



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
Eastern Evaluation Section

JUL 16 2010

SUBJECT: (General Permit) NOD-20
BASE FILE: MVN 2010-1728 EPP

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

Dear Mr. Myers:

This concerns your enclosed communication dated July 16, 2010, relative to your request for an emergency authorization for installation of piles with attached flex boom, at Cat Bay along (3) Bird Islands, Louisiana, within Plaquemines Parish; in order to expedite access and facilitate clean-up efforts in response to the MC252 (Deepwater Horizon) oil spill.

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. 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 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.
2. 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 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.
3. The use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

4. Permittee must install and maintain, at permittee's expense, any safety lights, signs and signals prescribed by the U.S. Coast Guard, through regulations or otherwise.
5. 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 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 1 month before you plan to start work. Telephone inquiries can be directed to (504) 846-5923.
6. The authorization does not obviate the permittee from obtaining any necessary approvals from other pertinent federal, state, and/or local authorities.
7. Mechanized land clearing, filling, or tracking of vegetative wetland areas for access, staging, and/or implementation of the authorized work is not allowed.
8. 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 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.
9. 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.
10. The permittee shall notify each oyster lease holder affected within 500 feet of the proposed activity prior to commencement.
11. The permittee shall assure that any contractors, foremen, and/or workers associated with construction of the development are equally aware of the conditions and restrictions associated with this approval.

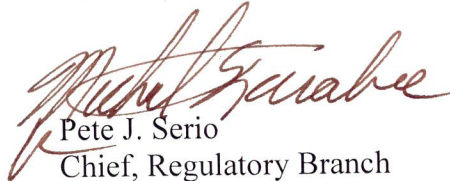
This approval is subject to the terms and conditions of (General Permit) NOD-20, dated September 13, 2007, a copy of which is enclosed. Please note that a formal permit application and drawings must be submitted within the time limits stated in the enclosed general permit.

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].

The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete and return the attached Customer Service Survey or go to the survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Should you have any further questions concerning this matter, please call Stephanie Castaing of this office at 504-862-1564.

Sincerely,



Pete J. Serio
Chief, Regulatory Branch

Enclosures

Arnold, Dirreen S MVN

MVN-2010-01728-EPP

From: Farabee, Michael V MVN
Sent: Friday, July 16, 2010 9:33 AM
To: Arnold, Dirreen S MVN
Cc: Castaing, Stephanie L MVN
Subject: FW: EUA Request for Proposed Pilings around Bird Islands

Attachments: 4208_001.pdf



4208_001.pdf (1 MB)

Dirreen and Stephanie: thanks, again.

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: Thursday, July 15, 2010 4:40 PM
To: Farabee, Michael V MVN; Karl Morgan; Christine Charrier
Cc: Chet Morrison; Kenneth W. Smith; Kenny J. King; Craig Guidry; bblanchard@chetm.com; Eric J. Deroche; jmornini@juno.com; dalenilene@gmail.com; Rusty J Cavalier; LOUV@chevron.com; artie.myers@bp.com; Johnsog5@bp.com
Subject: EUA Request for Proposed Pilings around Bird Islands

EUA Request for Proposed Temporary Pilings around 3 Bird Islands

This project is identical to EUA-10-085 and EUA-10-086. I have not received MVN numbers at this time for those 2 projects.

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

Plaquemines Parish will be notified by fax.

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

- * north, south, east and west sides of Bird Island - Site 1
- * north, south, east and west sides of Bird Island - Site 2
- * north, south, east and west sides of Bird Island - Site 3

29.32886
- 89.86968

29.34214
- 89.86487

29.34793 - 89.86281

The purpose of the piles will be to hold temporary Harbor Booms (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. The piles will provide enough support to anchor the booms that have a tendency to dislodge in open spaces due to the strength and change of currents, therefore breaking loose from anchors and floating on shore, etc. The piles are to be installed as a temporary measure to anchor these flex booms and will be removed when no longer needed.

Attached are drawings consisting of a Vicinity Map, Plan View showing sites with pile locations, a list of 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]

Artie.myers@bp.com

Contact for T. Baker Smith, Inc:

Evelyn Harris

P. O. Box 2266

Houma, LA 70361

Office: [REDACTED]

Cell: [REDACTED]

Evelyn.Harris@tbsmith.com

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

Johnsog5@bp.com

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]

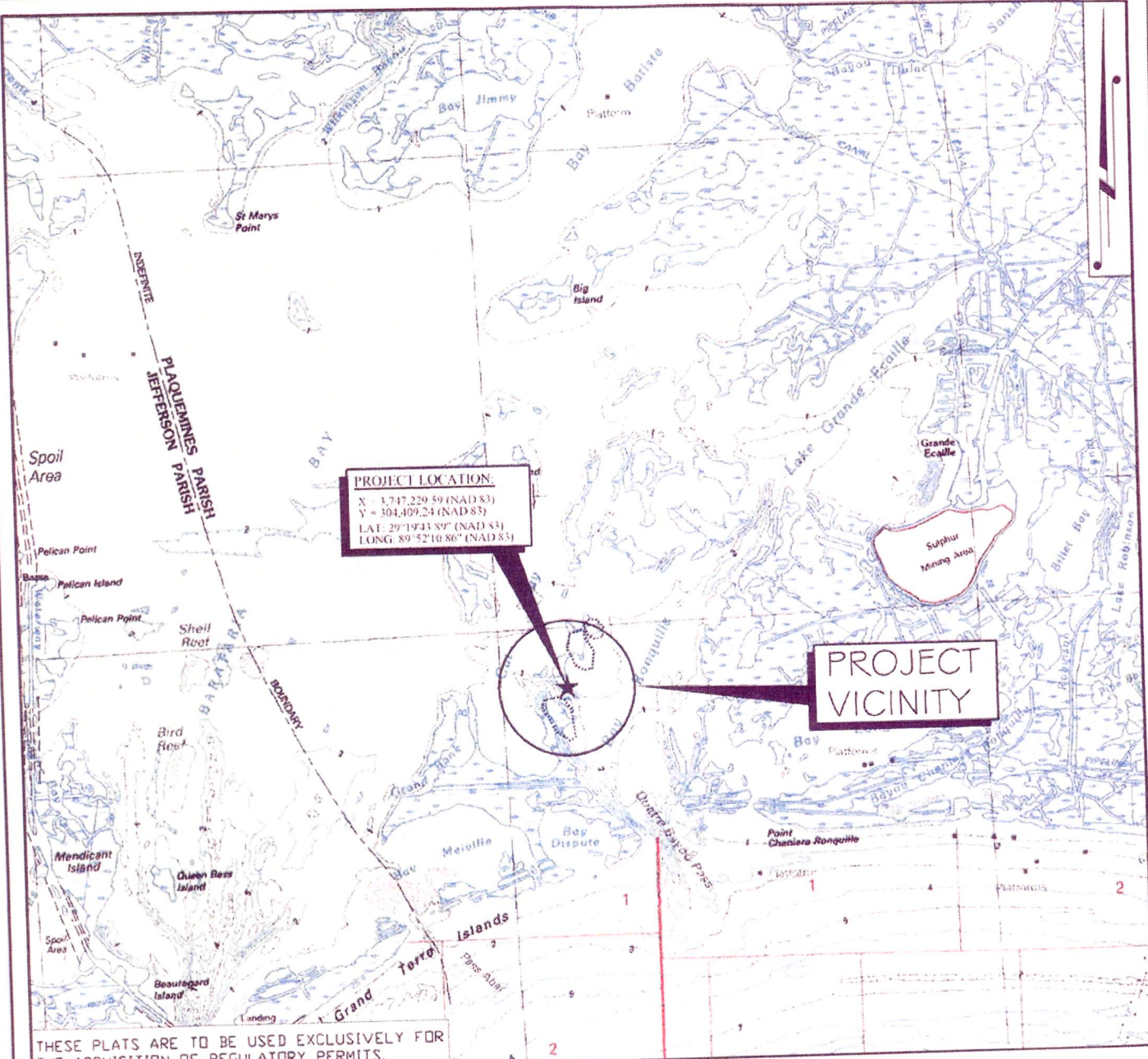
Main Line: [REDACTED]

Cell Phone: [REDACTED]

Toll Free: [REDACTED]

Fax: [REDACTED]

Webpage: www.tbsmith.com <<http://www.tbsmith.com>>



PROJECT LOCATION
 X = 1,747,229.59 (NAD 83)
 Y = 304,409.24 (NAD 83)
 LAT. 29°19'33.89" (NAD 83)
 LONG. 89°52'10.86" (NAD 83)

PROJECT VICINITY

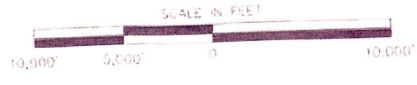
THESE PLATS ARE TO BE USED EXCLUSIVELY FOR THE ACQUISITION OF REGULATORY PERMITS.

NO.	DATE	REVISION

VICINITY MAP

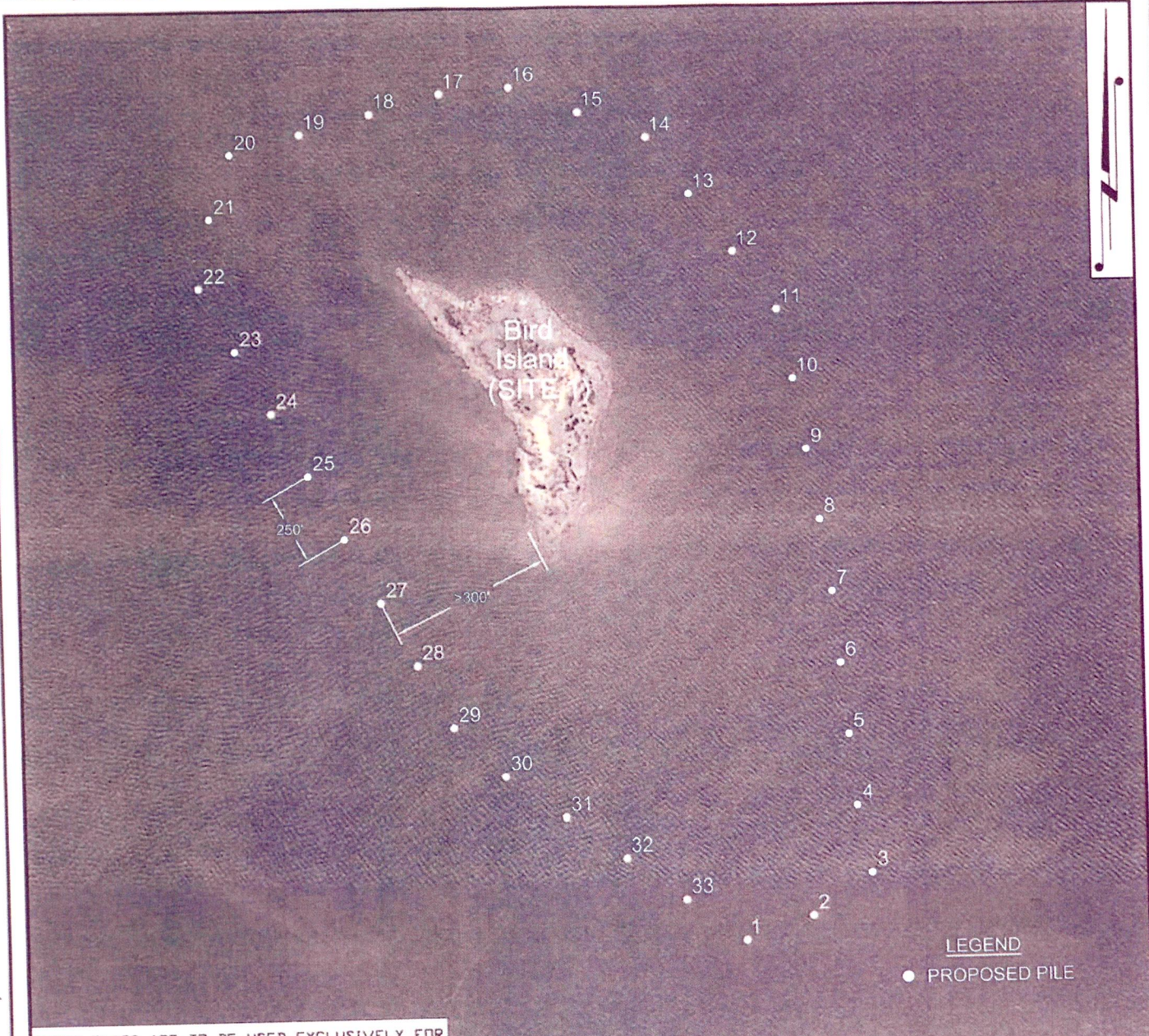
BP North American

PROPOSED PILES FOR THE BIRD ISLANDS IN CAT BAY
 LOCATED IN PLAQUEMINES PARISH,
 LOUISIANA



SHEET	1	OF	7
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:	1"=10,000'		
DATE:	07/15/10		
JOB NUMBER:	2010.0290		

FILE:



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NO.	DATE	REVISION

PLAN VIEW - SITE 1

BP North American

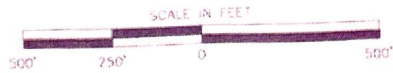
PROPOSED PILES FOR THE BIRD ISLANDS IN CAT BAY
 LOCATED IN PLAQUEMINES PARISH,
 LOUISIANA



Chet Morrison
 CONTRACTORS

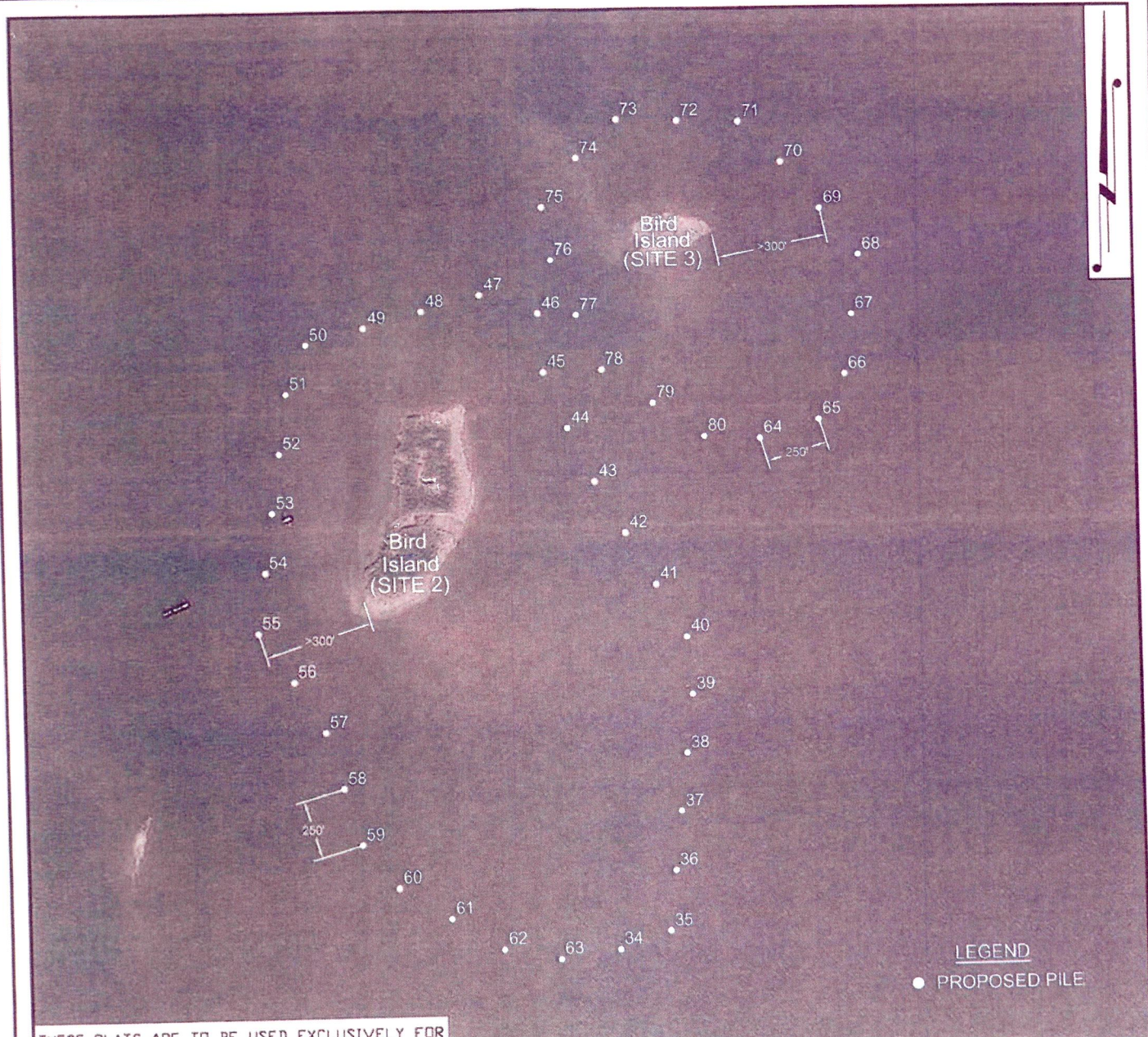


T. BAKER SMITH
 PROFESSIONAL CONSULTANTS SINCE 1913
 (985) 668-1050 www.tbasmith.com



SHEET	2	OF	7
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:	1"=500'		
DATE:	07/15/10		
JOB NUMBER:	2010.0290		

FILE:



LEGEND
 ● PROPOSED PILE

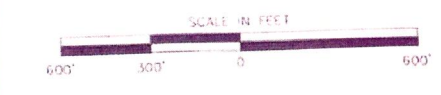
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NO.	DATE	REVISION

PLAN VIEW - SITES 2 & 3

BP North American

PROPOSED PILES FOR THE BIRD ISLANDS IN CAT BAY
 LOCATED IN PLAQUEMINES PARISH,
 LOUISIANA



SHEET	3	OF	7
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:	1"=600'		
DATE:	07/15/10		
JOB NUMBER:	2010.0290		

FILE:

PROPOSED PILINGS				
Point #	Northing	Easting	Lat.	Long
1	304409.2455	3747229.5919	29° 19' 43.89"	-89° 52' 10.86"
2	304490.1092	3747457.7161	29° 19' 44.66"	-89° 52' 08.28"
3	304632.5789	3747661.6745	29° 19' 46.04"	-89° 52' 05.95"
4	304862.4993	3747615.4586	29° 19' 48.32"	-89° 52' 06.44"
5	305110.0193	3747593.0655	29° 19' 50.78"	-89° 52' 06.66"
6	305357.5393	3747570.6724	29° 19' 53.23"	-89° 52' 06.87"
7	305605.0593	3747548.2793	29° 19' 55.68"	-89° 52' 07.09"
8	305850.8098	3747511.9384	29° 19' 58.12"	-89° 52' 07.47"
9	306096.0800	3747471.8116	29° 20' 00.55"	-89° 52' 07.88"
10	306341.3501	3747431.6847	29° 20' 02.99"	-89° 52' 08.30"
11	306582.4054	3747381.3287	29° 20' 05.38"	-89° 52' 08.84"
12	306784.7488	3747237.0208	29° 20' 07.40"	-89° 52' 10.44"
13	306987.0922	3747092.7130	29° 20' 09.42"	-89° 52' 12.04"
14	307189.4357	3746948.4051	29° 20' 11.44"	-89° 52' 13.64"
15	307277.7692	3746716.1019	29° 20' 12.35"	-89° 52' 16.25"
16	307366.1028	3746483.7986	29° 20' 13.25"	-89° 52' 18.86"
17	307346.1348	3746246.4894	29° 20' 13.08"	-89° 52' 21.55"
18	307279.6073	3746007.0281	29° 20' 12.45"	-89° 52' 24.26"
19	307213.0798	3745767.5669	29° 20' 11.83"	-89° 52' 26.98"
20	307146.5523	3745528.1056	29° 20' 11.20"	-89° 52' 29.69"
21	306921.8480	3745452.7582	29° 20' 08.98"	-89° 52' 30.57"
22	306682.2243	3745410.9159	29° 20' 08.62"	-89° 52' 31.08"
23	306464.2658	3745530.3382	29° 20' 04.44"	-89° 52' 29.76"
24	306246.3073	3745649.7606	29° 20' 02.27"	-89° 52' 28.45"
25	306028.3488	3745769.1829	29° 20' 00.10"	-89° 52' 27.13"
26	305810.3903	3745888.6053	29° 19' 57.93"	-89° 52' 25.81"
27	305592.4318	3746008.0276	29° 19' 55.75"	-89° 52' 24.49"
28	305374.4733	3746127.4500	29° 19' 53.58"	-89° 52' 23.18"
29	305156.5148	3746246.8724	29° 19' 51.41"	-89° 52' 21.86"
30	304986.4167	3746420.1753	29° 19' 49.70"	-89° 52' 19.92"

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PILING COORDINATES

BP North American

PROPOSED PILES FOR THE BIRD ISLANDS IN CAT BAY
LOCATED IN PLAQUEMINES PARISH,
LOUISIANA



Chet Morrison
CONTRACTORS



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SHEET	4	OF	7
DRAWN BY:	RML		
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SCALE:			
DATE:	07/15/10		
JOB NUMBER:	2010.0290		

FILE:

PROPOSED PILINGS				
Point #	Northing	Easting	Lat	Long
31	304842.1239	3746822.5295	29° 19' 48.25"	-89° 52' 17.66"
32	304697.8311	3746824.8836	29° 19' 46.79"	-89° 52' 15.39"
33	304553.5383	3747027.2378	29° 19' 45.34"	-89° 52' 13.13"
34	309260.2152	3748702.6610	29° 20' 31.72"	-89° 51' 53.52"
35	309329.7368	3748913.2228	29° 20' 32.38"	-89° 51' 51.13"
36	309576.4693	3748942.2666	29° 20' 34.82"	-89° 51' 50.77"
37	309823.2019	3748971.3103	29° 20' 37.26"	-89° 51' 50.41"
38	310069.9344	3749000.3540	29° 20' 39.70"	-89° 51' 50.04"
39	310316.6670	3749029.3977	29° 20' 42.13"	-89° 51' 49.68"
40	310553.7651	3749010.9678	29° 20' 44.48"	-89° 51' 49.85"
41	310769.6557	3748888.0381	29° 20' 46.64"	-89° 51' 51.21"
42	310985.5463	3748765.1083	29° 20' 48.79"	-89° 51' 52.57"
43	311201.4370	3748642.1785	29° 20' 50.94"	-89° 51' 53.92"
44	311424.2229	3748533.4473	29° 20' 53.16"	-89° 51' 55.12"
45	311654.3271	3748439.7854	29° 20' 55.45"	-89° 51' 56.15"
46	311899.9708	3748422.0336	29° 20' 57.88"	-89° 51' 56.31"
47	311981.4615	3748187.1263	29° 20' 58.72"	-89° 51' 58.95"
48	311914.8512	3747947.7864	29° 20' 58.09"	-89° 52' 01.67"
49	311848.2409	3747708.4466	29° 20' 57.46"	-89° 52' 04.38"
50	311781.6306	3747469.1068	29° 20' 56.83"	-89° 52' 07.09"
51	311582.3267	3747381.7753	29° 20' 54.87"	-89° 52' 08.11"
52	311336.1833	3747348.1011	29° 20' 52.44"	-89° 52' 08.53"
53	311090.0400	3747314.4268	29° 20' 50.01"	-89° 52' 08.94"
54	310843.8967	3747280.7526	29° 20' 47.58"	-89° 52' 09.36"
55	310597.7534	3747247.0784	29° 20' 45.14"	-89° 52' 09.77"
56	310394.4365	3747389.8465	29° 20' 43.11"	-89° 52' 08.19"
57	310182.9593	3747515.6719	29° 20' 41.00"	-89° 52' 06.80"
58	309944.5804	3747585.6435	29° 20' 38.63"	-89° 52' 06.04"
59	309706.2016	3747655.6151	29° 20' 36.27"	-89° 52' 05.29"
60	309526.5345	3747801.9036	29° 20' 34.47"	-89° 52' 03.66"

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LOCATED IN PLAQUEMINES PARISH,
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SHEET	5	OF	7
DRAWN BY:	RML		
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PROPOSED PILINGS				
Point #	Northing	Easting	Lat.	Long.
61	309397.7806	3748014.3723	29° 20' 33.17"	-89° 52' 01.28"
62	309269.0268	3748226.8409	29° 20' 31.87"	-89° 51' 58.90"
63	309225.2558	3748456.6969	29° 20' 31.40"	-89° 51' 56.31"
64	311370.9128	3749330.2004	29° 20' 52.53"	-89° 51' 46.13"
65	311446.2640	3749571.0223	29° 20' 53.25"	-89° 51' 43.39"
66	311631.2851	3749681.4447	29° 20' 55.07"	-89° 51' 42.12"
67	311881.4590	3749714.3990	29° 20' 57.54"	-89° 51' 41.71"
68	312131.6330	3749747.3533	29° 21' 00.01"	-89° 51' 41.30"
69	312330.7447	3749592.3590	29° 21' 02.00"	-89° 51' 43.02"
70	312529.8507	3749437.3435	29° 21' 03.99"	-89° 51' 44.75"
71	312699.3792	3749267.3642	29° 21' 05.69"	-89° 51' 46.64"
72	312706.3103	3749015.1243	29° 21' 05.79"	-89° 51' 49.49"
73	312713.2415	3748762.8844	29° 21' 05.89"	-89° 51' 52.34"
74	312555.0456	3748593.2269	29° 21' 04.35"	-89° 51' 54.28"
75	312349.0684	3748447.4656	29° 21' 02.33"	-89° 51' 55.96"
76	312124.6622	3748480.2871	29° 21' 00.10"	-89° 51' 55.62"
77	311893.2590	3748580.9129	29° 20' 57.80"	-89° 51' 54.52"
78	311661.8558	3748681.5387	29° 20' 55.49"	-89° 51' 53.41"
79	311522.1304	3748891.6573	29° 20' 54.09"	-89° 51' 51.06"
80	311382.4051	3749101.7759	29° 20' 52.68"	-89° 51' 48.71"

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

SHEET	6	OF	7
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:			
DATE:	07/15/10		
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

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NOTES

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 LOCATED IN PLAQUEMINES PARISH,
 LOUISIANA



SHEET	7	OF	7
DRAWN BY:	RML		
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FILE:



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

Castaing, Stephanie L MVN

USFWS

From: David_Walther@fws.gov
Sent: Thursday, July 15, 2010 3:21 PM
To: Castaing, Stephanie L MVN
Cc: Butler, Dave; houmaSITL@uscg.mil; Jamie Phillippe; Jay.Pecot@LA.GOV; Mujica, Joaquin MVN; Ettinger, John F MVN-Contractor; karl.morgan@la.gov; kbalkum@wlf.louisiana.gov; Schindler, Paige P MVN; patrick.williams@noaa.gov; Patti_Holland@fws.gov; Davis, Chris (F&R); Richard Hartman; seth_bordelon@fws.gov
Subject: Re: BP America Production Company-MVN 2010-1723 EPP-EUA
Attachments: pic28486.gif; document2010-07-15-112754.pdf; graycol.gif; ecblank.gif

Ms. Stephanie

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 islands within the Barataria Passes and bay therefore, 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
337/291-3122 (fax 3139)
Inactive hide details for "Castaing, Stephanie L MVN"
<stephanie.l.castaing@usace.army.mil>"Castaing, Stephanie L MVN"
<stephanie.l.castaing@usace.army.mil>

"Castaing, Stephanie L MVN" <stephanie.l.castaing@usace.army.mil>

07/15/2010 12:45 PM

To

"Richard Hartman" <Richard.Hartman@noaa.gov>, <Jay.Pecot@LA.GOV>, "Schindler, Paige P MVN" <Paige.P.Schindler@usace.army.mil>, "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>, <seth_bordelon@fws.gov>, <kbalkum@wlf.louisiana.gov>, <patrick.williams@noaa.gov>, <karl.morgan@la.gov>, "Ettinger, John F MVN-Contractor" <John.F.Ettinger@usace.army.mil>, "Walther, David" <david_walther@fws.gov>, "Butler, Dave" <dbutler@wlf.la.gov>, "Davis, Chris (F&R)" <rcdavis@wlf.la.gov>, <Patti_Holland@fws.gov>, "Mujica, Joaquin MVN" <Joaquin.Mujica@usace.army.mil>, <houmaSITL@uscg.mil>

cc

Subject

BP America Production Company-MVN 2010-1723 EPP-EUA

Project description: Installation of piles with flex boom

Please review the attached request for Emergency Use Authorization. Please advise accordingly.

Lack of reply by 4:30 pm today will be construed as no objection.

Thank you,

Stephanie L. Castaing
Environmental Resource Specialist
Regulatory Branch

Castaing, Stephanie L MVN

NMFS

From: Richard.Hartman@noaa.gov
Sent: Thursday, July 15, 2010 10:23 PM
To: Castaing, Stéphanie L MVN
Cc: Miles.Croom@noaa.gov; Lisa.Abernathy@noaa.gov
Subject: Re: FW: BP America Production Company-MVN 2010-1723 EPP-EUA

Stephanie - You mentioned on the phone that we would have overnight review opportunity on this project due to being out of state. While I received this on my blackberry this afternoon, I was unable to open it up. However, for the record, NMFS does not object to project authorization 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

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

From: "Castaing, Stephanie L MVN" <stephanie.l.castaing@usace.army.mil>
Date: Thursday, July 15, 2010 12:18 pm
Subject: FW: BP America Production Company-MVN 2010-1723 EPP-EUA

>
>
> -----Original Message-----
> From: Castaing, Stephanie L MVN
> Sent: Thursday, July 15, 2010 12:46 PM
> To: 'Richard Hartman'; 'Jay.Pecot@LA.GOV'; Schindler, Paige P MVN;
> 'JamiePhillippe'; 'seth_bordelon@fws.gov';
> 'kbalkum@wlf.louisiana.gov'; 'patrick.williams@noaa.gov';
> 'karl.morgan@la.gov'; Ettinger, John F MVN-Contractor; Walther, David;
> 'Butler, Dave'; 'Davis, Chris (F&R)'; 'Patti_Holland@fws.gov'; Mujica,
> Joaquin MVN; 'houmaSITL@uscg.mil'
> Subject: BP America Production Company-MVN 2010-1723 EPP-EUA
>
> Project description: Installation of piles with flex boom
>
> Please review the attached request for Emergency Use Authorization.
> Please advise accordingly.
>
> Lack of reply by 4:30 pm today will be construed as no objection.
>
> Thank you,
>
> Stephanie L. Castaing
> Environmental Resource Specialist
> Regulatory Branch
> U.S. Army Corps Of Engineers
> New Orleans District
> (504) 862-1564
>
>

LDWF



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 10-086 (EUA 10-086)*
Applicant: BP America Production Company
Notice Date: July 14, 2010
Cat 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.

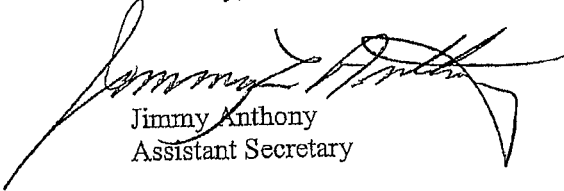
Page 2

Application Number: EUA 10-086

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

Castaing, Stephanie L MVN

From: Castaing, Stephanie L MVN
Sent: Friday, July 16, 2010 11:03 AM
To: Schindler, Paige P MVN
Subject: FW: EUA Request for Proposed Pilings around Bird Islands
Attachments: 4208_001.pdf

Paige,

Could you please take a look at the email correspondence below & attached drawings. Please advise accordingly.

Lack of response by 1:00pm will be construed as "no objection".

Thanks,

Stephanie

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

From: Farabee, Michael V MVN
Sent: Friday, July 16, 2010 9:33 AM
To: Arnold, Dirreen S MVN
Cc: Castaing, Stephanie L MVN
Subject: FW: EUA Request for Proposed Pilings around Bird Islands

Dirreen and Stephanie: thanks, again.

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: Thursday, July 15, 2010 4:40 PM
To: Farabee, Michael V MVN; Karl Morgan; Christine Charrier
Cc: Chet Morrison; Kenneth W. Smith; Kenny J. King; Craig Guidry; bblanchard@chetm.com; Eric J. Deroche; jmornini@juno.com; dalenilene@gmail.com; Rusty J Cavalier; LOUV@chevron.com; artie.myers@bp.com; Johnsg5@bp.com
Subject: EUA Request for Proposed Pilings around Bird Islands

EUA Request for Proposed Temporary Pilings around 3 Bird Islands

This project is identical to EUA-10-085 and EUA-10-086. I have not received MVN numbers at this time for those 2 projects.

Castaing, Stephanie L MVN

MVN Real Estate

From: Schindler, Paige P MVN
Sent: Friday, July 16, 2010 11:53 AM
To: Castaing, Stephanie L MVN
Subject: RE: EUA Request for Proposed Pilings around Bird Islands

Stephanie, we have no gov't real estate interest in that area, no re instrument will be required. Thanks, Paige

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

From: Castaing, Stephanie L MVN
Sent: Friday, July 16, 2010 11:03 AM
To: Schindler, Paige P MVN
Subject: FW: EUA Request for Proposed Pilings around Bird Islands

Paige,

Could you please take a look at the email correspondence below & attached drawings. Please advise accordingly.

Lack of response by 1:00pm will be construed as "no objection".

Thanks,

Stephanie

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

From: Farabee, Michael V MVN
Sent: Friday, July 16, 2010 9:33 AM
To: Arnold, Dirreen S MVN
Cc: Castaing, Stephanie L MVN
Subject: FW: EUA Request for Proposed Pilings around Bird Islands

Dirreen and Stephanie: thanks, again.

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: Thursday, July 15, 2010 4:40 PM
To: Farabee, Michael V MVN; Karl Morgan; Christine Charrier
Cc: Chet Morrison; Kenneth W. Smith; Kenny J. King; Craig Guidry; bblanchard@chetm.com; Eric J. Deroche; jmornini@juno.com; dalenilene@gmail.com; Rusty J Cavalier; LOUV@chevron.com; artie.myers@bp.com; Johnsog5@bp.com
Subject: EUA Request for Proposed Pilings around Bird Islands

DECISION DOCUMENT FOR EMERGENCY PERMITTING VERIFICATION, NOD-20

ORM Number: MVN 2010-1728 EPP

Applicant: BP America Production Co.

Project Location (Waterway, Section, Township, Range, City, County, State): In Cat Bay along (3) Bird Islands, Plaquemines Parish, Louisiana.

Receipt Date: July 16, 2010 Complete: Yes No

Additional Information Requested Date: No

Application Complete Date: June 16, 2010

Waters of the US: Yes

*see Jurisdictional Determination form(s) dated:

Authority: Section 10 Section 404 Section 103

Project Description (Describe activities in waters of the U.S. authorized by verification):
Installation of piles with flex boom.

Project Purpose: Barrier to facilitate the clean-up efforts as a result of the Deepwater Horizon Oil Spill.

Type of Permit Verified: NOD-20

Pre-construction Notification Required: Yes No

Coordination with Agencies/Tribes: Yes No Date:

Commenting Agencies:

US Fish and Wildlife Service

US Environmental Protection Agency

National Marine Fisheries Service

State Agency (if checked, list commenting state agencies)

State Historic Preservation Office

Other:

Substantive Issues and Corps Resolution: Coordination conducted with all pertinent resource agencies on a similar EUA within the same area. Special conditions from this coordination will be 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 similar project on July 15, 2010.

Name of species present: brown pelican, all nesting birds

Effects determination: The LDWF recommends the applicant notify each oyster lease holder affected within 500 feet of the proposed activity prior to commencement, pilings shall be removed when the threat of oiling has passed, and it has been indicated that there is a presence of nesting bird colonies within one mile of the proposed project, therefore, contact LDWF Ornithologist Micheal Seymour if proposed work will occur during nesting period (Feb. 16th- Sept. 15th). The USFWS recommends reducing the amount of time of construction activities to minimize stress to nesting birds, activity within 650 feet of colonial nest site be restricted to non-nesting period (Sept. 16-April 1), activity within 2,000 feet of nesting brown pelican shall be restricted to (Sept. 15-Mar. 31), if the recommended buffer is not feasible the USFWS and LDWF should be contacted to assist in the determinations of the max distance practicable, limit potential disturbing activities to the cooler part of the day (morning and evening), and start construction at the greatest distance from the nesting sites to allow gradual habituation of nesting birds.

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

Basis for "no effect" determination: N/A

Additional information (optional): USFWS and LDWF's comments will be evaluated during review of the ATF permit application.

- b) Magnuson-Stevens Act (Essential Fish Habitat): Notification was provided to the National Marine Fisheries Service (NMFS) on similar project on June 15, 2010.

Name of species present: N/A

Effects determination: N/A

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

Basis for "no effect" determination: N/A

Additional information (optional): NMFS does not object to issuance as long as activities do not take place within wetlands and the applicant removes the flex boom once the threat of oiling has passed.

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

Known site present: yes no

Survey required/conducted: yes no

Effects determination: N/A

Rationale: N/A

Date consultation complete (if necessary): N/A

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

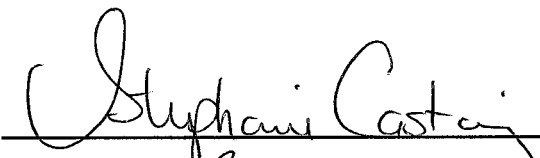
- d) Section 401 Water Quality Certification:
 Individual certification required: yes no
 Issued waived denied .
 Additional information (optional): N/A
- e) Coastal Zone Management Act:
 Individual certification required: yes no
 Issued waived denied .
 Additional information (optional): The DNR Emergency Use Authorization-
 pending at the time of this document.
- f) Wild and Scenic Rivers Act:
 Project located on designated or "study" river: yes no
 Managing agency: N/A
 Date written determination provided that the project will not adversely affect the
 Wild and Scenic River designation or study status: N/A
 Additional information (optional): N/A
- g) Others (Specify):

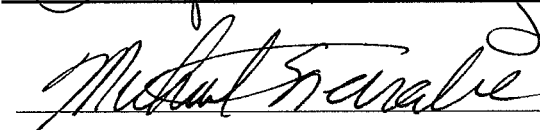
Special Conditions Required: yes no (If yes, provide rationale for each required condition):
 General Conditions of the NOD-20 emergency authorization, Section 10 conditions, Chitamacha Tribe,
 general condition recommending permittee obtain all necessary approvals from pertinent federal, state,
 and/or local authorities, general condition recommending any contractors, foremen, and/or workers
 associated with construction are aware of the conditions of this approval, and LDWF and USFW
 recommended conditions

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:  Stephanie Castaing

Reviewed by:  Chief, OD-SE

Date: July 16, 2010