

Ryan DeVillier

Environmental Unit Lead

Grand Isle Response

August 20, 2010

Objective:

In order to continue the necessary cleanup operations on the northeastern tip of Grand Isle Beach, we must construct a temporary crossing of a small washout along an existing trail. This area is located within the state park, just north of the pavilion. The crossing will be used to provide beach access to several pieces of equipment used in the cleanup effort, including the beach screening machines, wheel loaders, and personnel carriers. The project was started on Thursday, August 19, 2010 and halted the same day awaiting approval.



Background:

This area of Grand Isle was particularly hard hit during the early phases of this response, primarily due to its proximity to Barataria Pass. This pass acted as a siphon for large volumes of oily water during the course of the tide cycle, and much of that ended up on these shores. An intensive cleaning effort, in conjunction with SCAT teams from Unified Command in Houma, is being planned to begin restoring these beaches.



Safety fence is used to minimize impacts on the access trail.



This is an adjacent trail in the state park that has not been used by cleanup personnel.

Impacts:

The project area is approximately 24 feet (the length of the culverts) by 24 feet (length of the bridge) within a wetland dominated by marsh grasses. The area of impact will be minimized by using only the space necessary to safely accommodate the equipment needed for the cleanup effort. The site will be monitored on a daily basis by members of the Environmental Unit to ensure compliance with all applicable regulations and the minimization of impacts to natural resources.

Project Requirements:

The temporary bridge crossing will consist of two 24” culverts placed side by side within the washout area to allow for the ebb and flow of the tide into the tidal pool to the north. Approximately 3000 sandbags will be placed around these culverts to act as a “ramp”. The sandbags will be covered with board mats for the actual crossing surface. The access to the site will be the existing two track trail running through the park. The trail in this area has been fenced off using orange safety fence to protect the adjacent plant life. After the crossing is complete, the rest of the trail will be fenced to the beach as well.

Current Status:

The project has been halted by the Environmental Unit in Grand Isle awaiting approval for Emergency Use Authorization. Approximately 1700 sandbags have already been installed atop the two 24” culverts.



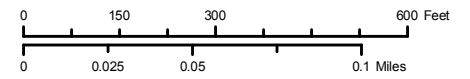
Crossing Location
29 16.0802
-89 57.1538

29 16.1225
-89 57.1751

29 15.8234
-89 57.0105

Existing
Access Trail
(2 track)

**Grand Isle State Park
Water Crossing Permit Application**



From: [Barbara, Darrell MVN](#)
To: [Barbara, Darrell MVN](#); ["John F MVN Contractor Ettinger \(ettinger.john@epa.gov\)"](#); ["patti_holland@fws.gov"](#); ["Davis, Chris \(F&R\)"](#); ["Jamie.Phillippe@LA.GOV"](#); [Schindler, Paige P MVN](#); [Mujica, Joaquin MVN](#); [Daigle, Michelle C MVN](#); ["Richard.Hartman@noaa.gov"](#); ["kbalkum@wlf.louisiana.gov"](#); [" \(HoumaSITL@uscg.mil\)"](#); ["patrick.williams@noaa.gov"](#); ["Rachel Sweeney"](#); ["kbalkum@wlf.louisiana.gov"](#); ["jsmith@jeffparish.net"](#); [Schneider, Donald C MVN](#)
Cc: ["Karl Morgan"](#); ["jay.pecot@la.gov"](#); [Serio, Pete J MVN](#); [Mayer, Martin S MVN](#); [Farabee, Michael V MVN](#)
Subject: FW: Emergency Authorization Request- MVN-2010-2077-EFF / Agency Coordination
Date: Tuesday, August 24, 2010 3:17:34 PM
Attachments: [EUARequestWashoutBridge.pdf](#)
[Grand Isle SP 11x17.pdf](#)

Subject: Deepwater Horizon Oil Spill Response / Agency Coordination

REF: Emergency Authorization Request(MVN-2010-2077-EFF):

Good Afternoon:

MVN Regulatory is in receipt of an emergency response request from Environmental Strategies, LLC on behalf of BP, which includes construction of a temporary crossing of a small washout along an existing trail, in order to facilitate necessary cleanup operations on the northeastern tip of Grand Isle Beach. The area is located within the state park, just north of the pavilion, in Grand Isle, Louisiana (see attached map). The crossing will be used to provide beach access for several pieces of equipment used in the cleanup efforts, including the beach screening machines, wheel loaders, and personnel carriers. ****NOTE****(Be advised that the subject work had started on Thursday, August 19, 2010 and was halted the same day by the Environmental Unit in Grand Isle, to await Emergency Approval.)

Please submit any comments to this proposal by tomorrow, August 25, 2010, at 1:00 pm. Darrell S. Barbara with this office will be handling comments and/or information requests relevant to this proposed emergency plan.

Attachments:

- . EUA Request
- . Location Map

DARRELL S. BARBARA
Environmental Resource Specialist
Eastern-Permit Evaluation Section, Regulatory Branch
US Army Corps of Engineers, New Orleans District
(504) 862-2260 / fax: (504) 862-2117
darrell.barbara@usace.army.mil

From: [Schneider, Donald C MVN](#)
To: [Barbara, Darrell MVN](#)
Cc: [Brown, Jane L MVN](#)
Subject: RE: Emergency Authorization Request- MVN-2010-2077-EFF / Agency Coordination
Date: Tuesday, August 24, 2010 3:44:02 PM

No adverse comments.

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

From: Barbara, Darrell MVN
Sent: Tuesday, August 24, 2010 3:18 PM
To: Barbara, Darrell MVN; 'John F MVN Contractor Ettinger (ettinger.john@epa.gov)'; 'patti_holland@fws.gov'; 'Davis, Chris (F&R)'; 'Jamie.Phillippe@LA.GOV'; Schindler, Paige P MVN; Mujica, Joaquin MVN; Daigle, Michelle C MVN; 'Richard.Hartman@noaa.gov'; 'kbalkum@wlf.louisiana.gov'; '(HoumaSITL@uscg.mil)'; 'patrick.williams@noaa.gov'; 'Rachel Sweeney'; 'kbalkum@wlf.louisiana.gov'; 'jsmith@jeffparish.net'; Schneider, Donald C MVN
Cc: 'Karl Morgan'; 'jay.pecot@la.gov'; Serio, Pete J MVN; Mayer, Martin S MVN; Farabee, Michael V MVN
Subject: FW: Emergency Authorization Request- MVN-2010-2077-EFF / Agency Coordination

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National Marine Fisheries Service (NMFS)
Comments Pertaining to Proposed Emergency Authorization of a Temporary Water
Crossing on Grand Isle in Jefferson Parish (MVN 2010-2077-EFF)

August 25, 2010

By electronic mail dated August 24, 2010, the New Orleans District (NOD) requested natural resource agency review of the application by Environmental Strategies, LLC, on behalf of BP Exploration and Production Company Incorporated, for emergency authorization to construct a temporary water crossing along an existing trail on Grand Isle State Park in Jefferson Parish, Louisiana. The NOD is considering emergency authorization for these activities under provisions of General Permit NOD-20. The purpose of the project is to facilitate oil spill cleanup operations on the northeastern tip of Grand Isle. A portion of the work has been completed, but was halted prior to applying for emergency authorization.

Based on our review of the plan view documents transmitted with the application, the limits of the proposed activities on emergent wetlands and shallow water bottoms and flats designated as essential fish habitat is unclear. When considered in combination with the tie-ins to the trail, the proposal may exceed the specified 24-feet by 24-feet dimensions. Vegetated areas eastward of the crossing may include jurisdictional wetlands. Impacts from the proposed activity may be minor and potentially temporary depending on whether activities remain on the access trail and crossing and success of any restorative measures that are taken upon completion of the emergency response activities.

If the NOD determines that emergency authorization for this project is warranted, NMFS recommends the following conditions be included in any permit issued for this project. These comments are provided under the authority of the EFH provisions of the Magnuson-Stevens Fishery Conservation and Management Act and the Fish and Wildlife Coordination Act.

1. The limits of the proposed work in wetlands, tidal flats, and waters should be monitored to demonstrate work does not occur outside the approved area. Monitoring shall consist of photographs during construction and post construction both in a northerly and southerly direction of the water crossing and the access trail through jurisdictional wetlands. Monitoring information shall be provided to the NOD, NMFS and any other interested natural resource agencies.
2. Sand bags and culverts shall be removed and disposed of or recycled in an environmentally acceptable manner upon completion of the spill response, and the water crossing shall be restored to pre-project conditions. This shall include grading elevations, as necessary, and the planting of smooth cordgrass.

3. Mitigation shall be required for all unavoidable adverse impacts to wetlands. Acceptable mitigation shall be conducted on Grand Isle, if not the State Park, to the maximum extent practicable.

From: [Barbara, Darrell MVN](#)
To: ["mel.jarrell@att.net"](mailto:mel.jarrell@att.net)
Cc: ["Karl Morgan"; " \(HoumaSITL@uscg.mil\)"](#)
Subject: Emergency Request (MVN-2010-2077-EFF) Temporary crossing in Grand Isle / (COE request for information).
Date: Wednesday, August 25, 2010 12:45:44 PM
Attachments: [EPA Comments on Grand Isle Beach Temporary Crossing MVN-2010-2077 EFF.DOC](#)
[EUARquestWashoutBridge.pdf](#)
[NMFS comments_MVN20102077 EFF.PDF](#)

Melanie, please see the attached comments from the EPA and NMFS, on your emergency request for a temporary crossing along an existing trail, in Grand Isle, LA. These agencies along with our office have some similar questions about the total impacts associated with the proposed crossing. Therefore, please clearly explain to the best of your ability:

1. What were the total impacts to vegetated wetlands and/or waters associated with the existing unauthorized crossing work?
2. What are the projected total impacts to vegetated wetlands and/or waters, following completion of the entire crossing?
3. In reviewing the picture(s) within your Emergency Request, it appears that the proposed crossing heads directly into tidal marsh areas. Does the crossing tie directly into an upland area, beach, and/or existing trail? Will there be any impacts to vegetated wetlands beyond the proposed crossing for an access route and future cleaning efforts?
4. You state that the crossing will be approx. 24' x 24'? The existing unauthorized work itself, appears larger than that footprint. Please more clearly describe and/or depict the crossing footprint and any other associated access trails, access clearing, travel zones, etc.

Thank you and feel free to contact me if you have any questions.

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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>.

Grand Isle Breach Repair

The U.S. Fish and Wildlife Service (Service) has received your August 24, 2010, electronic mail notification (MVN-2010-2077-EFF) requesting our review of an emergency authorization to fill in a breach on the east end of Grand Isle, in Jefferson Parish, Louisiana. Environmental Strategies on behalf of BP Exploration and Production Company, Inc. proposes to construct a temporary crossing within a washout area on the Grand Isle State Park in order to access the beach with oil clean-up equipment associated with the Deepwater Horizon (i.e., Mississippi Canyon 252) blowout. The comments below are submitted 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.), and the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.). In addition, these comments provide emergency informal consultation information under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) in anticipation of emergency consultation.

The Service is committed to the protection of Louisiana's fish and wildlife resources that have been/may be impacted by the oil spill. We also remain committed to working closely with all agencies involved in spill response efforts to further explore alternatives and alternative features in order to reduce the current degree of risk and uncertainty associated with any oil spill response activities.

The Service is not as concerned with the proposed temporary breach repair as we are with the fact that it will allow vehicular access to previously undisturbed beach reaches. The beach on Grand Isle is within Unit LA-5 of designated critical habitat for the threatened piping plover. Piping plovers winter in Louisiana, and may be present for 8 to 10 months annually. They arrive from the breeding grounds as early as late July and remain until late March or April. Piping plovers feed extensively on intertidal beaches, mudflats, sand flats, algal flats, and wash-over passes with no or very sparse emergent vegetation; they also require unvegetated or sparsely vegetated areas for roosting. Critical habitat on Grand Isle is restricted to those areas that are used for feeding and roosting habitat which includes the beach and surf zone down to mean low, low water (MLLW).

The applicant should demonstrate that there is a need to perform the proposed beach clean-up work in the area beyond the breach. Currently, there is very little visible oil on the island, and as such, measures should be taken to ensure the natural recovery of the beach and surf zone at this time. The Service strongly recommends that you consider the timing and any potential long-term impacts to piping plover critical habitat in your permitting decision for this project.

Additionally, nesting shorebirds occur on Grand Isle. To minimize disturbance to 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). The Service should be notified when colonial bird nest sites are identified, and no activity should occur on the beach within the recommended buffer zones during the nesting season. A trained observer should monitor each colonial nest site and a restrictive buffer zone

should be identified. If the recommended buffer restrictions are not feasible for construction purposes, the Service should be consulted to determine if alternative measures can be applied.

We also recommend that the attached recommendations (specifically, BMP-1, -3, -4, -5, -8, -10, -11, -12, -25, -26, -27, -31), which have been signed by the Houma Incident Command, be considered as additional ways to minimize impacts to piping plovers and their critical habitat, including the benthic fauna of Grand Isle during clean-up activities. We also request that the Service's Louisiana Ecological Services Office (337/291-3108, brigitte_firmin@fws.gov) be notified as to the work being performed along the beach so that we may best keep record of the methods being used (and possible future effects) within designated critical habitat.

Thank you for the opportunity to provide these comments.

204 Group



Date:

Segment:

STR #:



SECTION 7 FEDERAL AGENCY ACTION - ENDANGERED SPECIES ACT COMPLIANCE CHECKLIST

	targets	completed	BMP description
BMP 1			Watch for and avoid collisions with wildlife and report all distressed or dead birds/marine mammals/turtle sightings/whale sharks/rays to Wildlife (866-557-1401)
BMP 2			Retrieve injured/dead/oiled sea turtles using the sea turtle At-Sea Retrieval Protocol
BMP 3			Avoid disturbing vegetation, marsh soils, or peat with foot traffic/boats/equipment or consult a qualified biologist to minimize impact. Involve appropriate Federal/State agency personnel for specific instructions e.g. to enter public lands or a marsh
BMP 4			Manage waste in compliance with the Waste Management Plan
BMP 5			Maintain compliance with the Decontamination Plan where applicable
BMP 6			All onshore work should be conducted during daylight hours except within 24 hours of projected oil landfall. If nights operations are necessary, confine operations to landward of the intertidal zone and follow ENV0009: Minimizing Impacts to Wildlife during Nighttime Cleanup Operations
BMP 7			Observe a 10 foot buffer from marked sea turtle nests. If a nest area is contaminated/oiled, contact the onsite Wildlife Observer immediately. Follow the Wildlife Observer's direction for removing contaminated/oiled sand from within the nesting area.
BMP 8			Utilize existing access/egress areas and roadways
BMP 9			Verify turtle nesting activities with agency experts and begin onshore work after turtle nesting surveys/conservation activities are completed
BMP 10			Use low-pressure tire vehicles (e.g. ATVs, Gaters) or consult with a qualified biologist to minimize impact
BMP 11			If feasible and per appropriate guidance, restore beach topography, if altered, to natural beach profile by 2000 hours each day
BMP 12			Minimize removal of clean sediments
BMP 13			Avoid hovering or landing of aircraft near posted bird sites
BMP 14			If skimming, avoid skimming sargassum that is not oiled or is only very lightly oiled

Provide complete explanation for not implementing BMPs (list why each BMP is not applicable, possible, or otherwise executable)



SECTION 7 FEDERAL AGENCY ACTION - ENDANGERED SPECIES ACT COMPLIANCE CHECKLIST

	targets	completed	BMP description
BMP 15			If a sea turtle or marine mammal is observed trapped or entangled in a boom(s), open the boom carefully until the animal leaves on its own
BMP 16			Install and monitor under water equipment/booms to prevent fish/wildlife entrapment
BMP 17			Do not block major egress points in channels, rivers, passes, and bays
BMP 18			A trained sea turtle observer is required for all operations
BMP 19			Sea turtle observer on the ignition vessel will monitor 3 areas prior to the burn (the area in front of the trawlers, oil concentrated in the boom, and any oil trailing behind the boom)
BMP 20			A survey should be conducted in the burn area after the burn is complete and all dead sea turtles should be counted and if possible collected
BMP 21			Avoid burning unoiled/lightly oiled sargassum
BMP 22			No flights below 500 feet over wildlife refuges/management areas
BMP 23			No dispersant application within 2 nautical miles of sighted marine mammals/sea turtles
BMP 24			Turtle excluder devices (TEDS) should be installed in all trawl nets
BMP 25			Staging areas and waste collection areas should be examined prior to set up and should be located off beaches, dunes, scrub and other vegetated areas. Contact Env. Unit: 985-859-0552
BMP 26			All heavy equipment should be as low on the beach as possible and avoid the high tide/wrack line while conducting clean-up activities. Keep heavy equipment away from wrack line unless oiled
BMP 27			Activities that may require removal of forested and shrub or scrub habitat should be minimized
BMP 28			If bears are observed during staging activities, contact Env. Unit: 985-859-0552
BMP 29			Remove all trash or anything that would attract wildlife from work areas daily
BMP 30			If a sea turtle is spotted, maintain at least 200 feet between the turtle and any beach cleanup activities
BMP 31			Stakes or flagging should not be removed or destroyed anywhere on the beach or dune

Provide complete explanation for not implementing BMPs (list why each BMP is not applicable, possible, or otherwise executable)

**U.S. Environmental Protection Agency
Comments on Corps of Engineers (Corps) Emergency Authorization Request
Temporary Beach Crossing, Grand Isle, Louisiana
(MVN 2010-2077 EFF)**

August 25, 2010

This is in response to the New Orleans District request on August 24, 2010, for EPA review of a proposal for emergency authorization (NOD-20) to construct a temporary crossing of a small washout along an existing trail, in order to facilitate cleanup operations on the northeastern tip of Grand Isle Beach. The crossing will be used to provide beach access for several pieces of equipment used in the cleanup efforts, including the beach screening machines, wheel loaders, and personnel carriers.

EPA appreciates the applicant's efforts to thoroughly clean the sand at Grand Isle, and recognizes the need for clean-up machinery to access this portion of the beach. We do not necessarily object to this activity. However, as with other emergency activities, it is important to minimize any adverse environmental impacts such work might cause.

The materials provided in the emergency authorization request proposal are inadequate to determine whether this proposal complies with the Clean Water Act (CWA). Specifically, there is insufficient information to assess potential adverse impacts to wetlands, and there is no information on whether less environmentally damaging alternatives (if any) have been considered. Consistent with the CWA Section 404(b)(1) guidelines, we would recommend the Corps not authorize this activity until the applicant has demonstrated that any wetland impacts have been avoided and minimized to the maximum extent practicable. Additionally, compensatory mitigation should be provided for any unavoidable impacts to wetlands.

Thank you in advance for your consideration of these comments. If you have any questions, please call John Ettinger at (504) 862-1119.



Bobby Jindal
Governor

State of Louisiana

Robert J. Barham
Secretary

Department of Wildlife and Fisheries
Office of Wildlife

Jimmy L. Anthony
Assistant Secretary

September 1, 2010

Mr. Pete J. Serio, Chief
Regulatory Branch
United States Army Corps of Engineers
P. O. Box 60267
New Orleans, LA 70160-0267

RE: *Application Number: MVN-2010-2077-EFF (Emergency Use Authorization)*
Applicant: British Petroleum
Public Notice Date: August 24, 2010

Dear Mr. Serio:

The professional staff of the Louisiana Department of Wildlife and Fisheries (LDWF) has reviewed the above referenced Public Notice. Based upon this review, the following has been determined:

The piping plover (*Charadrius melodus*) may occur within one mile of the project area. This species is federally listed as threatened with its critical habitat designated along the Louisiana coast. Piping plovers winter in Louisiana feeding at intertidal beaches, mudflats, and sand flats with sparse emergent vegetation. Primary threats to this species are destruction and degradation of winter habitat, habitat alteration through shoreline erosion, woody species encroachment of lake shorelines and riverbanks, and human disturbance of foraging birds. For more information on piping plover critical habitat, visit the U.S. Fish and Wildlife website: <http://endangered.fws.gov>.

Applicant shall remove all structures (sandbags and culverts) installed under this authorization within 30 days of completion of cleanup activities and return the effected areas to pre-project conditions. This response activity may be subject to possible NRDA action as injuries accrued as a result of response.

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 Habitat Section biologist Chris Davis at [REDACTED] should you need further assistance.

Sincerely,

Jimmy L. Anthony
Assistant Secretary

Page 2

Application Number: MVN-2010-2077-EFF (Emergency Use Authorization)
September 1, 2010

Cd/cm/cm

c: Chris Davis, Biologist
Carolyn Michon, Biologist
EPA, Marine & Wetlands Section
USFWS Ecological Services
Christy McDonough, Biologist Supervisor