



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

Operations Division
Eastern Evaluation Section

JUL 21 2010

SUBJECT: (General Permit) NOD-20
BASE FILE: MVN-2010-1780-EFF

BP
c/o: Providence
Attn: Mr. Brady Turk
1201 Main Street
Baton Rouge, Louisiana 70802

Gentlemen:

This concerns the enclosed communication dated July 20, 2010 from Providence on behalf of BP, relative to a request for emergency authorization to install pilings and booms, located along the western shore-lines of Caminada Bay and Bay Lizette, just north of Caminada Pass at the Gulf of Mexico, in Grand Isle, Louisiana, within Jefferson and Lafourche Parishes; as part of the Deepwater Horizon Oil Spill Response effort.

We have reviewed your request and find that the work qualifies under (General Permit) NOD-20 for emergency operations, as long as all conditions of this permit are met. This authorization does not obviate you from acquiring a Louisiana Coastal Use Permit or any other federal, state, or local approvals that may be required by law.

The following special conditions are hereby made a part of this emergency authorization:

- 1. To the maximum extent practicable, authorized activities shall be done in accordance with your request and performed in a manner which will avoid adverse impacts to the environment, wildlife, and aquatic resources.*
- 2. Mechanized land clearing, filling, or tracking of vegetative wetland areas for access, staging, and/or implementation of the proposed work is not authorized, unless expressly identified on the attached drawings. Any alterations or changes in scope of the proposed project which would have unavoidable impacts to wetland areas not considered under this authorization would require a separate Department of the Army review and decision, prior to commencing that work.*
- 3. Any rutting, compacting, or impacts to shorelines and/or beach areas during construction efforts, shall be restored to pre-project contours and conditions, immediately following installation of the structures.*
- 4. Booms and appurtenant structures shall be removed and disposed of in an environmentally acceptable manner, immediately following completion of the mission. Removal of the piles shall be implemented within 120 days of abandonment of the structures for the permitted use, unless otherwise authorized.*

5. *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 provided emergency 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.*

6. *Your use of the permitted activity shall not obstruct the public's right to free navigation on all navigable waters of the United States.*

7. *You shall install and maintain, at your expense, any safety lights, signs and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on your authorized structures.*

8. *If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, etc.,) 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 emergency authorization and any associated plats should be immediately forwarded to the U.S. Coast Guard, Sector New Orleans Command Center, 201 Hammond Highway, Metairie, Louisiana 70005. Telephone inquiries can be directed to (504) 846-5923.*

9. *Floation dredging for installation of booms and piles is not authorized without prior notification and approval by this office.*

10. *Permittee is aware that this office may reevaluate its decision on this permit at any time the circumstances warrant.*

11. *The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the applicant will contact the Chitimacha Tribe of Louisiana at P.O. Box 661, Charenton, LA 70523, and the Army Corps of Engineers, New Orleans District (CEMVN) Regulatory Branch. CEMVN, Regulatory Branch will initiate the required Federal, State, and Tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.*

12. *Permittee shall assure that any contractors, foremen, and/or workers associated with construction of the project are equally aware of the conditions and restrictions associated with this approval.*

13. *If archaeological materials and/or human remains are discovered during ground disturbing activities and/or installation of the structures, you shall cease and desist all activities in the project area and contact this office for further consultation.*

14. *The permittee shall avoid impacting and/or disrupting piping plover habitat, wading bird nesting colonies, colonial nesting birds, bird rookery areas, and/or any related intertidal foraging habitats. The permittee shall have a qualified biologist and/or credible third party monitor; inspect the site to document the presence or lack thereof the species listed above and whether work could and/or does result in abandonment or disruption. If findings show any of the above species or habitats to be located within the project area, the credible third party monitor shall be present on-site (during) the course of the operation to ensure that steps are taken to avoid and minimize disturbance. On-going coordination shall be maintained with this office and the US Fish and Wildlife Service in association with any findings and the need to restore and/or mitigate any impacts to these areas.*

15. *If long skirted booms are used, the applicant should take steps to assure that activities associated with project implementation are done in a manner to maintain a degree of aquatic species ingress and egress, within shallow open water areas or within any known travel zones. Encapturing or restraining marine species of interest should be avoided to the greatest extent.*

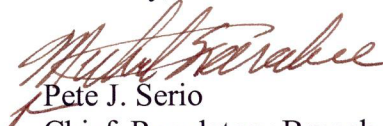
16. *If any aquatic species, birds, or mammals appear to have been impacted, coated, or tainted from oil or spill related effluents contained by the proposed boom(s); the permittee shall contact this office and the USFWS immediately. Further consultation with the LA Department of Wildlife and Fisheries and/or the National Marine Fisheries Service may be required, depending on the species affected and/or found.*

This approval is subject to the terms and conditions of (General Permit) NOD-20, dated September 13, 2007, a copy of which is enclosed. Please note that a formal permit application and drawings must be submitted within the time limits stated in the attached general permit.

Your project is located within the Louisiana Coastal Zone, as such your formal permit application submittal must be sent through the Louisiana Department of Natural Resources. Should you require information on submitting your application through their office, please contact Mr. Karl Morgan at [REDACTED]

If you have any questions, please feel free to contact Darrell S. Barbara with this office at (504) 862-2260 or at darrell.barbara@usace.army.mil.

Sincerely,



Pete J. Serio
Chief, Regulatory Branch
Operations Division

Enclosures



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

Operations Division
Regulatory Branch

SEP 13 2007

SUBJECT: MVN-1997-4840-CX
(General Permit)NOD-20

SPECIAL PUBLIC NOTICE

ANNOUNCEMENT OF GENERAL PERMIT TIME EXTENSION
FOR EMERGENCY OPERATIONS
WITHIN THE NEW ORLEANS DISTRICT

On March 9, 2007, this district issued a public notice announcing consideration of a time extension to the general permit for emergency operations. All available information and comments were considered in determining that the overall public interest would be best served by issuing the time extension. A copy of the extended general permit for emergency operations is attached.

We have reserved the right to modify, suspend, or revoke this general permit any time we determine it is in the public's interest to do so. Interested parties are invited to submit written comments or suggestions for modifications or improvement of this general permit to the Regulatory Branch of this district at any time.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in cursive script that reads "Pete Serio".

Pete J. Serio
Chief, Regulatory Branch

Attachment



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

Operations Division
Regulatory Branch

SEP 13 2007

SUBJECT: MVN-1997-4840-CX
(General Permit)NOD-20

GENERAL PERMIT
EMERGENCY OPERATIONS
WITHIN THE NEW ORLEANS DISTRICT

Authorization No.: (General Permit)NOD-20
Initial Effective Date: November 1, 1982
Expiration Date: October 31, 2012

Under authorization granted by Part 325.8(b) of Title 33, Code of Federal Regulations, the District Commander at New Orleans has granted this general permit for certain emergency operations as described. This permit authorizes work and structures under the following legislation:

- a. Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403).
- b. Section 404 of the Clean Water Act (33 USC 1344).

This permit does not authorize any work under Section 9 of the Rivers and Harbors Act of March 3, 1899 (33 USC 404) or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413).

This permit is applicable only within the boundaries of the New Orleans District of the U.S. Army Corps of Engineers.

Work authorized by this general permit is the minimum amount necessary to respond to such emergencies as oil or gas well blowouts, pipeline explosions or ruptures, explosions, fires, oil or hazardous materials spills, and shipwrecks or sinkings of vessels in navigation channels or similar situations which would result in an imminent safety and/or environmental hazard, loss of property, or immediate economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application.

Approval to perform work under this general permit does not replace normal permitting approval required under our regulations. Authorization under the general permit is a temporary approval to allow the applicant to perform work under emergency situations. After the emergency situation has been addressed, the applicant must either restore the site to as near pre-project conditions as practical, or must apply for a permit to maintain the work initially authorized under the general permit. Permit applications to maintain work initially authorized under this general permit would be processed in the normal manner to include a public notice, water quality certification from the Louisiana Department of Environmental Quality, and coastal use permit or other approval from the Louisiana Department of Natural Resources, Coastal Management Division, where applicable.

The activities authorized by this general permit include, but are not limited to:

- a. Emergency placement of a drilling rig in open waters to drill a shutoff well.
- b. Emergency dredging and disposal of dredged material for movement of equipment to evacuate personnel, fight fires, shutoff blow-out wells, install and service pollution control equipment, and repair ruptured pipelines.
- c. Emergency dredging and placement of fills to collect and confine oil or hazardous materials.
- d. Emergency dredging and deposition of dredged material to remove or re-float grounded, wrecked, burned out or sunken vessels blocking major navigation channels.
- e. Emergency placement of fills to provide access to a location for placement of drilling rigs to drill shutoff wells.

In addition to the applicable conditions of our standard permit form (copy enclosed), the following conditions apply to this general permit:

- a. Dredging and other activities will be the minimum necessary to meet the emergency.
- b. Restoration is required in accordance with the following:
 - (1) Restoration plans must be submitted to the Regulatory Branch of this district within 30 days of the date when the approval was granted by the New Orleans District for the emergency work under the general permit.
 - (2) The District Commander will consult with appropriate federal, state, and local agencies prior to approval of restoration plans.
 - (3) The restoration work must begin within 30 days of approval of plans or lesser time when so specified by the District Commander or his representative, unless a specific time extension is granted by the New Orleans District.
 - (4) Once begun, restoration work will be diligently prosecuted until completed.

(5) Disturbed wetland areas shall be restored to as near preproject conditions as practicable.

c. In appropriate cases when it may be in the public interest to allow maintenance of structures, fills, or dredged areas installed under this general permit authorization, permittees must apply for and receive a Department of the Army permit. If the permit application is denied, restoration will proceed in accordance with condition b., immediately above.

d. Applications to maintain facilities authorized by this general permit must be submitted within 30 days of the date when the approval was granted by the New Orleans District for the emergency work under the general permit, unless a specific time extension is granted by the New Orleans District. Permit applications will be processed using regular procedures, including a public notice where applicable.

e. Requests to maintain facilities authorized under this general permit must include a completed application form, letter-sized drawings illustrating the location and scope of the work, and be mailed to the Regulatory Branch at the letterhead address above. Applications for work in the Louisiana Coastal Zone must also be sent to the Louisiana Department of Natural Resources, Coastal Management Division.

f. This general permit may be modified, suspended, or revoked by the District Commander any time it is found to be in the public interest to do so.

g. Approval under this general permit does not relieve permittees from obtaining emergency permits or other approvals from any required state or local agency, or the consent of the landowner. For emergency work within the Louisiana Coastal Zone, applicant's must also contact Louisiana Department of Natural Resources, Coastal Management Division (CMD) at (225) 342-7591 for specific approval before performing the emergency work. CMD has a similar emergency general permit, CUP-GP-29.

h. Other conditions may be added in individual approvals for work under this general permit to address site specific conditions or situations.

Procedures to be followed in administering this general permit are as follows:

a. The initial contact may be made in person or by telephone to one of the following numbers.

(1) Regulatory Branch
(504) 862-2255

(2) Eastern Evaluation Section
(504) 862-2044

(3) Central evaluation Section
(504) 862-2276

(4) Western Evaluation Section
(504) 862-2261

For work within the Louisiana Coastal Zone also contact the Louisiana Department of Natural Resources, Coastal Management Division at (225) 342-7591.

b. Authorization under this general permit may be granted upon initial contact provided the requester can present sufficient information on the location, nature, and extent of the work to establish that the emergency situation exists. Depending on the extent of the emergency, immediate verbal authorization may be granted to perform the work, however, in other cases a written request explaining the emergency, with sketches and maps, may be needed to establish that the project qualifies for approval under the provisions of the emergency general permit.

c. If authorization to proceed is granted at the initial contact, the permittee must supply written documentation of the work to be done within 1 working day of the approval being granted, including necessary maps, drawings, and sketches.

d. Permittees will supply all other information necessary to establish a complete file.

e. Written approval will be granted after all necessary information has been provided.



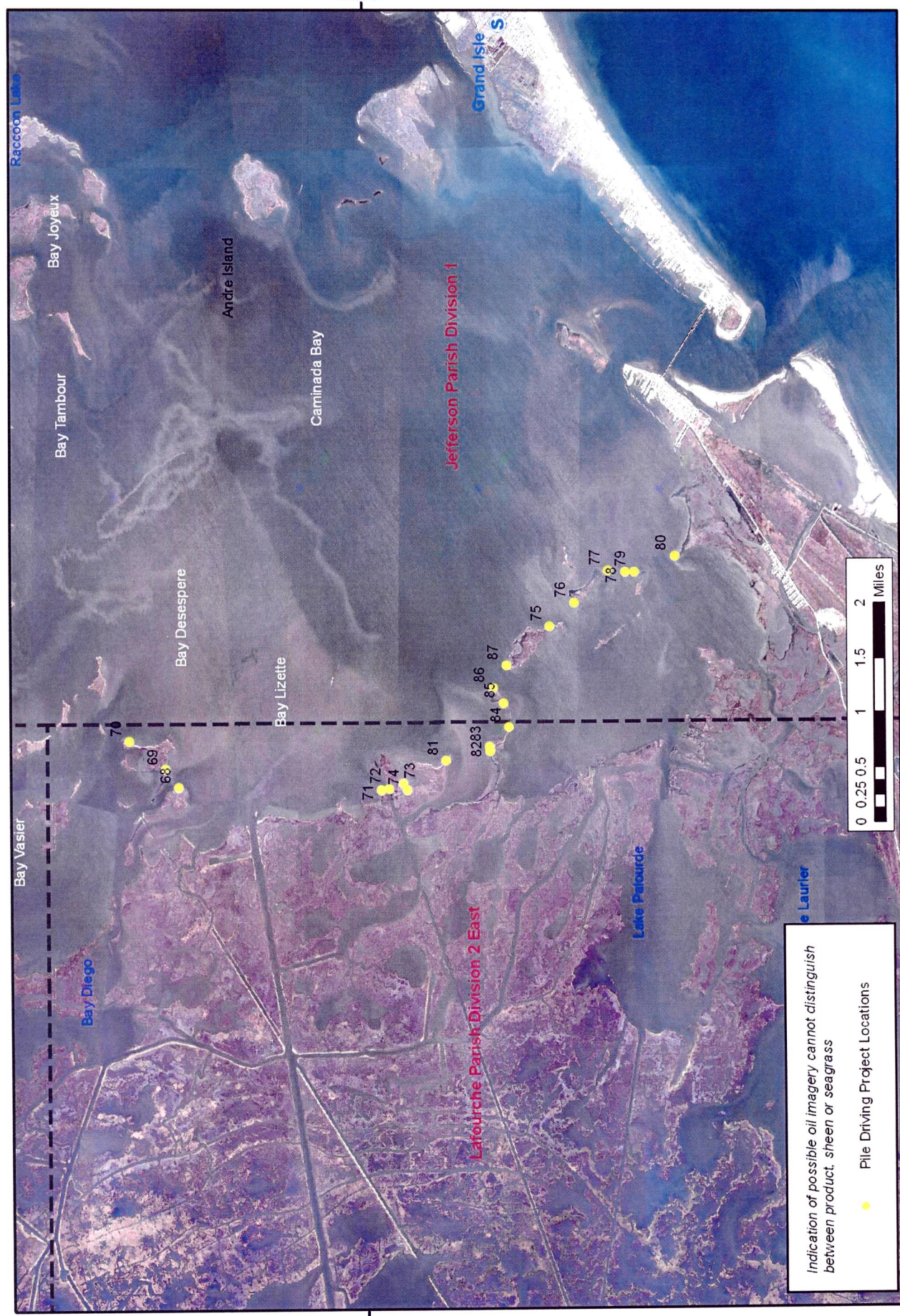
Pete J. Serio
Chief, Regulatory Branch

Enclosures

DEEPWATER HORIZON (MC252) PILE DRIVING PROJECT LOCATIONS MAP

07/18/2010 1000 Hrs

The Response Group
Emergency Response For The Offshore Oil Support
281-895-5000
Scale: 1:75,000



29°15'0"N

29°15'0"N

POSITIONS FOR PILE DRIVING PROJECT

BAY DESEPERE:

#68 N 29° 16.477
W 90° 06.212
#69 N 29° 16.577
W 90° 06.065
#70 N 29° 16.865
W 90° 05.842

TENNESSEE PIPELINE TO CAMINADA BAY:

#71 N 29° 14.866
W 90° 06.236
#72 N 29° 14.805
W 90° 06.219
#73 N 29° 14.692
W 90° 06.178
#74 N 29° 14.661
W 90° 06.234

CAMINADA BAY:

#75 N 29° 13.527
W 90° 04.940
#76 N 29° 13.338
W 90° 04.751
#77 N 29° 13.069
W 90° 04.500
#78 N 29° 12.938
W 90° 04.509
#79 N 29° 12.866
W 90° 04.511
#80 N 29° 12.547
W 90° 04.383

CAMINADA BAY / BAY MACOIN:

**#81 N 29° 14.354
W 90° 05.998**

**#82 N 29°14.005
W 90° 05.930**

BAY MACOIN:

**#83 N 29° 14.008
W 90° 05.892**

**#84 N 29° 13.856
W 90° 05.741**

**#85 N 29° 13.893
W 90° 05.547**

BAY MACOIN:

**#86 N 29° 13.981
W 90° 05.424**

**#87 N 29° 13.874
W 90° 05.244**