.S. § 30:2452(A).

18. The legislature further found: "Added to the high exposure and inaccessibility of large portions of the coast and inland areas is the vulnerability of Louisiana's nearshore and wetland environments. The numerous shallow interconnecting waterways and gentle slope of the coastal areas would allow deep penetration of oil into the state's estuaries. The vast expanses of Louisiana's soft unconsolidated marshes lying just a few inches above sea level would, in the event of an oil spill, soak up large amounts of oil." La. R.S. § 30:2452(B).

19. The Louisiana legislature has declared that "the release of oil into the environment presents a real and substantial threat to the public health and welfare, to the environment, the wildlife and aquatic life, and to the economy of the state." La. R.S. § 30:2453(A).

Public Trustee Duty

20. When issuing permits, DNR must meet its mandate as “public trustee” under Article IX, Section 1 of the Louisiana Constitution. *See Save Ourselves v. La. Envtl. Control Comm’n*, 452 So.2d 1152, 1157 (La. 1984). DNR must determine “that adverse environmental impacts have been minimized or avoided as much as possible consistently with the public welfare” before it can issue a final permit. *Id.*

21. DNR must, at a minimum, demonstrate on the record that: “1) the potential and real adverse environmental effects of the proposed project [have] been avoided to the maximum extent possible; 2) a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the project demonstrate that the latter outweighs the former; and 3) there are [no] alternative projects [n]or alternative sites [n]or mitigating measures which would offer more protection to the environment than the proposed project without unduly curtailing non-environmental benefits to the extent applicable.” *In re Rubicon, Inc.*, 95-0108, p. 10 (La. App. 1 Cir. 2/14/96), 670 So.2d 475, 482.

22. The reviewing court must reverse LDEQ’s permitting decision, “if the decision was reached ‘without individualized consideration and balancing of environmental factors conducted fairly and in good faith.’” *Id.* (quoting *Save Ourselves*, 452 So.2d at 1159).

CLAIMS

23. On February 19, 2016, Bayou Bridge applied jointly to the DNR’s Office of Coastal Management and the U.S. Army Corps of Engineers for permits to construct a 162.52-mile-long crude oil pipeline (“Pipeline”) from Lake Charles in Calcasieu Parish to St. James in St. James Parish, Louisiana (“application.”).

24. Bayou Bridge’s application to the DNR was for a Coastal Use Permit.

25. Bayou Bridge’s application to the Corps was under Section 404 of the Clean Water Act which allows the Corps to “issue permits . . . for the discharge of dredged or fill material into the navigable waters at specified disposal sites.” 33 U.S.C. § 1344(a).

26. The 162.52 miles of pipeline consists of a 161.40-mile mainline and a 1.12-mile lateral (“the Pipeline”). The 161.40-mile mainline begins at latitude 30.15906, longitude -93.331129 and ends at latitude 30.002922, longitude -90.858410. The 1.12-mile lateral begins at latitude 30.002922, longitude -90.858410 and ends at latitude 30.011722, longitude -90.872532.

27. Of the 162.52 proposed miles of the Pipeline, 16.50 miles of the mainline and the entirety of the 1.12-mile lateral are located within the Louisiana Coastal Zone, traversing three parishes: Ascension, Assumption, and St. James (“Bayou Bridge Pipeline Project” or “Project”).

28. The entire Bayou Bridge Pipeline begins in Nederland, Texas. The portion of the Bayou Bridge Pipeline which extends from Nederland, Texas to Lake Charles, Louisiana did not require a Coastal Use Permit.

29. Bayou Bridge is jointly owned by subsidiaries of Phillips 66 Partners, Energy Transfer Partners, L.P., and Sunoco Logistics Partners L.P.

30. The proposed Pipeline terminates in St. James, Louisiana. St. James is in the Coastal Zone of Louisiana.

31. Bayou Bridge has agreed to connect the proposed Pipeline with NuStar Energy L.P.’s crude oil terminal. NuStar Energy’s crude oil terminal is located in and around the Burton Lane neighborhood in St. James.

32. Bayou Bridge intends to connect to additional terminal facilities in St. James.

33. From its terminus in St. James, the Pipeline’s oil will be transported to other locations in the United States and potentially overseas.

34. On behalf of Bayou Bridge, the L.S.U. Center for Energy Studies submitted a study into the DNR record which indicated that the Pipeline would also serve an overseas market.

35. Neither Bayou Bridge nor the DNR has disclosed whether and in what amounts the Pipeline’s oil will be exported overseas.

36. In its decision, DNR did not consider the whether the Pipeline oil would be used domestically or shipped overseas.

37. Bayou Bridge has alternately referred to the Pipeline as being both interstate and intrastate.

38. Bayou Bridge and DNR describe the Pipeline construction method as excavation.

39. At least 6.6 miles of the Pipeline portion in the Coastal Zone will be in forested wetlands.

40. Excavation in wetlands is the same thing as dredging.

41. St. James is a rural community of approximately 2,194 people, 94.9 percent of whom are African-American. Within a two-mile radius of the terminus of the proposed Pipeline, the population is 97% minority.

42. Within a two square mile radius in St. James, there are at least eight crude oil terminal facilities, including pipelines. These include NuStar Energy, Ergon St. James, Louisiana Offshore Oil Port (LOOP), Marathon Capline facility, Department of Energy, Exxon Pipeline, Shell Pipeline, and Plains All American Pipeline Terminal.

43. St. James neighborhoods located within this two mile radius include Burton Lane, Chatman Town, and Freetown.

44. Burton Lane, Chatman Town, and Freetown have only one access road out from their neighborhoods, which is at the east end: La. Hwy. 18.

45. In the event of emergencies, spills, accidents, and releases, La. Hwy. 18 is often closed off.

46. When La. Hwy. 18 is closed off in the event of an emergency, spill, accident, or release, residents in Burton Lane, Chatman Town, and Freetown are trapped and cannot escape.

47. The predominantly African-American residents of the Burton Lane community live between the NuStar, Capline, Marathon, Exxon, Shell, LOCAP, Department of Energy oil storage, and Plains Pipeline industrial facilities.

48. Upon information and belief, the Bayou Bridge Pipeline will cross Burton Road.

49. The Pipelines and Hazardous Material Safety Administration database maintained by the U.S. Department of Transportation reflects that St. James has a high rate of fires, spills, and releases, among the highest in the state of Louisiana, averaging two incidents each year since 2010.

50. St. James does not have a fire department.

51. The Pipeline would cross at least 102 streams and waters in the Louisiana Coastal Zone.

52. Use of horizontal directional drilling when installing pipeline reduces impacts to the Coastal Zone.

53. DNR required Bayou Bridge to use horizontal directional drilling for only nine of the 102 Pipeline water crossings.

54. The Pipeline would traverse Bayou Lafourche, a drinking water source for approximately 300,000 Louisiana residents and site of coastal restoration efforts.

55. The Pipeline would traverse Bayou Verret.

56. On February 8, 2017, DNR held a public hearing on the Bayou Bridge application. Pastor Harry Joseph, Chairman of the Board of H.E.L.P., spoke at the hearing in opposition to the application.

57. Representatives and members of the Gulf Restoration Network, the Atchafalaya Basinkeeper, and Bold Louisiana also spoke in opposition to the application at the hearing.

58. On March 21, 2017, Karl Morgan, Administrator of the Office of Coastal Management of the Louisiana Department of Natural Resources, issued a Basis of Decision recommending issuance of a Coastal Use Permit to Bayou Bridge “with project specific conditions that bring it fully into conformance with the Guidelines.”

59. The Coastal Use Permit does not include conditions regarding the use of horizontal directional drilling under Bayou Lafourche to decrease potential impacts to that drinking water source in the event of a leak.

60. During the permit review process, DNR informed Bayou Bridge that no clearing would be allowed over the horizontal directional drilling profile. At that time, DNR informed Bayou Bridge that this prohibition would be included as a condition in the permit.

61. DNR did not include a condition in the permit stating that no clearing would be allowed over the horizontal directional drilling profile.

62. On April 3, 2017, the DNR issued a Coastal Use Permit to Bayou Bridge. DNR published notice of the permit issuance on April 21, 2017.

63. On April 14, 2017, Plaintiffs Atchafalaya Basinkeeper, the Gulf Restoration Network, Bold Louisiana, and other groups filed a Petition for Reconsideration with the Secretary of DNR, pursuant to La. R.S. § 49:214.35(B).

64. On May 1, 2017, the Secretary denied the April 14, 2017, Petition for Reconsideration.

65. On May 1, 2017, Plaintiffs Harry Joseph, Sr., Genevieve Butler, and H.E.L.P. filed a Petition for Reconsideration with the Secretary of DNR, pursuant to La. R.S. § 49:214.35(B).

66. On May 16, 2017, the Secretary denied the May 1, 2017, Petition for Reconsideration.

67. Under the Louisiana Constitution, Article IX, Section 1: “The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people.” La. Const. Art. 9, §1.

68. The Louisiana Supreme Court has found that Article IX, Section 1 “requires an agency or official, before granting approval of [the] proposed action affecting the environment, to determine that adverse environmental impacts have been minimized or avoided as much as possible consistently with public welfare.” *Save Ourselves, Inc. v. La. Env'tl. Control Comm'n*, 452 So.2d 1152, 1157 (La. 1984).

69. The Louisiana First Circuit Court of Appeal has specified that a public trustee, such as DNR, must satisfy three issues when it decides on a permit: whether (1) “the potential and real adverse environmental effects of the proposed project have been avoided to the maximum extent possible; (2) a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the project demonstrate that the latter outweighs the former; and (3) there are alternative projects or alternative sites or mitigating measures which would offer more protection to the environment than the proposed project without unduly curtailing non-environmental benefits to the extent applicable.” *In re Rubicon, Inc.*, 95-0108, p. 12 (La. App. 1 Cir. 2/14/96); 670 So. 2d 475, 483.

70. In its decision to grant the permit and its decisions to deny the Petitions for Reconsideration, the DNR did not analyze the issue of the cumulative impact that the Bayou Bridge pipeline will have on this low-income minority community when considered in connection with all of the existing and proposed facilities in and near St. James.

71. In its decision to grant the permit and its decisions to deny the Petitions for Reconsideration, the DNR did not analyze whether alternatives sites or projects would offer more protection for the St. James community without unduly curtailing nonenvironmental impacts.

72. In its decision to grant the permit and its decisions to deny the Petitions for Reconsideration, the DNR did not analyze the issue of the Welcome Park to Burton Lane portion

of the St. James community's inability to escape in the event of an emergency, explosion or other accident from the Bayou Bridge Pipeline or associated infrastructure.

73. In its decision to grant the permit and its decisions to deny the Petitions for Reconsideration, the DNR did not take any steps to ensure that an evacuation plan was in place which could ensure the safety of the St. James residents in the event of an accident or emergency.

74. The DNR did not adequately consider the threat of an oil spill or release from the Bayou Bridge pipeline.

75. The DNR must follow its Guidelines before granting a permit to any applicant.

76. Section 701(F) of the Guidelines lists information which DNR must use to evaluate the application, including "availability of feasible alternatives sites and or methods of implementing the use," "extent of coastal water dependency of the use," and "likelihood of, and extent of impacts of, resulting secondary impacts and cumulative impacts." La. Admin. Code tit. 43, pt. I, §§ 701(F)(5), (9), and (15).

77. The DNR did not analyze or consider any alternative sites or pipeline pathways which avoided the Coastal Zone entirely.

78. Bayou Bridge submitted no information to DNR regarding alternative sites or pipeline pathways which avoided the Coastal Zone entirely.

79. The DNR did not analyze or consider alternative sites or pipeline pathways that did not include St. James as the terminus.

80. In considering alternative sites or pipeline pathways, the DNR did not consider the impacts of the proposed site on the community of St. James.

81. The DNR did not adequately consider alternate methods of transporting the crude oil.

82. The DNR found that the Bayou Bridge project is not a coastal water dependent use.

83. The DNR did not consider the lack of coastal water dependency of the Bayou Bridge project when evaluating the application.

84. The DNR did not consider cumulative impacts of the proposed Pipeline on the St. James community.

85. Bayou Bridge submitted no information to DNR regarding cumulative impacts of the proposed Pipeline on the St. James community.

86. Section 701(G) of the Guidelines provides: "It is the policy of the coastal resources program to avoid the following adverse impacts. To this end, all uses and activities shall be planned, sited, designed, constructed, operated, and maintained to avoid to the maximum extent practicable significant: 1) reductions in the natural supply of sediment and nutrients to the coastal system by alterations of freshwater flow; . . . 5) destruction or adverse alterations of streams, wetland, tidal passes, [and] inshore waters and waterbottoms . . . ; 10) adverse effects of cumulative impacts; . . . [and] 19) land loss, erosion, and subsidence"

87. Section 701(H)(2) of the Guidelines provides: "the systematic consideration process shall also result in a determination of those conditions necessary for the use to be in compliance with the guideline"

88. In its March 21, 2017, Basis of Decision, in finding the Pipeline to be in compliance with numerous aspects of the Guidelines, the DNR relied on Bayou Bridge representations of protective and mitigative measures it would take beyond those required by the regulations.

89. DNR did not include these Bayou Bridge representations as conditions in the permit.

90. Section 705(B) of the Guidelines provides: "Linear facilities involving the use of dredging or filling shall be avoided in wetlands and estuarine areas to the maximum extent practicable."

91. DNR erroneously stated that there would be no dredging involved in Bayou Bridge's project, thereby arbitrarily and capriciously determining that Guideline 705(B) did not apply.

92. DNR did not apply Guideline 705(B) and did not find that it was met.

93. Section 705(L) of the Guidelines provides: "The multiple use of existing canals, directional drilling, and other practical techniques shall be utilized to the maximum extent practicable to minimize the number and size of access canals, to minimize changes of natural systems, and to minimize adverse impacts on natural areas and wildlife and fisheries habitat."

94. DNR arbitrarily and capriciously failed to require Bayou Bridge to use horizontal direction drilling to the maximum extent practicable, including failing to require Bayou Bridge to

horizontally drill deeper under Bayou Lafourche to protect the drinking water source and failing to require Bayou Bridge to use horizontal directional drilling for the Bayou Verret and other water crossings.

95. Guideline 711(A) provides that industrial, commercial, urban, residential, and recreational uses “shall, to the maximum extent practicable, take place only: 1) on lands 5 feet or more above sea level or in fastlands; or 2) on lands which have foundation conditions sufficiently stable to support the use, and where flood and storm hazards are minimal or where protection from these hazards can be reasonably well achieved, and where the public safety would not be unreasonably endangered”

96. At least 62 acres of the Pipeline project in the Coastal Zone is not on lands 5 feet or more above sea level or in fastlands.

97. DNR did not determine whether the Bayou Bridge project takes place on lands which have foundation conditions sufficiently stable to support the use.

98. DNR did not determine whether the Bayou Bridge project takes place on lands where flood and storm hazards are minimal or where protection from these hazards can be reasonably well achieved.

99. DNR did not determine whether public safety would not be unreasonably endangered by the Bayou Bridge project.

100. DNR arbitrarily and capriciously failed to apply Guideline 711(A) to the Bayou Bridge application.

101. DNR did not find that Guideline 711(A) was met.

102. Guideline 711(D) provides: “To the maximum extent practicable wetland areas shall not be drained or filled.”

103. DNR erroneously stated that no wetland areas would be filled in the Bayou Bridge project and therefore arbitrarily and capriciously found that Guideline 711(D) was met.

104. Section 719(K) of the Guidelines provides: “Effective environmental protection and emergency or contingency plans shall be developed and complied with for all mineral operations.”

105. Bayou Bridge submitted a Spill Prevention and Response Plan in connection with its application which only addresses spills or releases of drilling muds during construction of the Pipeline.

106. Bayou Bridge did not produce to DNR its Facility Response Plan addressing spills, accidents, and releases during operation of the Pipeline. Bayou Bridge instead produced to DNR an overview of its Facility Response Plan.

107. Bayou Bridge's overview of its Facility Response Plan did not address the St. James community.

108. DNR did not consider the St. James community when evaluating Bayou Bridge's emergency response plan.

109. Section 723(B)(2)(a) of the Guidelines, regarding Activities Not Requiring Permits, provides: "Activities occurring wholly on lands 5 feet or more above sea level or within fastlands do not normally have direct and significant impacts on coastal waters. Consequently, a coastal use permit for such uses generally need not be applied for."

110. The Bayou Bridge Pipeline project will not occur wholly on lands 5 feet or more above sea level or within fastlands.

111. DNR erroneously exempted at least 150 acres of land in the Coastal Zone from consideration in its analysis of the Bayou Bridge application by arbitrarily and capriciously applying Section 723(B)(2)(a) of the Guidelines to these 150 acres.

112. The Coastal Protection and Restoration Authority (CPRA) is taking the lead in implementing the Mississippi River Reintroduction to Bayou Lafourche Project (BA-0161 – CIAP) ("Bayou Lafourche Project"), a large scale effort to increase fresh water in the Bayou to sustain water supply for 300,000 residents and over 120,000 acres of coastal marshes.

113. The CPRA's statement of no objection to the Bayou Bridge Pipeline consisted of clicking on an email link entitled "standard no objection." It failed to substantively review the Bayou Bridge Pipeline Project.

114. Bayou Lafourche also serves as the only potable water source for offshore oil and gas activity in the Gulf of Mexico, which is critical to our state and nation.

115. DNR failed to adequately consider the extent to which the Bayou Bridge Project conflicts with the Bayou Lafourche Project. It failed to adequately consider the extent to which the Bayou Bridge Project conflicts with the future need to dredge and deepen Bayou Lafourche for water flow or water supply.

116. DNR failed to adequately consider the extent to which the Bayou Bridge Project conflicts with the Comprehensive Master Plan for a Sustainable Coast.

117. DNR arbitrarily and capriciously determined that the Bayou Bridge Project is consistent with the State and Local Coastal Resources Management Act and the Louisiana Coastal Resources Program.

ASSIGNMENT OF ERRORS

118. DNR's permitting decision has prejudiced substantial rights of the Petitioners because DNR's decision is "in violation of constitutional or statutory provisions." La. Rev. Stat. § 49:964(G)(1).

119. DNR's permitting decision has prejudiced substantial rights of the Petitioners because DNR's decision is "made upon unlawful procedure" or affected by other error of law. La. Rev. Stat. § 49:964(G)(3) & (4).

120. DNR's permitting decision has prejudiced substantial rights of the Petitioners because DNR's decision is "arbitrary or capricious, or characterized by abuse of discretion" La. Rev. Stat. § 49:964(G)(5).

121. DNR's permitting decision has prejudiced substantial rights of the Petitioners because DNR's decision is not supported or sustainable by a preponderance of the evidence. La. Rev. Stat. § 49:964(G)(6).

122. DNR did not follow its Guidelines when it issued the Permit.

DESIGNATION OF RECORD FOR APPEAL

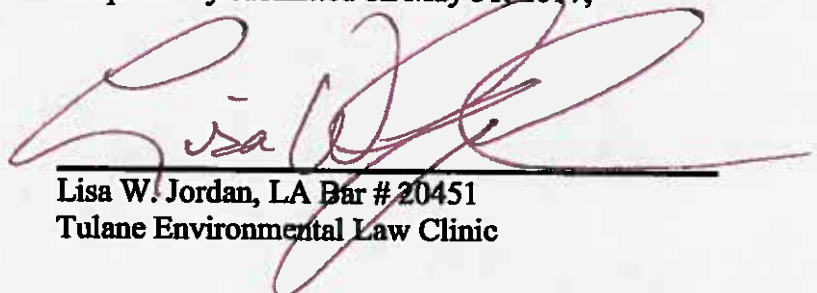
123. Plaintiffs designate as the Administrative Record all information produced by, considered by, and submitted to DNR in connection with Bayou Bridge's application for a Coastal Use Permit.

PRAYER FOR RELIEF

Upon consideration of the law and facts of this case, Plaintiffs respectfully request that this Court grant relief as follows:

1. Reverse the DNR decision and vacate Coastal Use Permit No. P20160166;
2. Award all other relief as this Court finds equitable.

Respectfully submitted on May 31, 2017,



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