

Burkett, Jennifer E MVN

From: Farabee, Michael V MVN
Sent: Friday, July 16, 2010 10:45 AM
To: 'Evelyn S. Harris'
Cc: 'karl.morgan@la.gov'; 'Joseph "Jay" Pecot'; Serio, Pete J MVN; Burkett, Jennifer E MVN; Serio, Pete J MVN
Subject: FW: MVN 2010-1722 EBB; Piling and Flex Boom Mendicant, Queen Bess and Beauregard Islands
Attachments: Final Authorization 1722.pdf
Categories: Important

Evelyn,

The work proposed by BP America to install pilings and flex boom adjacent to Mendicant Island, Queen Bess Island and Beauregard Island in Jefferson Parish may be accomplished under the guidelines of this District's Emergency General Permit (NOD-20), copy is enclosed with your final authorization letter attached titled "Final Authorization 1722". Your Corps tracking number is MVN 2010-1722 EBB. If you have any additional questions please contact Ms. Jennifer Burkett at (504) 862-2045.

You are reminded that you must obtain all necessary local, state and federal authorizations prior to initiation of work.

Thank you for coordinating with us, good luck with your project. By copy of this e-mail we are notifying LADNR, Office of Coastal Management of our decision.

Michael V. Farabee
New Orleans District
Regulatory Branch
Chief, Eastern Evaluation Section

(504) 862-2292
(504) 862-2117 Fax

In order to assist us in improving our service to you, please complete the survey found at:
<http://per2.nwp.usace.army.mil/survey.html>

Operations Division
Eastern Evaluation Section

JUL 16 2010

SUBJECT: (General Permit)NOD-20
BASE FILE: MVN 2010-1722 EBB

BP America Production Company
2401 5th Avenue 5, NOB 3-C
Texas City, Texas 77592

Gentlemen:

This concerns your enclosed communication dated July 15, 2010, relative to your request for an emergency authorization to install pilings for holding temporary flex booms on the east side of Mendicant Island, the north, south, east and west sides of Queen Bess Island, and the east, south and southeast sides of Beauregard Island, located off of Barataria Pass, near Grand Isle, in Jefferson Parish, Louisiana, in order to mitigate effects of oil from the Deepwater Horizon oil spill within the region.

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 conditions are hereby made a part of this emergency authorization:

1. Mechanized land clearing, filling, or tracking of vegetative wetland areas for access, staging, and/or implementation of the authorized work is not allowed.
2. Installation and maintenance of the pilings and booms should be aligned to avoid impacting, to the maximum extent practicable, any existing shrimp and/or fishery nursery areas, sea grass beds, oyster reefs, fishery concentration areas, rookeries, and turtle nesting areas in the vicinity of the project.
3. Permittee shall ensure that oil collected against these structures is promptly removed in an environmentally acceptable manner.
4. Wildlife or other marine organism strandings are to be reported immediately to the appropriate State and Federal resource agencies.
5. To the maximum extent possible, permittee shall reduce the amount of time that construction (i.e., deployment, maintenance and retrieval) activities occur in the vicinity of nesting colonies in order to minimize stress to nesting birds, eggs, and young. To minimize disturbance to colonies containing nesting gulls, terns, and/or black skimmers, it is recommended that all activity

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occurring within 650 feet of a colonial nest site be restricted to the non-nesting period (i.e., September 16 through April 1). For colonies containing nesting brown pelicans, it is recommended that all activity occurring within 2,000 feet of the nesting colony be restricted to the non-nesting period (i.e., September 15 through March 31). An observer should monitor each colonial nest site to determine the minimum distance at which construction can occur without disturbing nesting birds. If the recommended buffer restrictions are not feasible, the U.S. Fish and Wildlife Service (David Walther at [REDACTED]) and Louisiana Department of Wildlife and Fisheries (Mike Carloss at [REDACTED]) should be contacted to assist in the determinations of the maximum distance practicable.

6. To the maximum extent possible, the permittee shall limit activities potentially disturbing to wildlife to the cooler parts of the day, as well as begin construction at the greatest distance from the nesting sites to allow gradual habituation of nesting birds to project activities.
7. Permittee shall coordinate with Michael Seymour of the Louisiana Natural Heritage Program at [REDACTED] concerning the presence of nesting bird colonies.
8. Permittee shall notify each oyster lease holder affected within 500 feet of the proposed activity prior to commencement of the project.
9. 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 authorized herein, 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.
10. Your use of the permitted activity shall not obstruct the public's right to free navigation on all navigable waters of the United States.
11. 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.
12. 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, 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

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copy of your permit approval and drawings, should be mailed to the U.S. Coast Guard District, Sector New Orleans Command Center, 201 Hammond Highway, Metairie, Louisiana 70005, about one month before you plan to start work. Telephone inquiries can be directed to (504) 846-5923.

13. 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 permittee shall 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.

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].

Should you have any further questions concerning this matter, please call Jennifer Burkett of this office at 504-862-2045.

Sincerely,

Pete J. Serio
Chief, Regulatory Branch



Farabee
OD-SE



Serio
OD-S

Enclosures

DECISION DOCUMENT FOR EMERGENCY PERMITTING VERIFICATION, NOD-20

ORM Number: MVN 2010-1722 EBB

Applicant: BP America Production Company

Project Location (Waterway, Section, Township, Range, City, County, State): Off of Mendicant Island, Queen Bess Island, and Beauregard Island, near Grand Isle, in Jefferson Parish, Louisiana.

Receipt Date: July 13, 2010 Complete: Yes No

Additional Information Requested Date: yes

Application Complete Date: July 15, 2010

Waters of the US: yes

*see Jurisdictional Determination form(s) dated: n/a

Authority: Section 10 Section 404 Section 103

Project Description (Describe activities in waters of the U.S. authorized by verification):
Installation of pilings for holding temporary flex booms.

Project Purpose: Mitigate effects of oil from the Deepwater Horizon oil spill within the region.

Type of Permit Verified: NOD-20

Pre-construction Notification Required: Yes No

Coordination with Agencies/Tribes: Yes No Date: July 15, 2010

Commenting Agencies:

US Fish and Wildlife Service

US Environmental Protection Agency

National Marine Fisheries Service

State Agency (if checked, list commenting state agencies) La. Dept.

Wildlife and Fisheries, La. Dept. of Environmental Quality, La. Dept. of Natural Resources

State Historic Preservation Office

Other:

Substantive Issues and Corps Resolution: Coordination conducted with all pertinent resource agencies. Special conditions incorporated as part of the emergency authorization.

Compliance with Other Federal Laws (If specific law is not applicable write N/A in the

adjacent text box): N/A

- a) Endangered Species Act: Notification was provided to the US Fish and Wildlife Service (USFWS) and Louisiana Department of Wildlife and Fisheries (LDWF) on July 15, 2010.

Name of species present: Gulls, terns, black skimmers, and brown pelicans recognized by the USFWS. Sea grass beds, coastal mangroves, manatees, and sea turtles recognized by the LDWF.

Effects determination: Pending submittal of an after-the-fact application within 30 days of the date of this authorization, further consultation will be conducted with the USFWS and LDWF.

Date of Service(s) concurrence: July 15, 2010

Basis for "no effect" determination: pending

Additional information (optional):

- b) Magnuson-Stevens Act (Essential Fish Habitat): Notification was provided to the National Marine Fisheries Service (NMFS) on July 15, 2010. In an email dated July 15, 2010, NMFS stated no objection with conditions.

Name of species present:

Effects determination: N/A

Date of Service(s) concurrence: July 15, 2010

Basis for "no effect" determination: N/A

Additional information (optional): Pending submittal of an after-the-fact application within 30 days of the date of this authorization, further consultation will be conducted.

- c) Section 106 of the National Historic Preservation Act:

Known site present: yes no

Survey required/conducted: yes no

Effects determination:

Rationale:

Date consultation complete (if necessary):

Additional information (optional): A biological opinion to be rendered by the SHPO upon completion of the project and review of the ATF application.

- d) Section 401 Water Quality Certification:

Individual certification required: yes no

Issued waived denied .

Additional information (optional): Individual certification requirements will be coordinated during the ATF process.

- e) Coastal Zone Management Act:

Individual certification required: yes no

Issued waived denied

Additional information (optional): Emergency Authorization EUA 10-085 was issued by the DNR on July 15, 2010.

f) Wild and Scenic Rivers Act:

Project located on designated or "study" river: yes no

Managing agency:

Date written determination provided that the project will not adversely affect the Wild and Scenic River designation or study status:

Additional information (optional):

g) Others (Specify):

Special Conditions Required: yes no (If yes, provide rationale for each required condition):
General Conditions of the NOD-20 emergency authorization incorporated into the NOD-20 permit instrument, as well as section 10 conditions. Special conditions were also added to address resource agency points of concern and minimize impacts to the ecosystem.

Specific conditions may be incorporated as part of the ATF Individual Permit, pending submittal and processing of the application.

Compensatory Mitigation Required: yes no (If yes, provide rationale for compensatory mitigation required): A final decision on Compensatory Mitigation will be made upon completion of the forthcoming ATF application process.

Determination: I have reviewed the proposed project and determined that the work will result in minimal individual and cumulative adverse effects on the aquatic environment.

This project complies with all terms and conditions of the NOD-20 including any applicable Regional Conditions.

Prepared by: Jennifer Burkett Project Manager

Reviewed by: Mural Narabee Chief, Eastern Evaluation Section

Date: July 15, 2010

Burkett, Jennifer E MVN

Subject: FW: Request for EUA in Barataria Pass

-----Original Message-----

From: Farabee, Michael V MVN
Sent: Thursday, July 15, 2010 10:15 AM
To: 'Evelyn S. Harris'
Subject: RE: Request for EUA in Cat Bay Islands

Evelyn, if you are certain that flex boom is the intended use of these piles we can move forward with a short agency notification since so many rookeries are near the projects, notifying them that flexboom will be installed on the pilings, but BP really needs to come through with a simple plan and cross section of the flex boom, preferably before the final action. Our intention is to authorize actions that are clearly defined, we don't want to "think" flexboom is the intended structure and then have a follow up application (or worse no request and the work is simply done) to attach barges that need some additional draft, so a little dredging, etc., etc. While expediency is required for these actions, clarity is certainly required. As I stated, we will move forward with an agency notification that details the pilings for the use of attaching flex boom. Any final authorization will be for that purpose as well.

Thanks for your help, Jennifer Burkett (504) 862-2045 will be handling the Barataria Pass project; Stephanie Castaing (504) 862-1564 will be handling the Cat Bay project.

Michael V. Farabee
New Orleans District
Regulatory Branch
Chief, Eastern Evaluation Section

(504) 862-2292
(504) 862-2117 Fax

-----Original Message-----

From: Farabee, Michael V MVN
Sent: Thursday, July 15, 2010 9:26 AM
To: 'Evelyn S. Harris'
Cc: 'Christine Charrier'; 'karl.morgan@la.gov'
Subject: RE: Request for EUA in Barataria Pass

Evelyn,

Once again same comments as the Cat Bay project:

The placement of piles is not the project, the project is to install and maintain flexboom including the use of pilings. Your drawings need to show a simple section of flex boom between the pilings so we can make a decision on a single and complete emergency request. Until the information is updated to include the entire project this request is considered incomplete.

Michael V. Farabee
New Orleans District
Regulatory Branch
Chief, Eastern Evaluation Section

(504) 862-2292
(504) 862-2117 Fax

In order to assist us in improving our service to you, please complete the survey found at:
<http://per2.nwp.usace.army.mil/survey.html>

-----Original Message-----

From: Evelyn S. Harris [mailto:Evelyn.Harris@tbsmith.com]

Sent: Tuesday, July 13, 2010 4:29 PM

To: Karl Morgan; Christine Charrier; Farabee, Michael V MVN; Jason Smith JeffCZ

Cc: Chet Morrison; Kenneth W. Smith; Kenny J. King; Craig Guidry; bblanchard@chetm.com; jmornini@juno.com; Rusty J Cavalier; LOUV@chevron.com

Subject: Request for EUA in Barataria Pass

Agencies Notified: La. Dept. of Natural Resources (CMD), U.S. Army Corps of Engineers, Jefferson Parish, U.S. Coast Guard

On behalf of our Client, BP America Production Company, we are requesting emergency authorization to install piles in the following locations in Barataria Bay:

- * east side of Mendicant Island
- * north, south, east and west sides of Queen Bess Island
- * east, south and southwest sides of Beauregard Island.

The purpose of the piles will be to hold a temporary flex boom in place (placement of boom is not included in this emergency use authorization request) in an effort to keep oil from the interior marshes.

Attached are drawings consisting of a Vicinity Map, Plan View showing pile locations, a list Pile Coordinates and a note page containing an equipment list, complete with the draft of the vessels. There will be no dredging associated with the placement of this boom and the piles will be vibrated into place.

We are aware of pipelines in the area and some of the pipeline owners cannot be identified in our system. However, "One Call" will be notified prior to work in the area.

We have notified the following pipeline companies that we will be doing work in the area:

Plains – Rusty Cavalier

Chevron - David Louviere

Endymion (BP) – Artie Myers

Our client proposes for work to begin immediately and the estimated timeframe for completion of the installation will be approximately 5 to 12 working days (weather permitting). No work has started or been completed on this project at the time of request.

Contact for BP:

Artie Myers
2401 5th Avenue 5, NOB 3-C
Texas City, TX 77592

Office: [REDACTED]
Cell: [REDACTED]
[REDACTED]

Contact for T. Baker Smith, Inc:

Evelyn Harris
P. O. Box 2266
Houma, LA 70361
Office: [REDACTED]
Cell: [REDACTED]
[REDACTED]

Contact for U.S. Coast Guard:

Chief Gary Kessell
[REDACTED]

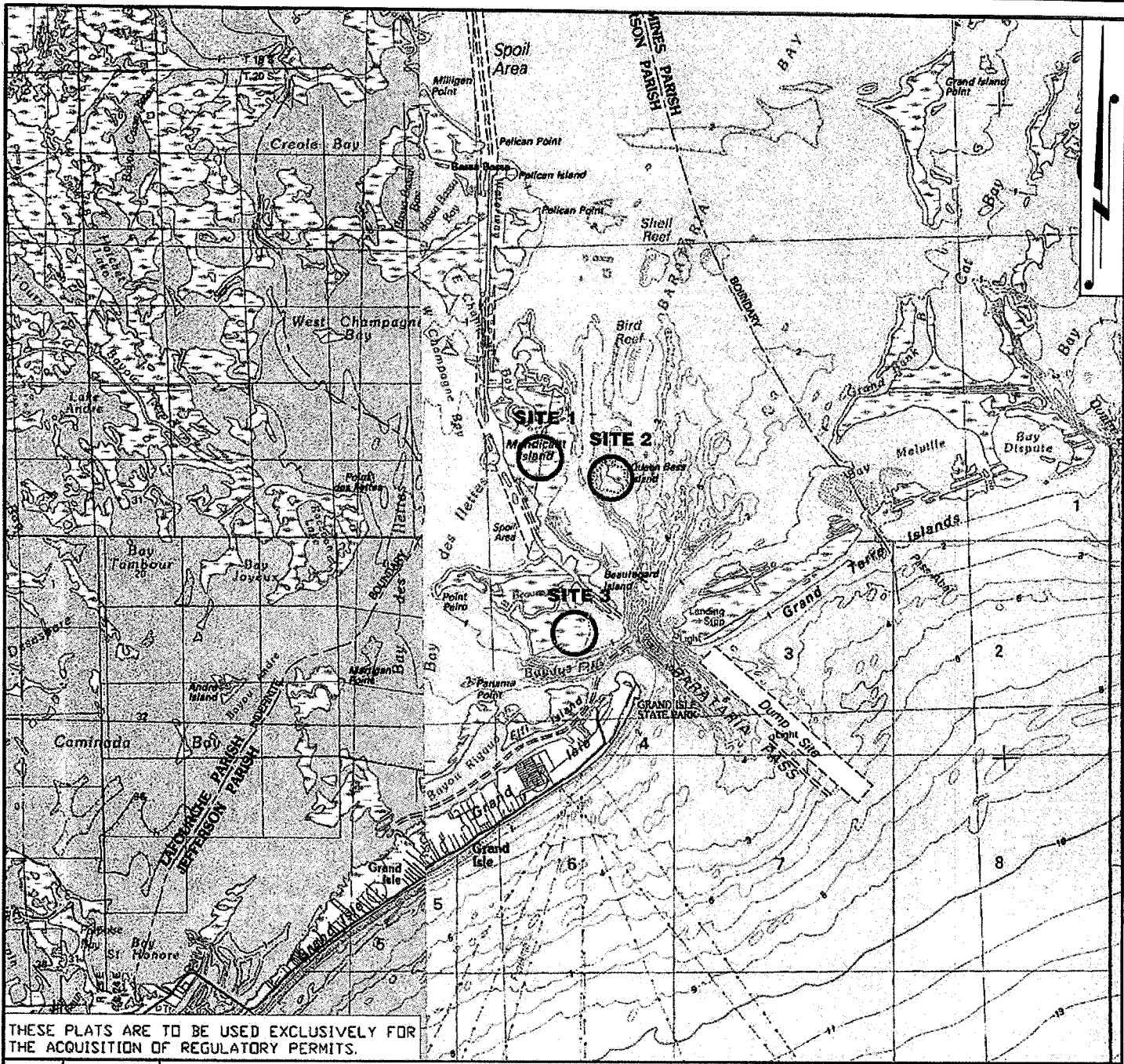
Chief Kessell is on site with BP and has requested to be notified by sending emails to BP Project Manager - Glen Johnson
[REDACTED]

For comments or questions, I can be reached at [REDACTED] or by cell [REDACTED]

Thank you

Evelyn

Evelyn S. Harris
Project Controller
T. BAKER SMITH, INC.
Direct Line: [REDACTED]
Main Line: [REDACTED]
Cell Phone: [REDACTED]
Toll Free: [REDACTED]
Fax: [REDACTED]
Webpage: www.tbsmith.com <<http://www.tbsmith.com>>



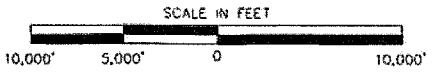
THESE PLATS ARE TO BE USED EXCLUSIVELY FOR THE ACQUISITION OF REGULATORY PERMITS.

NO.	DATE	REVISION

VICINITY MAP

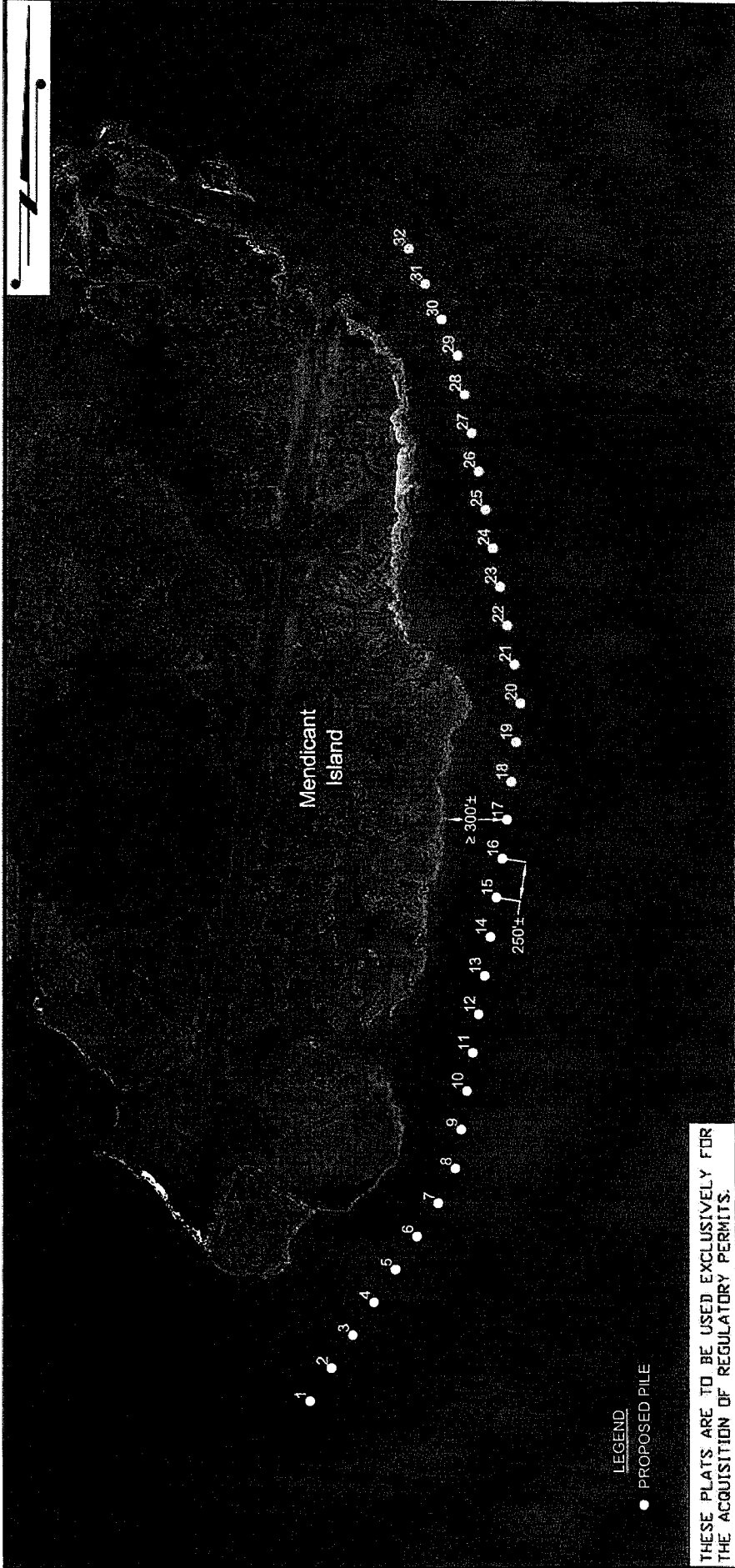
BP North American

PROPOSED PILES FOR MENDICANT ISLAND, QUEEN BESS ISLAND & BEAUGARD ISLAND NEAR GRAND ISLE LOCATED IN JEFFERSON PARISHES LOUISIANA



SHEET	1	OF	8
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:	1"=10,000'		
DATE:	07/12/10		
JOB NUMBER:	2010.0290		

FILE:



LEGEND
 ● PROPOSED PILE

THESE PLATS ARE TO BE USED EXCLUSIVELY FOR THE ACQUISITION OF REGULATORY PERMITS.




NO.	DATE

REVISION

PLAN VIEW - SITE 1

BP North American

PROPOSED PILES FOR MENDICANT ISLAND, QUEEN BESS ISLAND & BEAUREGARD ISLAND NEAR GRAND ISLE LOCATED IN JEFFERSON PARISH, LOUISIANA

 <p>T. BAKER SMITH PROFESSIONAL CONSULTANTS SINCE 1915 (889) 866-1050 www.tbasmith.com</p>	 <p>SCALE IN FEET</p>	SHEET 2 OF 8
		DRAWN BY: RML
		APPROVED BY: KJK
		SCALE: 1"=1,000' DATE: 07/13/10 JOB NUMBER: 2010.0290
 <p>Chet Morrison CONTRACTORS</p>	FILE:	



LEGEND
 ● PROPOSED PILE

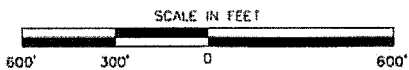
THESE PLATS ARE TO BE USED EXCLUSIVELY FOR THE ACQUISITION OF REGULATORY PERMITS.

NO.	DATE	REVISION

PLAN VIEW - SITE 2

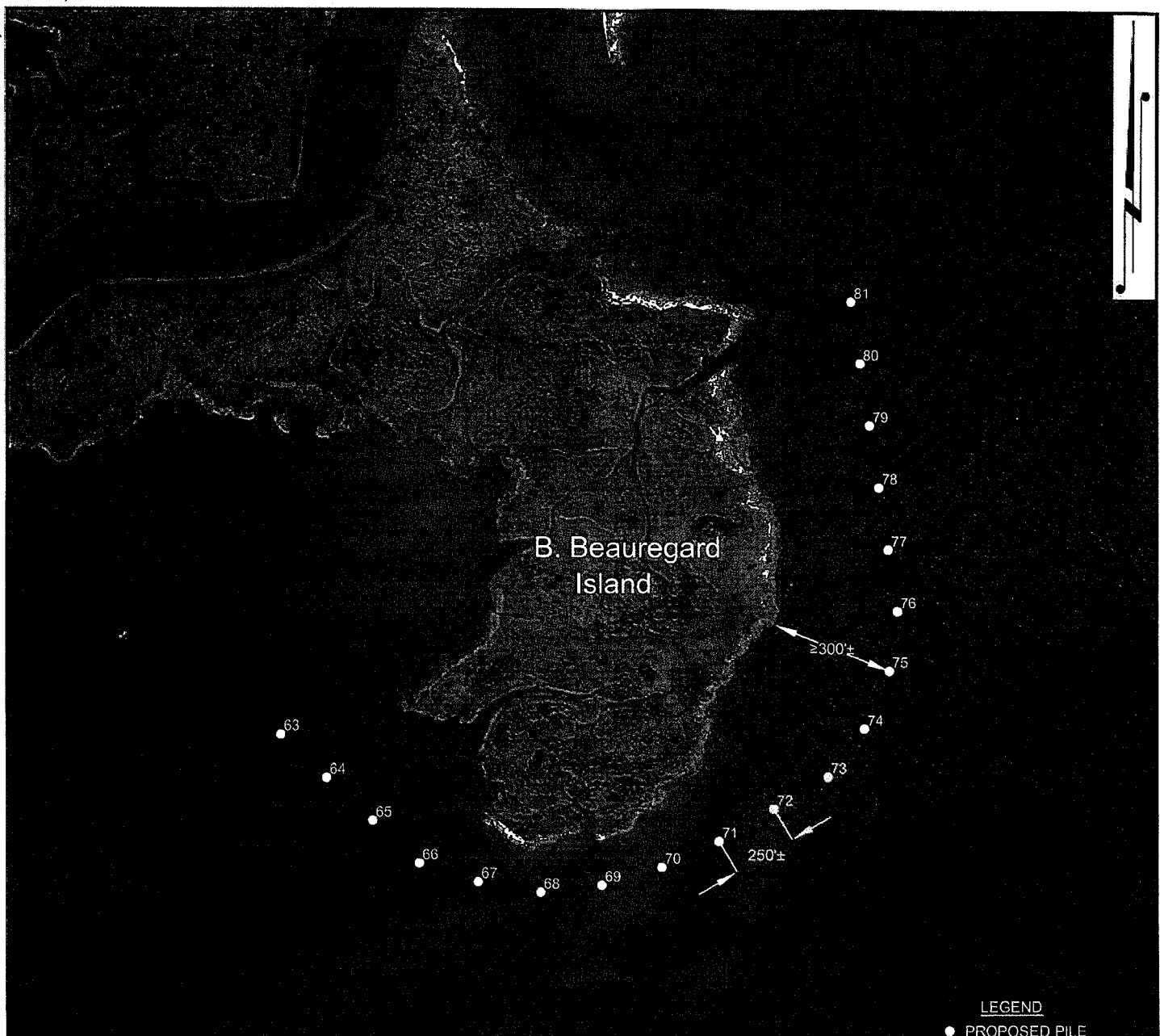
BP North American

PROPOSED PILES FOR MENDICANT ISLAND, QUEEN BESS ISLAND
 & BEAUREGARD ISLAND NEAR GRAND ISLE
 LOCATED IN JEFFERSON PARISH,
 LOUISIANA



SHEET	3	OF	8
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:	1"=600'		
DATE:	07/12/10		
JOB NUMBER:	2010.0290		

FILE:



LEGEND
 ● PROPOSED PILE

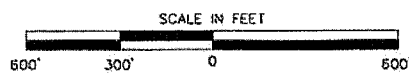
THESE PLATS ARE TO BE USED EXCLUSIVELY FOR THE ACQUISITION OF REGULATORY PERMITS.

NO.	DATE	REVISION

PLAN VIEW - SITE 3

BP North American

PROPOSED PILES FOR MENDICANT ISLAND, QUEEN BESS ISLAND & BEAUREGARD ISLAND NEAR GRAND ISLE LOCATED IN JEFFERSON PARISH, LOUISIANA



SHEET	4	OF	8
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:	1"=600'		
DATE:	07/12/10		
JOB NUMBER:	2010.0290		

FILE:

Proposed Pilings				
Point #	Northing	Easting	LAT.	LONG.
1	293060.0067	3714588.4182	N029° 17' 55.52"	W089° 58' 21.12"
2	293273.8466	3714727.3621	N029° 17' 57.62"	W089° 58' 19.52"
3	293487.6865	3714866.3059	N029° 17' 59.72"	W089° 58' 17.92"
4	293701.5264	3715005.2497	N029° 18' 01.83"	W089° 58' 16.32"
5	293915.3662	3715144.1936	N029° 18' 03.93"	W089° 58' 14.73"
6	294129.2061	3715283.1374	N029° 18' 06.03"	W089° 58' 13.13"
7	294343.0460	3715422.0812	N029° 18' 08.13"	W089° 58' 11.53"
8	294567.3567	3715533.4365	N029° 18' 10.33"	W089° 58' 10.24"
9	294819.5361	3715571.3629	N029° 18' 12.83"	W089° 58' 09.78"
10	295071.7156	3715609.2893	N029° 18' 15.32"	W089° 58' 09.32"
11	295323.8950	3715647.2157	N029° 18' 17.81"	W089° 58' 08.85"
12	295576.0745	3715685.1420	N029° 18' 20.30"	W089° 58' 08.39"
13	295828.2539	3715723.0684	N029° 18' 22.79"	W089° 58' 07.93"
14	296080.4334	3715760.9948	N029° 18' 25.28"	W089° 58' 07.47"
15	296332.6128	3715798.9212	N029° 18' 27.78"	W089° 58' 07.01"
16	296584.7923	3715836.8476	N029° 18' 30.27"	W089° 58' 06.54"
17	296838.1495	3715865.7827	N029° 18' 32.77"	W089° 58' 06.18"
18	297086.3702	3715893.5072	N029° 18' 35.23"	W089° 58' 05.84"
19	297345.0285	3715922.3974	N029° 18' 37.78"	W089° 58' 05.48"
20	297598.4680	3715950.7047	N029° 18' 40.29"	W089° 58' 05.12"
21	297849.5380	3715912.2387	N029° 18' 42.78"	W089° 58' 05.52"
22	298100.3336	3715866.0383	N029° 18' 45.27"	W089° 58' 06.01"
23	298351.1292	3715819.8380	N029° 18' 47.76"	W089° 58' 06.50"
24	298601.9247	3715773.6377	N029° 18' 50.24"	W089° 58' 06.99"
25	298852.7203	3715727.4373	N029° 18' 52.73"	W089° 58' 07.47"
26	299103.5159	3715681.2370	N029° 18' 55.22"	W089° 58' 07.96"
27	299354.3114	3715635.0367	N029° 18' 57.71"	W089° 58' 08.45"
28	299605.1070	3715588.8363	N029° 19' 00.20"	W089° 58' 08.94"
29	299855.9025	3715542.6360	N029° 19' 02.68"	W089° 58' 09.43"
30	300088.4198	3715438.8956	N029° 19' 05.00"	W089° 58' 10.57"

THESE PLATS ARE TO BE USED EXCLUSIVELY FOR THE ACQUISITION OF REGULATORY PERMITS.

NO.	DATE	REVISION

PILING COORDINATES

BP North American

PROPOSED PILES FOR MENDICANT ISLAND, QUEEN BESS ISLAND
& BEAUREGARD ISLAND NEAR GRAND ISLE
LOCATED IN JEFFERSON PARISH,
LOUISIANA



Chet Morrison
CONTRACTORS



T. BAKER SMITH
PROFESSIONAL CONSULTANTS SINCE 1913
(885) 868-1050 www.tbasmith.com

SHEET	5	OF	8
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:			
DATE:	07/12/10		
JOB NUMBER:	2010.0290		

FILE:

Proposed Piling				
Point #	Northing	Easting	LAT.	LONG.
31	300319.9014	3715331.8948	N029° 19' 07.30"	W089° 58' 11.74"
32	300551.3829	3715224.8940	N029° 19' 09.61"	W089° 58' 12.92"
33	294504.0991	3717547.6082	N029° 18' 09.47"	W089° 57' 47.50"
34	294754.7128	3717512.7926	N029° 18' 11.95"	W089° 57' 47.86"
35	295004.3648	3717509.6611	N029° 18' 14.43"	W089° 57' 47.86"
36	295252.4056	3717559.6121	N029° 18' 16.88"	W089° 57' 47.27"
37	295476.7246	3717647.8084	N029° 18' 19.09"	W089° 57' 46.24"
38	295631.6871	3717847.8233	N029° 18' 20.60"	W089° 57' 43.96"
39	295786.6496	3718047.8382	N029° 18' 22.11"	W089° 57' 41.68"
40	295976.8094	3718140.8627	N029° 18' 23.98"	W089° 57' 40.60"
41	296185.8174	3718200.7740	N029° 18' 26.04"	W089° 57' 39.90"
42	296257.2004	3718438.6836	N029° 18' 26.72"	W089° 57' 37.20"
43	296324.8918	3718682.4811	N029° 18' 27.36"	W089° 57' 34.44"
44	296184.2970	3718860.0807	N029° 18' 25.95"	W089° 57' 32.45"
45	296012.9123	3719041.0821	N029° 18' 24.23"	W089° 57' 30.43"
46	295907.5753	3719266.4533	N029° 18' 23.16"	W089° 57' 27.90"
47	295866.5981	3719507.5630	N029° 18' 22.72"	W089° 57' 25.18"
48	295687.7255	3719686.5153	N029° 18' 20.93"	W089° 57' 23.19"
49	295460.0199	3719730.8231	N029° 18' 18.67"	W089° 57' 22.72"
50	295208.0182	3719708.1405	N029° 18' 16.18"	W089° 57' 23.01"
51	294988.3865	3719833.6010	N029° 18' 13.99"	W089° 57' 21.62"
52	294768.8124	3719959.3252	N029° 18' 11.80"	W089° 57' 20.23"
53	294590.2278	3719842.5236	N029° 18' 10.05"	W089° 57' 21.57"
54	294424.1666	3719651.6230	N029° 18' 08.43"	W089° 57' 23.75"
55	294256.2059	3719458.5388	N029° 18' 06.79"	W089° 57' 25.96"
56	294091.5406	3719269.2428	N029° 18' 05.18"	W089° 57' 28.12"
57	294150.3243	3719023.9347	N029° 18' 05.79"	W089° 57' 30.88"
58	294209.2868	3718777.8802	N029° 18' 06.41"	W089° 57' 33.65"
59	294268.2492	3718531.8258	N029° 18' 07.02"	W089° 57' 36.42"
60	294327.2117	3718285.7714	N029° 18' 07.63"	W089° 57' 39.19"

THESE PLATS ARE TO BE USED EXCLUSIVELY FOR THE ACQUISITION OF REGULATORY PERMITS.

NO.	DATE	REVISION

PILING COORDINATES

BP North American

PROPOSED PILES FOR MENDICANT ISLAND, QUEEN BESS ISLAND
& BEAUREGARD ISLAND NEAR GRAND ISLE
LOCATED IN JEFFERSON PARISH,
LOUISIANA



T. BAKER SMITH
PROFESSIONAL CONSULTANTS SINCE 1913
(985) 868-1050 www.tbasmith.com

SHEET	6	OF	8
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:			
DATE:	07/12/10		
JOB NUMBER:	2010.0290		

FILE:

Proposed Pilings				
Point #	Northing	Easting	LAT.	LONG.
61	294386.1742	3718039.7170	N029° 18' 08.24"	W089° 57' 41.96"
62	294445.1367	3717793.6626	N029° 18' 08.86"	W089° 57' 44.73"
63	283813.2999	3714932.4796	N029° 16' 23.95"	W089° 58' 18.47"
64	283640.6746	3715118.0221	N029° 16' 22.22"	W089° 58' 16.40"
65	283468.0493	3715303.5647	N029° 16' 20.49"	W089° 58' 14.33"
66	283295.4240	3715489.1072	N029° 16' 18.76"	W089° 58' 12.26"
67	283220.7065	3715722.8957	N029° 16' 17.99"	W089° 58' 09.63"
68	283178.7449	3715972.8252	N029° 16' 17.55"	W089° 58' 06.81"
69	283206.6130	3716218.4692	N029° 16' 17.79"	W089° 58' 04.03"
70	283278.8214	3716461.3920	N029° 16' 18.48"	W089° 58' 01.28"
71	283382.8907	3716690.3712	N029° 16' 19.48"	W089° 57' 58.68"
72	283512.3430	3716908.2419	N029° 16' 20.74"	W089° 57' 56.21"
73	283641.5288	3717125.6641	N029° 16' 21.99"	W089° 57' 53.73"
74	283833.6587	3717273.0246	N029° 16' 23.88"	W089° 57' 52.04"
75	284066.2721	3717373.6057	N029° 16' 26.17"	W089° 57' 50.88"
76	284307.6835	3717406.6743	N029° 16' 28.55"	W089° 57' 50.47"
77	284558.3051	3717369.0667	N029° 16' 31.04"	W089° 57' 50.86"
78	284808.9268	3717331.4590	N029° 16' 33.52"	W089° 57' 51.25"
79	285059.5484	3717293.8514	N029° 16' 36.01"	W089° 57' 51.64"
80	285310.1700	3717256.2438	N029° 16' 38.49"	W089° 57' 52.03"
81	285560.7917	3717218.6362	N029° 16' 40.98"	W089° 57' 52.42"

THESE PLATS ARE TO BE USED EXCLUSIVELY FOR THE ACQUISITION OF REGULATORY PERMITS.

NO.	DATE	REVISION

PILING COORDINATES

BP North American

PROPOSED PILES FOR MENDICANT ISLAND, QUEEN BESS ISLAND
& BEAUREGARD ISLAND NEAR GRAND ISLE
LOCATED IN JEFFERSON PARISH,
LOUISIANA



Chet Morrison
CONTRACTORS



T. BAKER SMITH
PROFESSIONAL CONSULTANTS SINCE 1913
(983) 668-1050 www.tbsmith.com

SHEET	7	OF	8
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:			
DATE:	07/12/10		
JOB NUMBER:	2010.0290		

FILE:

NOTES:

1. AS-BUILT DRAWINGS WILL BE SUBMITTED WITHIN 30 DAYS OF COMPLETION OF THIS PROJECT TO THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF COASTAL MANAGEMENT, P.O. BOX 44487, BATON ROUGE, LA 70804-4487.
2. ALL STRUCTURES, FACILITIES, WELL AND PIPELINES/FLOWLINES OCCURRING IN OPEN WATER AREAS OR IN OILFIELD CANALS OR SLIPS SHALL BE REMOVED WITHIN 120 DAYS OF ABANDONMENT OR THE FACILITIES FOR THE HEREIN PERMITTED USE UNLESS PRIOR WRITTEN APPROVAL TO LEAVE SUCH STRUCTURES IN PLACE IS RECEIVED FROM THE OFFICE OF COASTAL MANAGEMENT. THIS CONDITION DOES NOT PRECLUDE THE NECESSITY FOR REVISING THE CURRENT PERMIT OR OBTAINING A SEPARATE COASTAL USE PERMIT, SHOULD ONE BE REQUIRED.
3. STRUCTURES MUST BE MARKED/LIGHTED IN ACCORDANCE WITH U.S. COAST GUARD REGULATIONS.
4. IN ORDER TO ENSURE THE SAFETY OF ALL PARTIES, THE PERMITTEE SHALL CONTACT THE LOUISIANA ONE CALL SYSTEM (1-800-272-3020) A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION (DIGGING, DREDGING, JETTING, ETC.) OR DEMOLITION ACTIVITY.

EQUIPMENT LIST

- 900 HP TUG - DRAFT 7FT
 600 HP TUG - DRAFT 6FT
 2 BARGES (140 X 45 X 8) - DRAFT 3.5FT
 CREWBOAT - DRAFT 2.5FT

THESE PLATS ARE TO BE USED EXCLUSIVELY FOR THE ACQUISITION OF REGULATORY PERMITS.

NO.	DATE	REVISION
-----	------	----------

NOTES

BP North American

PROPOSED PILES FOR MENDICANT ISLAND, QUEEN BESS ISLAND
 & BEAUREGARD ISLAND NEAR GRAND ISLE
 LOCATED IN JEFFERSON PARISH,
 LOUISIANA



SHEET	8	OF	8
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:			
DATE:	07/12/10		
JOB NUMBER:	2010.0290		

FILE:

Burkett, Jennifer E MVN

From: Burkett, Jennifer E MVN
Sent: Thursday, July 15, 2010 11:41 AM
To: 'Seth_Bordelon@fws.gov'; 'kbalkum@wlf.louisiana.gov'; 'richard.hartman@noaa.gov'; 'ettinger.john@epa.gov'; 'Jamie Phillippe'; 'Patrick.Williams@noaa.gov'; 'Butler, Dave'; 'Jay.Pecot@LA.GOV'; 'christine.charrier@la.gov'; Walther, David; 'karl.morgan@la.gov'; Schindler, Paige P MVN; Schneider, Donald C MVN; Mujica, Joaquin MVN; Daigle, Michelle C MVN; Clark, Karl J MVN; 'houmaSITL@uscg.mil'; 'Patti_Holland@fws.gov'
Cc: Serio, Pete J MVN; Mayer, Martin S MVN; Farabee, Michael V MVN; 'artie.myers@bp.com'; 'Evelyn S. Harris'; 'johnsog5@bp.com'
Subject: Emergency Authorization for Barataria Pass Islands Project
Attachments: Plans.pdf

All,

Forwarded for your review and comment:

BP America Production Company is requesting emergency authorization to install pilings for holding temporary flex booms, located on the east side of Mendicant Island, the north, south, east and west sides of Queen Bess Island, and the east, south and southeast sides of Beauregard Island, in the Barataria Bay Area, as shown on the attached plans. This project will be utilized in an effort to keep oil from entering the interior marshes at these locations. There is no dredging, and the pilings will be vibrated into place.

Lack of response by 4:00 PM today will be construed as no objection.

Thank you for your help,
Jennifer Burkett
Environmental Resources Specialist
US Army Corps of Engineers
Phone: (504) 862-2045
Fax: (504) 862-2117

In order to assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>

Burkett, Jennifer E MVN

From: richard.hartman@noaa.gov
Sent: Thursday, July 15, 2010 12:39 PM
To: Burkett, Jennifer E MVN; Lisa Abernathy
Subject: Re: Emergency Authorization for Barataria Pass Islands Project

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer - NMFS does not object as long as the permit is special conditioned to disallow any activity to take place in wetlands and to require removal of the flexible booms once the threat of oiling has passed.

Richard Hartman
NOAA-NMFS
Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: "Burkett, Jennifer E MVN" <Jennifer.E.Burkett@usace.army.mil>
Date: Thu, 15 Jul 2010 11:41:27
To: <Seth_Bordelon@fws.gov>; <kbalkum@wlf.louisiana.gov>; <Richard.Hartman@noaa.gov>; <ettinger.john@epa.gov>; Jamie Phillippe<Jamie.Phillippe@LA.GOV>; <Patrick.Williams@noaa.gov>; Butler, Dave<dbutler@wlf.la.gov>; <Jay.Pecot@LA.GOV>; <christine.charrier@la.gov>; Walther, David<david_walther@fws.gov>; <karl.morgan@la.gov>; Schindler, Paige P MVN<Paige.P.Schindler@usace.army.mil>; Schneider, Donald C MVN<Donald.C.Schneider@usace.army.mil>; Mujica, Joaquin MVN<Joaquin.Mujica@usace.army.mil>; Daigle, Michelle C MVN<Michelle.C.Daigle@usace.army.mil>; Clark, Karl J MVN<Karl.J.Clark@usace.army.mil>; <houmaSITL@uscg.mil>; <Patti_Holland@fws.gov>
Cc: Serio, Pete J MVN<Pete.J.Serio@usace.army.mil>; Mayer, Martin S MVN<Martin.S.Mayer@usace.army.mil>; Farabee, Michael V MVN<Michael.V.Farabee@usace.army.mil>; <artie.myers@bp.com>; Evelyn S. Harris<Evelyn.Harris@tbsmith.com>; <johnsog5@bp.com>
Subject: Emergency Authorization for Barataria Pass Islands Project

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Jennifer Burkett
Environmental Resources Specialist
US Army Corps of Engineers
Phone: (504) 862-2045
Fax: (504) 862-2117

In order to assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>

Burkett, Jennifer E MVN

From: Landers.Timothy@epamail.epa.gov
Sent: Thursday, July 15, 2010 2:28 PM
To: Burkett, Jennifer E MVN
Cc: Seth_Bordelon@fws.gov; kbalkum@wlf.louisiana.gov; richard.hartman@noaa.gov; Jamie Phillippe; Patrick.Williams@noaa.gov; Butler, Dave; Jay.Pecot@LA.GOV; christine.charrier@la.gov; Walther, David; karl.morgan@la.gov; Schindler, Paige P MVN; Schneider, Donald C MVN; Mujica, Joaquin MVN; Daigle, Michelle C MVN; Clark, Karl J MVN; houmaSITL@uscg.mil; Patti_Holland@fws.gov; Ettinger.John@epamail.epa.gov
Subject: Fwd: Emergency Authorization for Barataria Pass Islands Project re: EPA Comments
Attachments: Jefferson Parish Booms EPA comments.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer:

Thank you for the opportunity to review the subject emergency authorization request for boom/piling deployment in the Barataria Bay area. Attached for your consideration are EPA's suggested conditions/comments on this proposal. We are supportive of this project moving forward expeditiously. If you have any questions, please do not hesitate to contact John Ettinger at 504-862-1119. Thanks again.

(See attached file: Jefferson Parish Booms EPA comments.doc)

Tim Landers
U.S. EPA
Wetlands Division
202-566-2231

----- Original Message -----

From: "Burkett, Jennifer E MVN" [Jennifer.E.Burkett@usace.army.mil]
Sent: 07/15/2010 11:41 AM EST
To: <Seth_Bordelon@fws.gov>; <kbalkum@wlf.louisiana.gov>; <richard.hartman@noaa.gov>; John Ettinger; "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>; <Patrick.Williams@noaa.gov>; "Butler, Dave" <dbutler@wlf.la.gov>; <Jay.Pecot@LA.GOV>; <christine.charrier@la.gov>; "Walther, David" <david_walther@fws.gov>; <karl.morgan@la.gov>; "Schindler, Paige P MVN" <Paige.P.Schindler@usace.army.mil>; "Schneider, Donald C MVN" <Donald.C.Schneider@usace.army.mil>; "Mujica, Joaquin MVN" <Joaquin.Mujica@usace.army.mil>; "Daigle, Michelle C MVN" <Michelle.C.Daigle@usace.army.mil>; "Clark, Karl J MVN" <Karl.J.Clark@usace.army.mil>; <houmaSITL@uscg.mil>; <Patti_Holland@fws.gov>
Cc: "Serio, Pete J MVN" <Pete.J.Serio@usace.army.mil>; "Mayer, Martin S MVN" <Martin.S.Mayer@usace.army.mil>; "Farabee, Michael V MVN" <Michael.V.Farabee@usace.army.mil>; <artie.myers@bp.com>; "Evelyn S. Harris" <Evelyn.Harris@tbsmith.com>; <johnsog5@bp.com>
Subject: Emergency Authorization for Barataria Pass Islands Project

All,

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Thank you for your help,
Jennifer Burkett
Environmental Resources Specialist
US Army Corps of Engineers
Phone: (504) 862-2045
Fax: (504) 862-2117

In order to assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>

**U.S. Environmental Protection Agency
Comments on Corps of Engineers Emergency Authorization Request
BP America – Barataria Bay Boom Deployment (Mendicant, Queen Bess and Beauregard
Islands)**

July 15, 2010

The U.S. Environmental Protection Agency has reviewed the subject emergency authorization request. The proposal would entail installation of pilings and temporary flex booms in Jefferson Parish, specifically in the Barataria Bay area. The booms would be deployed on the east side of Mendicant Island, the north, south, east and west sides of Queen Bess Island, and the east, south and southeast sides of Beauregard Island. We do not object to the proposed project. From an environmental standpoint, we recommend that any authorization include the following conditions:

- 1) Pilings and booms should be considered temporary structures and removed in their entirety upon conclusion of spill clean-up efforts, or after a period of no more than 12 months, whichever is less. Should pilings and booms continue to be needed to arrest shoreward movement of oil for more than 12 months, authorization may be extended provided the applicant re-initiates review and coordination by the Corps of Engineers and other appropriate Federal and State resource agencies.
- 2) As oil is collected by the booms, appropriate equipment and technology, e.g., skimmer boats, should be used to quickly remove this oil at a frequency necessary to prevent potential migration of oil from storm events. Cleaning of the booms and associated features should not take place in environmentally sensitive areas.
- 3) Potential impacts of the pilings and booms on fish and wildlife passage including sea turtles and other fisheries should be coordinated with the U.S. Fish & Wildlife Service and National Marine Fisheries Service prior to their deployment. Wildlife or other marine organism strandings are to be reported immediately to the appropriate State and Federal resource agencies.
- 4) Boom and associated structures should be maintained in good, working condition throughout the duration of their deployment. Should repairs need to be made (e.g., retrieval and disposal of boom material that gets loose and washes into intertidal areas), they should be conducted in a manner that minimizes damage to any oyster reefs, sea grass beds, tidal flats, and coastal marsh.
- 5) Pilings and booms should be identified by appropriate signage and lighting, per U.S. Coast Guard specifications.
- 6) The booms should be aligned to avoid and minimize impacts to any existing wetlands, shrimp and/or fishery nursery areas, sea grass beds, oyster reefs, fishery concentration areas, rookeries, and turtle nesting areas in the project vicinity.
- 7) Within 30 days of the removal of the permitted booms, the permittee shall submit a report to the Corps documenting any deviation from the permitted boom deployment plan. In addition, the

report should document for each boom deployment location, the total number of linear feet of deployed booms that were fouled with oil residue. The report shall also provide a narrative documenting both how and where the booms were disposed. Finally, the report should provide a qualitative assessment concerning the effectiveness of the permitted booms in protecting the targeted estuarine areas.

Burkett, Jennifer E MVN

From: Schindler, Paige P MVN
Sent: Thursday, July 15, 2010 3:16 PM
To: Burkett, Jennifer E MVN
Subject: RE: Emergency Authorization for Barataria Pass Islands Project

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer, No gov't real estate interest is impacted by this request. Thanks, Paige

-----Original Message-----

From: Burkett, Jennifer E MVN
Sent: Thursday, July 15, 2010 11:41 AM
To: 'Seth_Bordelon@fws.gov'; 'kbalkum@wlf.louisiana.gov'; 'richard.hartman@noaa.gov'; 'ettinger.john@epa.gov'; 'Jamie Phillippe'; 'Patrick.Williams@noaa.gov'; 'Butler, Dave'; 'Jay.Pecot@LA.GOV'; 'christine.charrier@la.gov'; Walther, David; 'karl.morgan@la.gov'; Schindler, Paige P MVN; Schneider, Donald C MVN; Mujica, Joaquin MVN; Daigle, Michelle C MVN; Clark, Karl J MVN; 'houmaSITL@uscg.mil'; 'Patti_Holland@fws.gov'
Cc: Serio, Pete J MVN; Mayer, Martin S MVN; Farabee, Michael V MVN; 'artie.myers@bp.com'; 'Evelyn S. Harris'; 'johnsog5@bp.com'
Subject: Emergency Authorization for Barataria Pass Islands Project

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Lack of response by 4:00 PM today will be construed as no objection.

Thank you for your help,
Jennifer Burkett
Environmental Resources Specialist
US Army Corps of Engineers
Phone: (504) 862-2045
Fax: (504) 862-2117

In order to assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>

Burkett, Jennifer E MVN

From: David_Walther@fws.gov
Sent: Thursday, July 15, 2010 3:19 PM
To: Burkett, Jennifer E MVN
Subject: Re: Emergency Authorization for Barataria Pass Islands Project
Attachments: pic23977.gif; graycol.gif; ecblank.gif

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Jennifer,

The following recommendations are provided in accordance with the technical assistance provisions of the Fish and Wildlife Coordination Act (FWCA; 48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), but do not constitute the report of the Secretary of the Interior as required by Section 2(b) of that Act. In addition, these comments pertain to the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.).

There are known colonial nesting bird colonies on Queen Bess Island; other unknown nesting colonies may present on the other island. Prior to construction of the boom the we recommend surveys of the island for nesting colonies be conducted.

The Migratory Bird Treaty Act prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the U.S. Department of the Interior. While the Act has no provision for allowing unauthorized take, the Fish and Wildlife Service realizes that some birds may be killed during emergency response activities even if all reasonable measures to protect birds are implemented. The Fish and Wildlife Service Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to minimize their impacts on migratory birds, and by encouraging others to enact such programs. It is not possible to absolve individuals, companies, or agencies from liability even if they implement avian mortality avoidance or similar conservation measures. However, the Office of Law Enforcement focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without regard for their actions or without following an agreement such as this to avoid take.

Therefore, we recommend reducing the amount of time that construction (i.e., deployment, maintenance and retrieval) activities occur in the vicinity of nesting colonies in order to minimize stress to nesting birds, eggs, and young. To minimize disturbance to colonies containing nesting gulls, terns, and/or black skimmers, the Service typically recommends that all activity occurring within 650 feet of a colonial nest site be restricted to the non-nesting period (i.e., September 16 through April 1). For colonies containing nesting brown pelicans, the Service typically recommends that all activity occurring within 2,000 feet of the nesting colony be restricted to the non-nesting period (i.e., September 15 through March 31). An observer should monitor each colonial nest site to determine the minimum distance at which construction can occur without disturbing nesting birds. If the recommended buffer restrictions are not feasible, the Service and Louisiana Department of Wildlife and Fisheries (LDWF) should be contacted to assist in the determinations of the maximum distance practicable. The LDWF' Office of Wildlife Mike Carloss: [REDACTED] may be contacted to obtain the most current information about the nesting chronology of shorebirds and brown pelican on Queen Bess.

An additional precaution would include limiting potential disturbing activities to the cooler part of the day(i.e., morning and evening). In addition, we suggest starting construction at the greatest distance from the nesting sites to allow gradual habituation of nesting birds to those activities and allow construction workers time to become efficient in aqua-barrier deployment so that work time in the vicinity of the colonies is minimized.

David Walther
US Fish and Wildlife Service
Lafayette, LA

[REDACTED]
Inactive hide details for "Burkett, Jennifer E MVN" <Jennifer.E.Burkett@usace.army.mil>"Burkett, Jennifer E MVN"
<Jennifer.E.Burkett@usace.army.mil>

"Burkett, Jennifer E MVN" <Jennifer.E.Burkett@usace.army.mil>

07/15/2010 11:41 AM

To

<Seth_Bordelon@fws.gov>, <kbalkum@wlf.louisiana.gov>, <richard.hartman@noaa.gov>, <ettinger.john@epa.gov>, "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>, <Patrick.Williams@noaa.gov>, "Butler, Dave" <dbutler@wlf.la.gov>, <Jay.Pecot@LA.GOV>, <christine.charrier@la.gov>, "Walther, David" <david_walther@fws.gov>, <karl.morgan@la.gov>, "Schindler, Paige P MVN" <Paige.P.Schindler@usace.army.mil>, "Schneider, Donald C MVN" <Donald.C.Schneider@usace.army.mil>, "Mujica, Joaquin MVN" <Joaquin.Mujica@usace.army.mil>, "Daigle, Michelle C MVN" <Michelle.C.Daigle@usace.army.mil>, "Clark, Karl J MVN" <Karl.J.Clark@usace.army.mil>, <houmaSITL@uscg.mil>, <Patti_Holland@fws.gov>

cc

"Serio, Pete J MVN" <Pete.J.Serio@usace.army.mil>, "Mayer, Martin S MVN" <Martin.S.Mayer@usace.army.mil>, "Farabee, Michael V MVN" <Michael.V.Farabee@usace.army.mil>, <artie.myers@bp.com>, "Evelyn S. Harris" <Evelyn.Harris@tbsmith.com>, <johnsog5@bp.com>

Subject

Emergency Authorization for Barataria Pass Islands Project

All,

Forwarded for your review and comment:

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Lack of response by 4:00 PM today will be construed as no objection.

Thank you for your help,
Jennifer Burkett
Environmental Resources Specialist
US Army Corps of Engineers
Phone: (504) 862-2045
Fax: (504) 862-2117

In order to assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>

[attachment "Plans.pdf" deleted by David Walther/R4/FWS/DOI]



BOBBY JINDAL
GOVERNOR

State of Louisiana
DEPARTMENT OF WILDLIFE & FISHERIES

ROBERT J. BARHAM
SECRETARY

July 15, 2010

Karl Morgan, Administrator
Louisiana Department of Natural Resources
Coastal Management Division
P.O. Box 44487
Baton Rouge, LA 70804-4487

RE: *Application Number: Emergency Use Authorization 10-085 (EUA 10-085)*
Applicant: BP America Production Company
Notice Date: July 14, 2010
Barataria Bay Islands

Dear Mr. Morgan:

The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF) has reviewed the emergency activity referenced above. The following recommendations have been provided by the appropriate biologist(s):

Ecological Studies:

Ecological Studies requests that the applicant notify each oyster lease holder affected within 500 feet of the proposed activity prior to commencement of the proposed activity.

Louisiana Natural Heritage Program:

The Louisiana Natural Heritage Database indicates the presence of bird nesting colonies within one mile of this proposed project. If the project will be occurring during the nesting season (Feb 16th-Sept. 15th) please consult with LDWF Ornithologist Michael Seymour at [REDACTED]

Our Database also indicates that several federally listed or state rare species and natural communities are known to occur in the area. These species and communities include sea grass beds, coastal mangroves, manatees, and sea turtles.

Fisheries:

The pilings should be removed when the threat of oiling has passed.

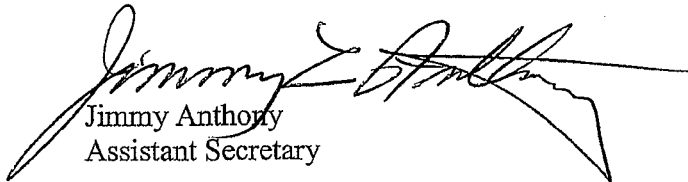
Page 2

Application Number: EUA 10-085

July 15, 2010

The Louisiana Department of Wildlife and Fisheries appreciates the opportunity to review and provide recommendations to you regarding this proposed activity. Please do not hesitate to contact LDWF Permits Coordinator Dave Butler at [REDACTED] should you need further assistance.

Sincerely,



Jimmy Anthony
Assistant Secretary

cd/cm/cm

c: Chris Davis, Biologist
Carolyn Michon, Biologist
Christy McDonough, Biologist

BOBBY JINDAL
GOVERNOR



ROBERT D. HARPER
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

July 15, 2010

CERTIFIED MAIL
NO. _____

T. Baker Smith, Inc:
Attn: Evelyn Harris
P.O. Box 2266
Houma, LA 70361

RE: EUA 10-085

BP America Production Company

Description: Proposal to install piles. The purpose of the piles will be to hold a temporary flex boom in place in an effort to keep oil from the interior marshes. There will be no dredging associated with the placement of this boom and the piles will be vibrated into place.

Location: Piles will be placed in the following locations: east side of Mendicant Island; north, south, east and west sides of Queen Bess Island; east, south and southwest sides of Beauregard Island, near Grand Isle.

Jefferson Parish, LA

Dear Ms. Harris:

We have reviewed the information presented to the Office of Coastal Management (OCM) in your Emergency Use Authorization request dated July 13, 2010. Pursuant to the provisions contained in the LAC (Title 43, Part I, Chapter 7 §723.B.3.), the Emergency Use Authorization request is hereby granted. This Emergency Use Authorization provides only for that work necessary to accomplish nature of emergency and is contingent upon acceptance of the following conditions:

1. This Emergency Use Authorization is strictly limited to the activity as described in your request and accompanying plats.
2. Dredge and fill activities for site access are not authorized unless specifically described in the work statement of this letter.

3. The applicant agrees, by virtue of the commencement of authorized activities, to submit to OCM, a complete application packet (\$100 application fee, Joint Application Form, vicinity plats, plan plats, cross section plats, etc.) for the activity not more than thirty (30) days from the date of this authorization. You may obtain a free application packet by calling our office at ([REDACTED] or [REDACTED] or by visiting our website at <http://www.dnr.state.la.us/crm/coastmgmt/cup/cup.asp>.
4. The applicant agrees, by virtue of the commencement of authorized activities, to avoid to the maximum extent practicable, vegetated wetland impacts, and if necessary to mitigate for those unavoidable adverse impacts to vegetated wetlands, including submerged aquatics, should OCM determine that mitigation is necessary. Should OCM deem mitigation to be necessary, the applicant agrees, by virtue of the commencement of authorized activities, to submit and fulfill a mitigation plan that has been approved by OCM.
5. The applicant agrees, by virtue of the commencement of authorized activities, to adjust, alter, or remove any structure or other evidence of the authorized emergency use if, in the sole opinion of OCM, it proves to be beyond the scope of the authorized activity or has been abandoned.
6. The applicant agrees, by virtue of the commencement of authorized activities, to hold and save the State of Louisiana, the Department of Natural Resources (DNR), and their officers and employees harmless from any damage to persons or property which might result from the emergency use.
7. The applicant agrees, by virtue of the commencement of authorized activities, to certify that the emergency use has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by OCM as referenced herein. OCM may, when it deems appropriate, require that such certification be given by a registered engineer.
8. The applicant agrees, by virtue of the commencement of authorized activities, to ensure that this Emergency Use Authorization, or a copy thereof, shall be available for inspection at the work site at all times during operations.
9. The applicant agrees, by virtue of the commencement of authorized activities, to notify OCM of the date on which initiation of the authorized emergency activity began. The applicant shall notify OCM by mailing the enclosed green initiation card on the date of initiation of the authorized activities.

10. The applicant agrees, by virtue of the commencement of authorized activities, to ensure that the authorized activity does not result in the blockage of any natural or manmade streams or sloughs. A follow-up investigation of the authorized work will be conducted by employees of OCM to determine compliance with this condition.
11. Unless otherwise specified, this Emergency Use Authorization will expire 30 days from the date of this letter, if the work has not been initiated or if the applicant has not submitted a complete Coastal Use Permit Application to OCM for the authorized activity. This expiration condition will be waived only if the applicant notifies OCM of the reason(s) for the delay and proposes an acceptable schedule for initiation of the work, or submits a complete Coastal Use Permit Application.
12. This authorization is not valid unless the applicant agrees to the terms and conditions provided for herein by executing in the space provided below.
13. Applicant shall notify each oyster lease holder affected within 500 feet of the proposed activity prior to commencement of the proposed activity.
14. The pilings shall be removed upon conclusion of spill response activities for the Deepwater Horizon incident.
15. Structures must be marked/lighted in accordance with U. S. Coast Guard regulations.
16. The Louisiana Natural Heritage Database indicates the presence of bird nesting colonies within one mile of this proposed project. If the project will be occurring during the nesting season (Feb 16th-Sept. 15th) the applicant shall consult with LDWF Ornithologist, Michael Seymour, at [REDACTED].

Database also indicates that several federally listed or state rare species and natural communities are known to occur in the area. These species and communities include sea grass beds, coastal mangroves, manatees, and sea turtles. Applicant shall consult with LDWF Ornithologist, Michael Seymour, at [REDACTED] prior to commencement of work activities occurring in the vicinity of federally listed or state rare species and natural communities.

Emergency Use Authorization
BP America Production Company
July 15, 2010
Page 4

Should you have any questions or need additional help, please feel free to contact Christine Charrier, Permits Program Manager, at (██████████).

Sincerely,



Karl Morgan,
Acting Administrator

AGREED TO AND ACCEPTED this _____ day of _____, 200_____

by _____
(applicant signature)

KM/oj

Attachments (green card and plats)

CC: Pete Serio, COE w/plats
David Butler, LDWF w/plats
George Robichaux, DHH w/plats
Peggy Rooney, OCM/SS w/plats
Frank Cole, OCM/FI w/plats
Jason Smith, Jefferson Parish w/plats

Burkett, Jennifer E MVN

From: Jamie Phillippe [Jamie.Phillippe@LA.GOV]
Sent: Thursday, July 15, 2010 4:02 PM
To: Burkett, Jennifer E MVN; Chris Piehler; Melvin "Mitch" Mitchell; Tom Killeen; _DEQ-BP Deepwater Horizon Oil Spill
Cc: Betty Brousseau; Sanford Phillips; Cheryl Nolan; Gary Aydel; Rodney Mallett
Subject: RE: Emergency Authorization for Barataria Pass Islands Project

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer,

DEQ has no objection to this project.

Thanks,
Jamie Phillippe
Louisiana Department of Environmental Quality
401 Water Quality Certifications

-----Original Message-----

From: Burkett, Jennifer E MVN [mailto:Jennifer.E.Burkett@usace.army.mil]
Sent: Thursday, July 15, 2010 11:41 AM
To: Seth_Bordelon@fws.gov; kbalkum@wlf.louisiana.gov; richard.hartman@noaa.gov; ettinger.john@epa.gov; Jamie Phillippe; Patrick.Williams@noaa.gov; Butler, Dave; Joseph "Jay" Pecot; Christine Charrier; Walther, David; Karl Morgan; Schindler, Paige P MVN; Schneider, Donald C MVN; Mujica, Joaquin MVN; Daigle, Michelle C MVN; Clark, Karl J MVN; houmaSITL@uscg.mil; Patti_Holland@fws.gov
Cc: Serio, Pete J MVN; Mayer, Martin S MVN; Farabee, Michael V MVN; artie.myers@bp.com; Evelyn S. Harris; johnsog5@bp.com
Subject: Emergency Authorization for Barataria Pass Islands Project

All,

Forwarded for your review and comment:

BP America Production Company is requesting emergency authorization to install pilings for holding temporary flex booms, located on the east side of Mendicant Island, the north, south, east and west sides of Queen Bess Island, and the east, south and southeast sides of Beauregard Island, in the Barataria Bay Area, as shown on the attached plans. This project will be utilized in an effort to keep oil from entering the interior marshes at these locations. There is no dredging, and the pilings will be vibrated into place.

Lack of response by 4:00 PM today will be construed as no objection.

Thank you for your help,
Jennifer Burkett
Environmental Resources Specialist
US Army Corps of Engineers
Phone: (504) 862-2045
Fax: (504) 862-2117

In order to assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>

LATE COMMENT

Burkett, Jennifer E MVN

From: Schneider, Donald C MVN
Sent: Friday, July 16, 2010 8:47 AM
To: Burkett, Jennifer E MVN
Cc: Brown, Jane L MVN
Subject: RE: Emergency Authorization for Barataria Pass Islands Project

No objection.

-----Original Message-----

From: Burkett, Jennifer E MVN
Sent: Thursday, July 15, 2010 11:41 AM
To: 'Seth_Bordelon@fws.gov'; 'kbalkum@wlf.louisiana.gov'; 'richard.hartman@noaa.gov'; 'ettinger.john@epa.gov'; 'Jamie Phillippe'; 'Patrick.Williams@noaa.gov'; 'Butler, Dave'; 'Jay.Pecot@LA.GOV'; 'christine.charrier@la.gov'; Walther, David; 'karl.morgan@la.gov'; Schindler, Paige P MVN; Schneider, Donald C MVN; Mujica, Joaquin MVN; Daigle, Michelle C MVN; Clark, Karl J MVN; 'houmaSITL@uscg.mil'; 'Patti_Holland@fws.gov'
Cc: Serio, Pete J MVN; Mayer, Martin S MVN; Farabee, Michael V MVN; 'artie.myers@bp.com'; 'Evelyn S. Harris'; 'johnsog5@bp.com'
Subject: Emergency Authorization for Barataria Pass Islands Project

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Jennifer Burkett
Environmental Resources Specialist
US Army Corps of Engineers
Phone: (504) 862-2045
Fax: (504) 862-2117

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