

Operations Division
Eastern Evaluation Section

MAY 26 2010

SUBJECT: (General Permit) NOD-20
BASE FILE: MVN-2010-1152-EOO (BP Oil Discharge)

Lucas H. Ehrensing
Post Office Box 1063
St. Rose, Louisiana 70087

Dear Mr. Ehrensing:

This concerns your request received on May 24, 2010 for an emergency authorization to place fill within 27 spoil bank and marsh openings that lead from exterior waters into marsh habitat in areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in Jefferson Parish, Louisiana, as a response to the ongoing BP Deepwater Horizon Oil Discharge Response.

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. To the maximum extent practicable, authorized activities shall be done in accordance with your request and performed in a manner which will avoid adverse impacts to the environment, wildlife, and aquatic resources.
2. Mechanized land clearing, filling, or tracking of vegetative wetland areas for access, staging, and/or implementation of the proposed work is not authorized.
3. Additional dredging for access to the plug locations is not authorized.
4. The permitted activity shall not obstruct the public's right to free navigation on all navigable waters of the United States.
5. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein provided emergency authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to

the United States. No claim shall be made against the United States on account of any such removal or alteration.

6. 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.

7. If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, etc.) you are advised to notify the U.S. Coast Guard so that a Notice to Mariners, if required, may be prepared. Notification with a copy of your emergency authorization and any associated plats should be immediately forwarded to the U.S. Coast Guard, Sector New Orleans Command Center, 201 Hammond Highway, Metairie, Louisiana 70005. Telephone inquiries can be directed to (504) 846-5923.

8. As stated in the terms of the NOD-20, approval to perform work under this general permit does not replace normal permitting approval under our regulations. This authorization is a temporary approval to allow you to perform work under emergency operations. You must either restore the project to pre-project conditions or apply for a permit to maintain the work authorized under this general permit, within 30 days of the date of this authorization.

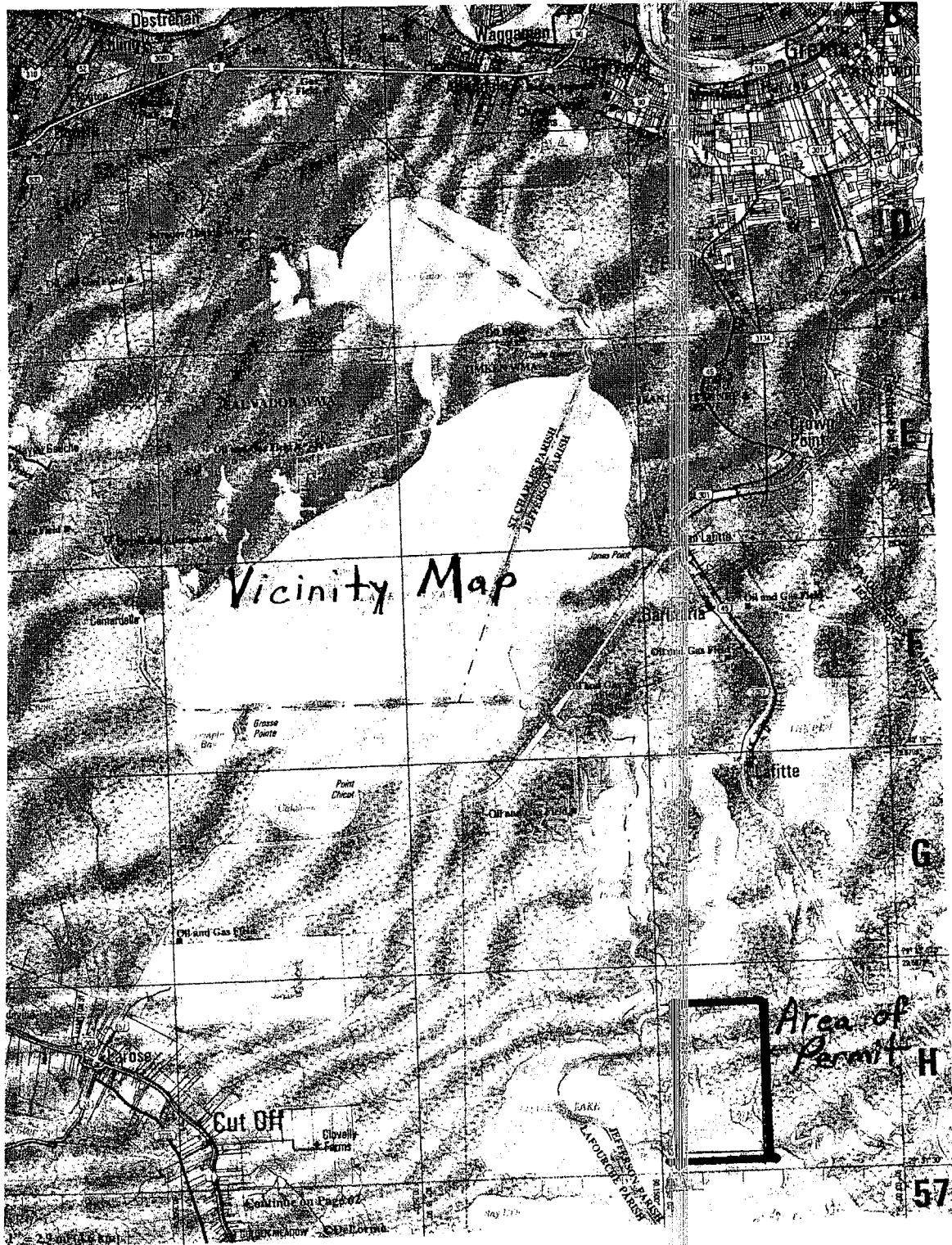
9. The permittee shall monitor the interior marsh areas where the plugs are placed to determine if increased erosion/subsidence is realized at these locations. If increased levels of erosion are recognized, appropriate, environmentally acceptable methods should be taken to degrade and stabilize these areas to minimize such impacts. Such monitoring should be done on a regular basis until final recommendations are made through your after-the-fact permit application evaluation.

10. Any fill material that comes into contact with oil from the BP Deepwater Horizon Oil Discharge must be removed and disposed of properly after the threat of oil entering the project area is over.

11. The permittee is responsible for the identification of all submerged structures, objects, and pipelines.

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

This approval is subject to the terms and conditions of 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.



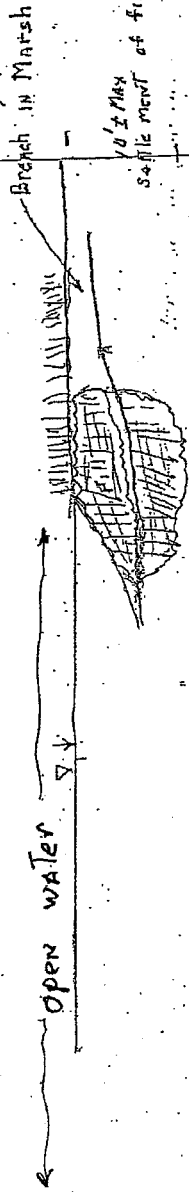
Vicinity Map

Area of Permit H

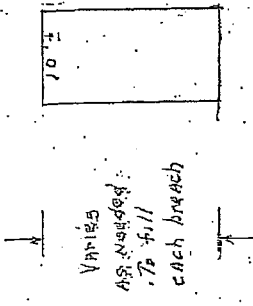
MEAN HIGH WATER 1.11
 MEAN LOW WATER .68

Typical Closure or Plug X-Section

Repair Breach To prevent oil going to interior Marsh



Open Water

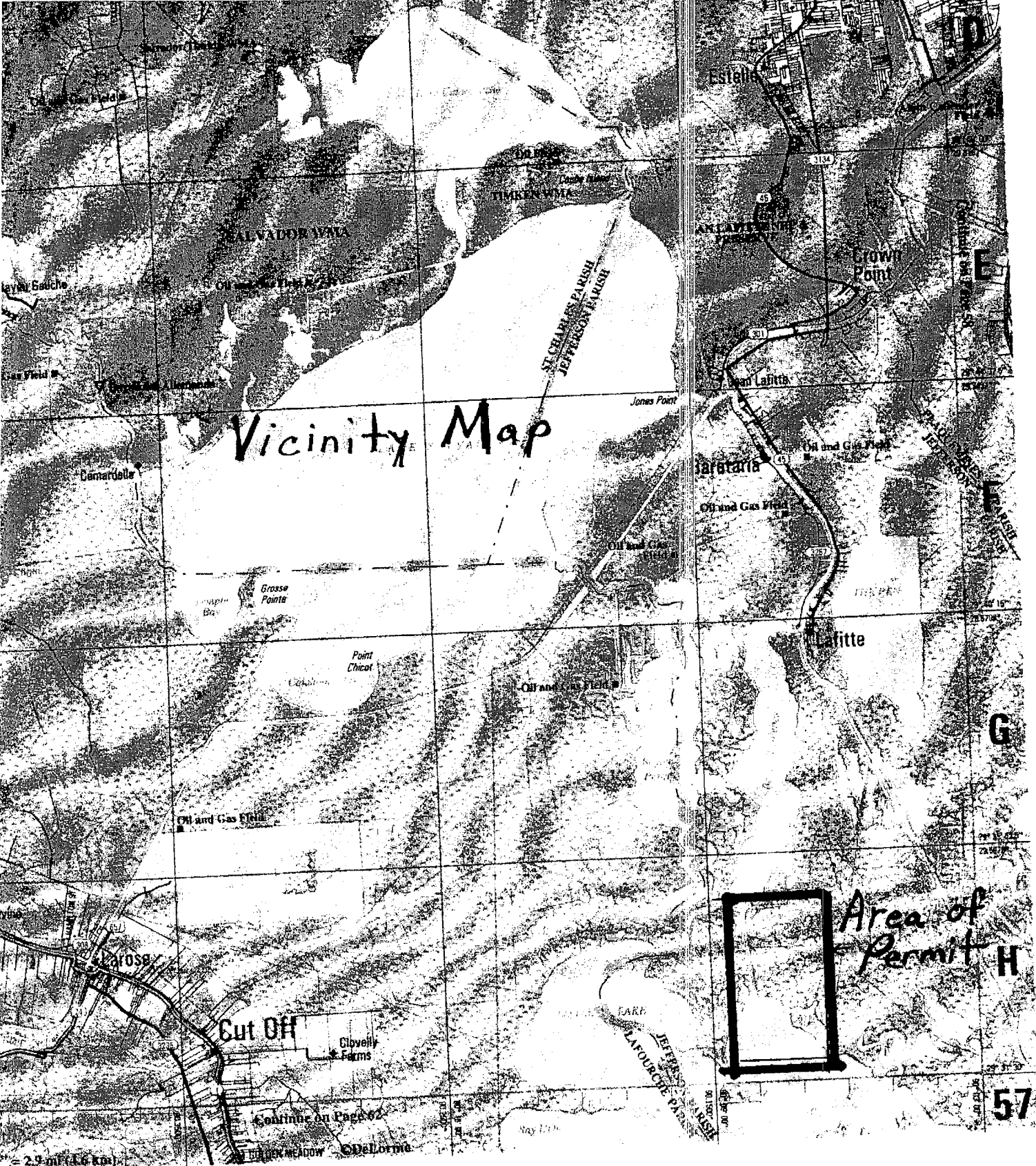


Breach in Marsh

Total Length of breaches 1500'
 $1500' \times 20' = 30,000 \text{ sf} = .68 \text{ Ac}$
 $\frac{30,000}{43,560}$

$1500' \times 20' \times 10' = 11,111 \text{ c.y.}$

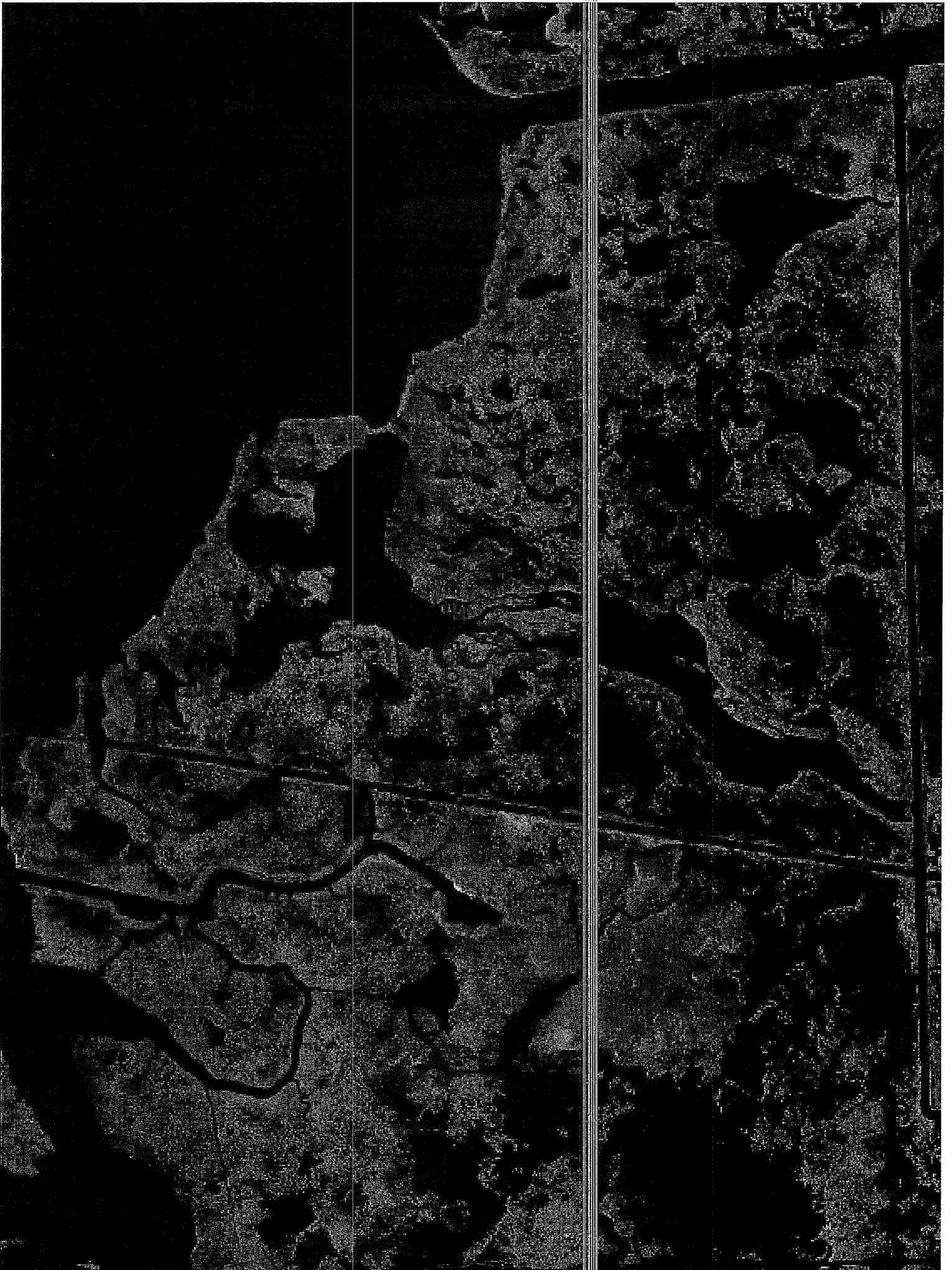
PLAN VIEW



Vicinity Map

Area of Permit H

0 0.56mi



DECISION DOCUMENT FOR EMERGENCY PERMITTING VERIFICATION, NOD-20

ORM Number: MVN-2010-1152-EOO

Applicant: Lucas H. Ehrensing / Little Lake Club

Project Location (Waterway, Section, Township, Range, City, County, State): Areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in Jefferson Parish, Louisiana

Receipt Date: May 24, 2010 Complete: Yes No

Additional Information Requested Date:

Application Complete Date: May 24, 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): To place fill within 27 spoil bank and marsh openings that lead from exterior waters into marsh habitat.

Project Purpose: Provide protection from the BP Deepwater Horizon Oil Discharge

Type of Permit Verified: NOD-20

Pre-construction Notification Required: Yes No

Coordination with Agencies/Tribes: Yes No Date: May 24, 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

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: N/A

Name of species present:

Effects determination:

Date of Service(s) concurrence:

Basis for "no effect" determination:

Additional information (optional):

b) Magnuson-Stevens Act (Essential Fish Habitat): Notification was provided to the National Marine Fisheries Service (NMFS) on May 24, 2010. In a e-mail dated May 25, 2010, NMFS stated 1. The material to be used for plugging gaps must come from existing waterways, and not marsh areas. 2. The plugs must be degraded to pre-existing elevations after the threat of oil entering the project area is over. This is defined as within 30 days of the end of significant oiling of the Grand Isle Beaches.

Name of species present: N/A

Effects determination: N/A

Date of Service(s) concurrence:

Basis for "no effect" determination:

Additional information (optional):

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):

d) Section 401 Water Quality Certification:

Individual certification required: yes no

Issued waived denied .

Additional information (optional): Blanket approval from the Louisiana Department of Environmental Quality (DEQ) for the NOD-20. 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): Unable to contact Jay Pecot and Karl Morgan by phone and email on May 25, 2010. Our authorization specifies that this authorization does not obviate the applicant from acquiring a Louisiana Coastal Use Permit or any other federal, state, or local approvals that may be required by law.

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):

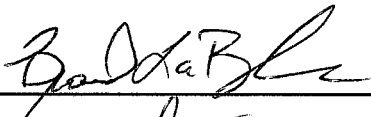
Special Conditions Required: yes no (If yes, provide rationale for each required condition):
General Conditions of the NOD-20 emergency authorization incorporated into the NOD-20 permit instrument. Special conditions were also added to address resource agency points of concern and minimize impacts to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



Env. Resources Specialist

Reviewed by:



Chief, OD-SE

Date: May 25, 2010

BOBBY JINDAL
GOVERNOR



ROBERT D. HARPER
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

June 3, 2010

CERTIFIED MAIL NO. _____

Lucas H. Ehrensing, P.E./Little Lake Club
P.O. Box 1063
St. Rose, LA 70087
Attn: Mr. Lucas Ehrensing, P.E.

RE: EUA 10-045; Emergency Use Authorization

Description: Proposed repair of numerous breaches on marsh water banks to prevent potential oil intrusion from the BP Horizon oil spill into interior marshlands. An estimated 1,500'L x 20'W x 10'D total area of breaches (0.68 acres; 11,111 cubic yards total) will be filled with native material dredged from adjacent waterways.

Location: 29° 34' 30" N; 90° 07' 30" W; northerly of Turtle Bay;
Jefferson Parish, LA

Dear Mr. Ehrensing;

We have reviewed the information presented to the Office of Coastal Management (OCM) in your Emergency Use Authorization request dated May 24, 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 the above referenced purpose 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 plans.
2. Dredge and fill activities for site access are not authorized unless specifically described in the work statement of this letter.

Post Office Box 44487 • Baton Rouge, Louisiana 70804-4487
617 North Third Street • 10th Floor • Suite 1078 • Baton Rouge, Louisiana 70802
(225) 342-7591 • Fax (225) 342-9439 • <http://www.dnr.louisiana.gov>
An Equal Opportunity Employer

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 (225) 342-7591 or (800)-267-4019; or by visiting our website at <http://www.dnr.state.la.us/crm/coastmgt/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 opinion of OCM, it proves to be beyond the scope of the authorized activity or is 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 appropriate, require such certification by 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 area where the project is located is all part of the aboriginal homelands of the Chitimacha Tribe of Louisiana. As such, large villages, burial sites, and sacred sites were in place in that entire area. If at any time during the course of the work, any traditional cultural properties are discovered, Permittee shall immediately contact Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator) at [REDACTED] or [REDACTED]. Office hours are Monday through Thursday from 7:30 A.M. - 5:00 P.M. and on Friday between 7:30 A.M. - 11:30 A.M. If traditional cultural properties are discovered on the weekend or after business hours, the notification shall be made the next business morning.
11. Applicant shall be liable for, and shall compensate the state for, any damages to the oyster seed grounds caused by Applicant or Applicant contractors during any work done under this permit. Prior to commencement of the permitted activity, applicant will also provide the Louisiana Department of Wildlife and Fisheries (LDWF) with the name of an individual in authority who can be contacted regarding any work done under the permit.

12. Compensation for impacts to the public oyster seed grounds shall be in the form of the planting cultch material (i.e. crushed concrete, limestone, oyster shell, etc) at the rate of 1 cubic yard per acre of impacted area for barren, non-supportive areas of the seed grounds, 50 cubic yards per acre of impacted area for supportive areas, and 187 cubic yards per acre of impacted area for reef areas plus the value of any living oyster resources destroyed. Applicant shall bear the expense of acquisition and deposition of cultch. The cultch shall be deposited by Applicant, it's contractor or sub-contractor, under the direct supervision of LDWF, and shall be deposited at a time, place, and in a manner prescribed by the Department. In lieu of planting cultch material, Applicant may make payment directly to the Public Oyster Seed Ground Development Account.
13. Applicant shall not discharge any drilling and/or workover effluent except for flocculated filtered water into the waters in the areas of the proposed activity. Discharge rate of water shall not exceed the rate of filtering.
14. Applicant shall not discharge any produced waters into the waters in the areas of proposed activity.
15. Applicant, Applicant's contractors and sub-contractors shall not discharge any human waste from any vessel that does not meet or exceed the requirements of the Department of Health and Hospitals.
16. If access route traverses a currently productive public oyster area, Applicant shall secure approval of the access route from LDWF and shall ingress and egress to the project location only along the approved route.
17. Applicant shall establish and maintain, until the permitted activity is complete, along the access route appropriate access route markings for vessels traveling to and from the project location. These markings may be subject to applicable local, state, and federal navigation requirements. These markings shall be sufficient to be used during day and night operations as well as in any climatic and sea condition which may occur during permitted activities.

18. Applicant shall provide legal representation and indemnification to LDWF for any and all lawsuits and legal claims that may be filed or made against the Department of Wildlife and Fisheries as a result of the activities by Applicant.
19. This permit specifically does not authorize prop washing, wheel washing, dredging, or jetting beyond what is shown in the application and drawings. Any changes or variances in the location, access route, volume of material moved and/or magnitude of the area of impact shall require formal application to, and prior written authorization from, the Department of Natural Resources (DNR). The decision by DNR whether to authorize those changes will require consultation by DNR with LDWF in strict adherence to all applicable provisions of the February 3, 2005 Memorandum of Agreement between those two agencies.
20. Applicant shall have at the project location float booms for containing any spills.
21. At the discretion of the Secretary or Deputy Assistant Secretary of LDWF, any activities may be suspended until more favorable conditions prevail.
22. Applicant shall provide a letter of completion and as-built drawings of the completed project to the Department of Wildlife and Fisheries no later than 60 days following completion of the permitted activity.
23. At the discretion of LDWF, a post-project bottom contour and side-scan survey may be required. The results of these surveys will be made available to the Department, upon request.
24. Applicant shall remove or spread any dredged material which is greater than 0.5 feet above original bottom contours.
25. At the discretion of LDWF, Applicant may be required to return all or part of water bottoms to pre-project conditions.
26. All vessels utilized under this permit shall be of such size and loaded in such a manner as to not impact the waterbottoms over which they pass.

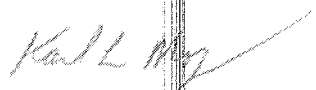
27. LDWF has no objection to the proposed activity. We recommend that all excavated material be acquired from open water. Also, once it has been determined that oil will no longer affect the protected area, the plugs located at natural drainage features (i.e., bayous, tidal creeks) should be degraded.
28. All plugs/closures on/across State of Louisiana owned waterbottoms shall be temporary and removed once it has been determined that oil will no longer affect the protected area.
29. 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.
30. 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.

EUA 10-045
L. Ehrensing/L. Lake Hunting Club
June 03, 2010
Page 7

31. This authorization is not valid unless the applicant agrees to the terms and conditions provided for herein by executing in the space provided below.

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

Sincerely,

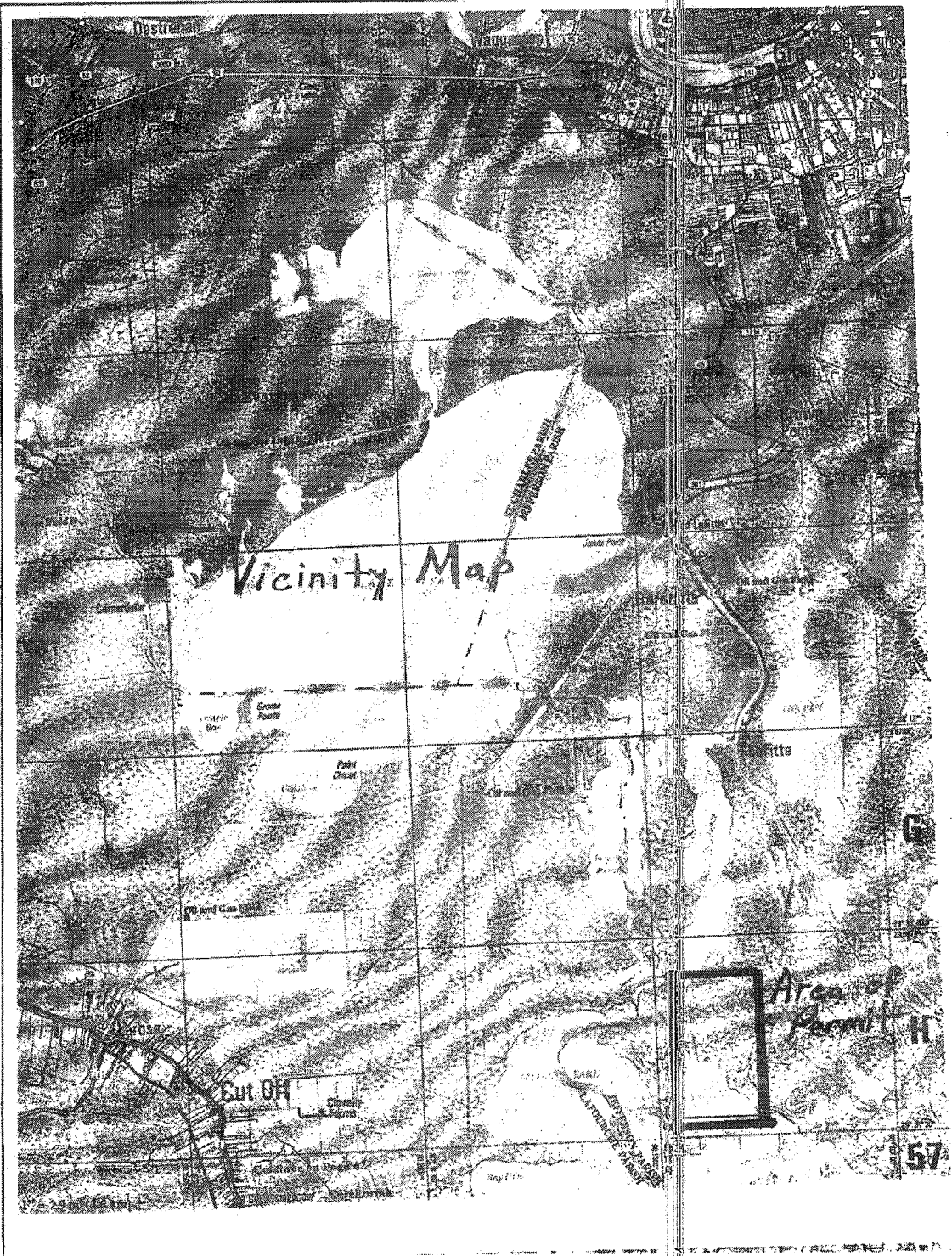


Karl Morgan,
Acting Administrator

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

JR/jbp
Attachments (green card and plats)

CC: Pete Serio, COE w/plats
David Butler, LDWF w/plats
Karl Morgan, CMD/SS w/plats
Frank Cole, CMD/FI w/plats
Jason Smith, Jefferson Parish w/plats

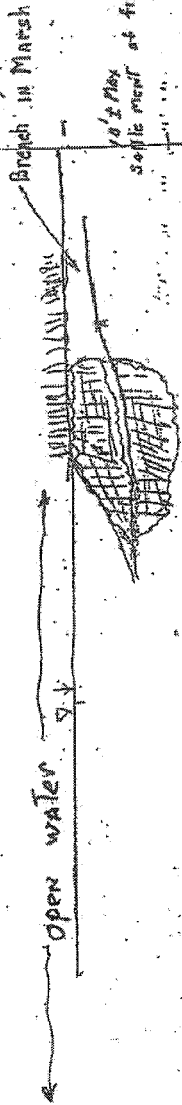


EUA 10-045
FINAL PLATS
6/3/10 CBP

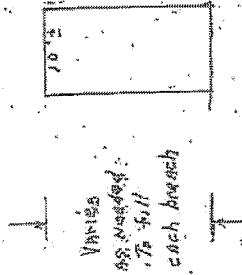
Mean High Water 1.11
 Mean Low Water .48

Typical Closure or Plug X-Section
 Repair Breach To prevent all going to interior
 Marsh

Not To Scale



Open Water



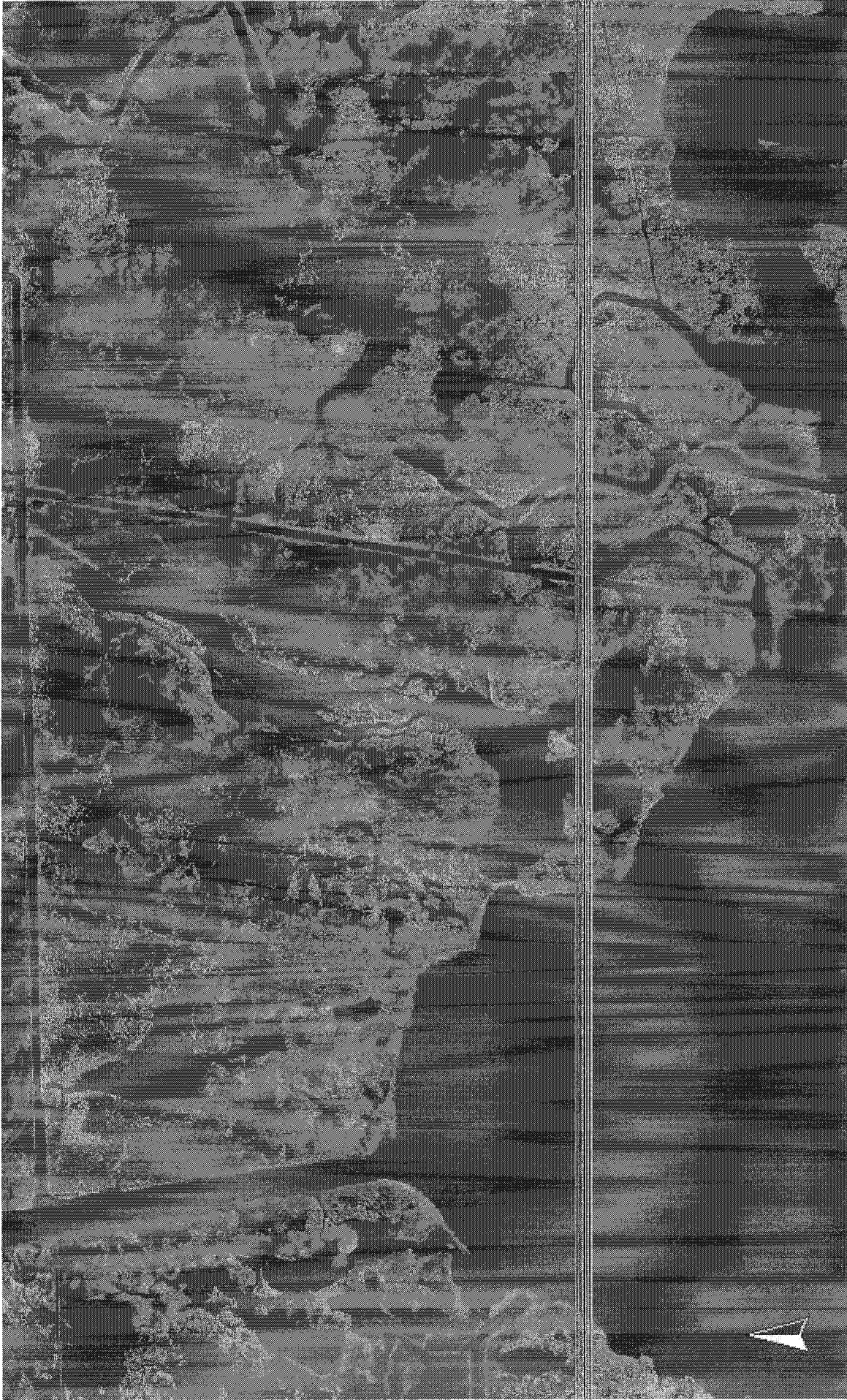
Total Length of breaches 1500'
 $1500' \times 20' = 30,000 \text{ sq ft} = .68 \text{ Ac}$
 $1500' \times 20' = 30,000$
 43500

$1500' \times 20' \times 10' = 11,111 \text{ cu yd}$

PLAN VIEW

EUA10-045
 FINAL PLATS
 6/3/10 JBP

EUA10-045 FINAL PLATS 6/3/10 46P



0 0.56mi

Louisiana Department of Natural Resources



Joint Permit Application

For Work Within the Louisiana Coastal Zone

MVN 2010-00152 E00

What is the purpose of the Joint Permit Application?

This Joint Permit Application was developed to facilitate the state and federal permit application process administered by the Louisiana Department of Natural Resources/Coastal Management Division (CMD) and the U.S. Army Corps of Engineers (COE) for work within the Louisiana Coastal Zone.

To simplify the permit application process, the Joint Permit Application is a multi-purpose application. It may be used to apply for a Coastal Use Permit (CUP) and/or a Department of the Army Permit under Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act. This application may also be used to apply for a Solicitation of Views (SOV) or a CMD Request for Determination (RFD). Review the instructions below, then proceed to Step 1.

Instructions

How do I complete the Joint Permit Application?

There are two parts to the Joint Permit Application package:

1. Joint Permit Application, and
2. Maps and Drawings.

An accurate/complete application is required for processing; inaccurate/missing information may delay processing. Follow the instructions below to complete the application. Specific instructions are provided with each Step.

- Type or print clearly using black or blue ink;
- Steps 1 through 16 must be completed; write "N/A" if information does not apply to your proposed project. It is not necessary to write "N/A" on the Steps that you have been asked to skip;
- Although you may not be required to complete each Step, it is important to check the box at the end of each Step to track your progress and ensure that no Step has been overlooked.
- When additional space is needed, include an 8½ x 11 sheet of paper identifying the Step number.

When you have questions or need assistance in completing the application package:

- Refer to the "Glossary of Terms" (See page 10.);
- Refer to "Frequently Asked Questions" (See page 12.);
- Contact the Coastal Management Division at 1-800-267-4019 or 225-342-7591; or
- Contact your local coastal parish program (See page 11.). (LCP Website)

Check this box when you have read the instructions, then proceed to Step 1.

Step 1 of 16

Who is the applicant for the proposed project?

Note: Applicants may be either the landowner, person, or company that is responsible for the proposed project.

Complete the following information about the applicant.

Applicant/Company Name: Lucas H. Ehrensing, P.E./Little Lake Club
Individual Person or Corporation/Company

Mailing Address: P.O. Box 1063
Street Address or P.O. Box
 St. Rose LA 70087
City State Zip

Contact Information: Lucas H. Ehrensing, P.E. linda@tcc.nocoxmail.com
Name of Contact Person (not the agent) E-Mail Address
))
Area Code Daytime Telephone Number Area Code Fax Number

Check this box when you have completed Step 1; then proceed to Step 2.

Continue to page 2 for Step 2.

Step 2 of 16

Is an agent being used for the proposed project?

Note: An agent is not required.

- Is an agent being used for the proposed project?
 NO (If NO, proceed to Step 3.)
 YES (If YES, complete the following information.)

Agent Company Name: _____
Corporation/Company

Mailing Address: _____
Street Address or P.O. Box Unit/Apartment #

City LA State Zip

Contact Information: _____
Name of Contact Person E-Mail Address

Area Code Daytime Telephone Number Area Code Fax Number

Check this box when you have completed Step 2; then proceed to Step 3.

Step 3 of 16

What type of permit or action would you like to request?

Note: You may need the approval of other federal, state, or local agencies for your project.

Note: For questions concerning the CUP, SOV or RFD, call CMD at:
 • 1-800-267-4019
 or
 • 225-342-7591

Check the appropriate box(es) to indicate the type of permit or action that you would like to request.

Coastal Use Permit (CUP), Clean Water Act Permit (Section 404), Rivers and Harbors Act (Section 10)
 The purpose of the CUP is to ensure that any activity affecting the Coastal Zone is completed in a manner that is consistent with the Louisiana Coastal Resource Program.

The purpose of the Department of the Army permit program under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act is to review and evaluate proposals for dredging, filling, and/or placement of structures in waterways and wetlands in order to determine whether a permit should be granted or denied based on expected impacts to the overall public interest.

Solicitation of Views (SOV)
 If you wish to find out if your project is in the Coastal Zone or if you wish to determine if there are special features of the area that may impact your project design or the length of time it might take to obtain a permit, you may request a SOV. No application fee is assessed for SOV requests. The following Steps must be completed to obtain an informal determination.

- Step 1, Step 2, Step 6, Step 14, Step 16; and
- Step 13 - (Vicinity plat showing project location and extent is required; cross section and plan views are useful, if available.)

Request for Determination (RFD) - CMD only
 If you wish to obtain a formal determination as to whether or not a CUP would be required for a particular activity, you may submit a RFD. The appropriate application fee will be assessed for RFD requests. The following Steps must be completed to obtain a RFD.

- Step 1, Step 2, Step 5, Step 6, Step 8, Step 10, Step 14, Step 16; and;
- Step 13 - (Vicinity plat showing project location and extent is required; cross section and plan views are useful, if available.)

Check this box when you have completed Step 3; then proceed to Step 4.

Step 4 of 16

Have you participated in a Pre-Application or Geological Review Meeting or obtained a wetland determination?

Note: To schedule a Pre-Application and/or a Geological Review Meeting, call CMD at 1-800-267-4019.

Note: To apply for a wetland determination, call the COE at 504-862-1627.

a. Have you participated in a Pre-Application or Geological Review Meeting for the proposed project?

- NO** (If NO, proceed to Step 4b.)
 YES (If YES, complete the following information.)

Date meeting was held: ____/____/____

Attendees: _____
Individual or Company Representative CMD Representative COE Representative

b. Have you obtained an official wetland determination from the COE for the project site?

- NO** (If NO, proceed to Step 4c.)
 YES (If YES, include a copy with this application.)

c. Is this application a mitigation plan for another CUP?

- NO** (If NO, proceed to Step 5.)
 YES (If YES, identify the permit number of the project requiring mitigation.)

Permit Number: _____

Check this box when you have completed Step 4; then proceed to Step 5.

Continue to page 3 for Step 5.



Joint Permit Application Continued (page 3 of 12)

Step 5 of 16

What permits/certifications have you previously requested for the proposed project?

Note: Additional sheets may be required for agency name, permit number and status information.

- a. Is this application a change to an existing permit?
 NO (If NO, proceed to Step 5b.)
 YES (If YES, identify the existing permit number.)
 Permit Number: _____

- b. Have you previously applied for a permit or emergency authorization for all or any part of the proposed project?

NO (If NO, proceed to Step 6.)
 YES (If YES, complete the following information for the proposed project.)

Agency Name	Permit Number	Decision Status			Decision Date
		Approved	Denied	Pending	
CMD _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
COE _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Check this box when you have completed Step 5, then proceed to Step 6.

Step 6 of 16

Where will the proposed project be located?

Note: The following websites may provide assistance in completing the latitude/longitude and directions:
 • [Satellite on CMD website](#)
 • [MapQuest.com](#)
 • [Topozone.com](#)

Complete the following information to identify the exact location of the proposed project.

- a. Physical Location: Jefferson Parish
 Parish _____ City _____ Zip _____
 Street Address (if known) _____

- b. Latitude and Longitude: Must be included in all applications.
 Latitude: 29 Degrees 34 Minutes 30 Seconds Longitude: 90 Degrees 7 Minutes 30 Seconds

- c. Section, Township, Range: (if available)
- | Section # | Township # (Specify North or South.) | South | East |
|-----------|--------------------------------------|---------------------------------|---------------------------------|
| | | Range # (Specify East or West.) | Range # (Specify East or West.) |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

- d. Lot #, Tract #, Parcel # or Subdivision Name: (if known)
- | | |
|---------------|------------------------|
| Lot # _____ | Parcel # _____ |
| Tract # _____ | Subdivision Name _____ |

- e. Site Directions: Directions to the proposed project site must be identified in order to process the application.
Example: START - I-10 toward Baton Rouge. Exit #153 toward Port Allen. US-190 West/LA-1 North ramp. RIGHT onto LA-987 1/Bridge Side Road. RIGHT onto LA-986/North River Road to Popular Grove Plantation directly behind guest parking lot in rear. - END

Drive to Lafitte, take a boat on Barataria waterway, turn right into Bayou Rigolets to the Harvey cut, plug East and West side of Harvey Cut and North side of Turtle Bay.

Check this box when you have completed Step 6, then proceed to Step 7.

Continue to page 4 for Step 7.

Step 7 of 16

Complete the following information to notify adjacent landowners whose property adjoins the proposed project site.

Who are the adjacent landowners?

Note: Adjacent landowner information is usually available through the office of the tax assessor in the parish where the project is to be developed.

Note: Additional information may be included in the area provided on page 12. Also, extra sheets may be required if there are more than eight adjacent landowners.

Adjacent Landowner #1: Conoco Philips
 Name of Adjacent Landowner
 Mailing Address: 4916 Kenal Rd.
 Address Lafite Jefferson LA 70067
 City Parish State Zip

Adjacent Landowner #2:
 Name of Adjacent Landowner
 Mailing Address: Street Address or P.O. Box Unit/Apartment #
 City Parish State Zip

Adjacent Landowner #3:
 Name of Adjacent Landowner
 Mailing Address: Street Address or P.O. Box Unit/Apartment #
 City Parish State Zip

Adjacent Landowner #4:
 Name of Adjacent Landowner
 Mailing Address: Street Address or P.O. Box Unit/Apartment #
 City Parish State Zip

Check this box when you have completed Step 7, then proceed to Step 8.

Step 8 of 16

Complete the following information to identify the purpose and need for the proposed project.

What is the purpose of the proposed project?

Note: We are required to review the justifications and needs for your project. Providing detailed information at the time of application may expedite processing of your proposal.

Note: Additional sheets may be required to explain why the proposed project is needed.

a. Project Name and/or Title: Emergency closure to prevent oil from entering interior

b. Project Type: (Check the appropriate box. See the "Glossary" on page 10 for the definitions of terms.)
 Non-Residential
 Residential

c. Check the appropriate box(es) to identify what will be done for the proposed project.

<input type="checkbox"/> Bridge/Road	<input type="checkbox"/> Home site/Driveway	<input type="checkbox"/> Pipeline/Flow line	<input type="checkbox"/> Rip rap/Erosion control
<input type="checkbox"/> Bulkhead/Fill	<input type="checkbox"/> Levee construction	<input type="checkbox"/> Plug/Abandon	<input type="checkbox"/> Site clearance
<input type="checkbox"/> Drainage improvements	<input type="checkbox"/> Maintenance dredging	<input type="checkbox"/> Production barge/Structure	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Drill barge/Structure	<input type="checkbox"/> Other structures	<input type="checkbox"/> Prop washing	<input type="checkbox"/> Vegetative plantings
<input type="checkbox"/> Drill site	<input type="checkbox"/> Piling	<input type="checkbox"/> Remove structures	<input type="checkbox"/> Wharf/Pier/Boathouse

Other (Please specify) plug breaches in Marsh

d. Why is the proposed project needed?
Hurricanes degraded Marsh in the last five years and oil is coming to further ruin Marsh.

Check this box when you have completed Step 8, then proceed to Step 9.

Continue to page 5 for Step 9.



Joint Permit Application *Continued (page 5 of 12)*

Step 9 of 16

Complete the following information to indicate the start/end dates and the current status of the proposed project.

What is the status of the proposed project?

Note: Show and identify planned, in progress, completed work and dimensions for excavations and fill on the Plan View and Cross Section Drawings.

a. Proposed project start date: 05/25/2010 Proposed project completion date: 09/28/2010

b. Is any of the project work in progress?
 NO (If NO, proceed to Step 9c.)
 YES (If YES, show and identify the work in progress on the Plan View and Cross Section Drawings.)

c. Is any of the project work complete?
 NO (If NO, proceed to Step 10.)
 YES (If YES, show and identify the work completed on the Plan View and Cross Section Drawings.)

Check this box when you have completed Step 9; then proceed to Step 10.

Step 10 of 16

Complete the following information to describe structures, materials and methods for the proposed project.

How would you describe the proposed project?

Note: To apply for a wetland determination, call the COE at 504-862-1627.

Note: Information provided in this Step must be consistent with Maps and Drawings.

a. Excavations: (Check the appropriate box(es) and indicate excavations in cubic yards and acres using the formulas below.)

Cubic yards are determined by using this formula. (Length (ft.) X Width (ft.) X Depth (ft.) divided by 27 = Cubic Yards)

Example: 25 ft. X 25 ft. X 5 ft. divided by 27 = 115.7 Cubic Yards

Acres are determined by using this formula. (Length (ft.) X Width (ft.) divided by 43,560 = Acres)

Example: 250 ft. X 250 ft. divided by 43,560 = 1.43 Acres

<input type="checkbox"/> Vegetated Waterbottoms -	Cubic Yards	Acres	<input type="checkbox"/> Wetlands -	Cubic Yards	Acres
<input checked="" type="checkbox"/> Non-Vegetated Waterbottoms -	11,111	.68	<input type="checkbox"/> Non-Wet Areas -	Cubic Yards	Acres
	Cubic Yards	Acres		Cubic Yards	Acres

b. Fill Areas: (Check the appropriate box(es) and indicate fill areas in cubic yards and acres using the formulas in Step 10a.)

<input type="checkbox"/> Vegetated Waterbottoms -	Cubic Yards	Acres	<input type="checkbox"/> Wetlands -	Cubic Yards	Acres
<input checked="" type="checkbox"/> Non-Vegetated Waterbottoms -	11,111	.68	<input type="checkbox"/> Non-Wet Areas -	Cubic Yards	Acres
	Cubic Yards	Acres		Cubic Yards	Acres

c. What fill materials will be used for the proposed project?

(Check the appropriate box(es) and indicate the cubic yards for each type of fill material.)

<input type="checkbox"/> Concrete	Cubic Yards	<input type="checkbox"/> Rock (rip/rap)	Cubic Yards
<input type="checkbox"/> Crushed stone or gravel	Cubic Yards	<input type="checkbox"/> Sand	Cubic Yards
<input checked="" type="checkbox"/> Native material (clay, mud, soil)	11,111	<input type="checkbox"/> Topsoil/Dirt	Cubic Yards
	Cubic Yards		Cubic Yards
<input type="checkbox"/> Other (Please specify.)			Cubic Yards

Continue to page 6 for more of Step 10.

Step 10 of 16
continued

How would you describe the proposed project?

Note: For any equipment used, show the access route and construction right of way on the Maps and Drawings.

d. What equipment will be used for the proposed project? (Check the appropriate box(es).)

- | | | |
|---|--|--|
| <input type="checkbox"/> Airboat | <input type="checkbox"/> Bulldozer/Grader | <input type="checkbox"/> Marsh buggy |
| <input type="checkbox"/> Backhoe | <input type="checkbox"/> Dragline/Excavator | <input type="checkbox"/> Other tracked or wheeled vehicles |
| <input checked="" type="checkbox"/> Barge mounted bucket dredge | <input type="checkbox"/> Handjet | <input type="checkbox"/> Self propelled pipe laying barge |
| <input type="checkbox"/> Barge mounted drilling rig | <input type="checkbox"/> Land based drilling rig | <input type="checkbox"/> Tugboat |
| <input type="checkbox"/> Other (Please specify) _____ | | |

Check this box when you have completed Step 10, then proceed to Step 11.

Step 11 of 16

What impact will the proposed project have?

Note: You will be notified by CMD if a field investigation is required to determine if the proposed project will impact wetlands.

Note: Additional sheets may be required to adequately respond to the HIA and/or HIB.

Note: Providing detailed information at the time of application may expedite processing of your proposal.

a. What alternative locations, methods and access routes were considered to avoid impact to wetlands and/or waterbottoms?

b. What efforts were made to minimize impact to wetlands and/or waterbottoms?

We are trying to preserve the wetlands by not allowing oil in.

Check this box when you have completed Step 11, then proceed to Step 12.

Step 12 of 16

What are the requirements for notification of landowners of the proposed project site?

Note: CMD and COE both have mitigation requirements under different laws, rules and regulations, therefore, specific agency requirements may vary.

a. Are you applying for a Coastal Use Permit?
 NO (If NO, proceed to Step 13.)
 YES (If YES, read the following information.)

Requirements for Notification of Landowners.

It is the responsibility of the applicant to notify the landowner(s) of the property about this proposed project. Notification must include providing each impacted landowner with a copy of the permit application (form and plats) at the time the application is submitted to the Coastal Management Division.

While this is a legal requirement to ensure that property owners are aware of proposals which might impact their land, it also serves as a proactive measure to initiate communication between the applicant and the landowner(s), especially when mitigation might be necessary. Since mitigation can be a lengthy process, taking proactive steps early in the process may significantly reduce the time necessary to receive an authorization.

Continue to page 7 for more of Step 12.



Joint Permit Application *Continued (page 7 of 12)*

Step 12 of 16
continued

What are the requirements for notification of landowners of the proposed project site?

Note: If a property has multiple owners with undivided interest in the property, each person owning an interest is considered to be a landowner and must be notified.

Note: Additional sheets may be required if there are more than two landowners.

Note: Compensatory mitigation is not a monetary settlement to be used at the discretion of the landowner(s).

Note: A copy of the "Landowner Compensatory Mitigation Request/Waiver" form is included with this application. To obtain additional copies, visit the CMD website or call:
• 1-800-267-4019
or
• 225-342-7597

b. Are you the **sole** owner of the property on which the proposed activity is to occur?

- YES (If YES, proceed to Step 13.)
 NO (If NO, follow the instructions below.)

Check the appropriate box(es) and complete the landowner information to attest to CMD that a copy of this application has been sent to all landowners whose property will be impacted by the project.

- The applicant is an owner of the property on which the proposed described activity is to occur.
 The applicant has made every reasonable effort to determine the identity and current address of the owner(s) of the land on which the proposed described activity is to occur, which included, if necessary, a search of the public records of the parish in which the proposed activity is to occur.
 The applicant hereby attests that a copy of the application has been distributed to the following landowners.

Landowner #1: Rigolettes Limited Partners c/o ITW Attn.: Frank Tessier
Name of Landowner

Mailing Address: Entergy Center 1100 Poydras St.
Street Address or P.O. Box Unit/Apartment #
New Orleans LA 70163
City Parish State Zip

Landowner #2: Conoco-Phillips
Name of Landowner

Mailing Address: 4916 Kenal Rd.
Street Address or P.O. Box Unit/Apartment #
Lafite Jefferson LA 70067
City Parish State Zip

c. Does the proposed activity present potential impacts to vegetated wetlands?

- NO (If NO, proceed to Step 13.)
 YES (If YES, read the information below; submit the Landowner Compensatory Mitigation Request/Waiver.)
 NOT SURE (If NOT SURE, read the information below; submit the Landowner Compensatory Mitigation Request/Waiver.)

Landowner Rights

- The affected landowner(s) whose property may be impacted by the proposed project has(have) the option of requesting that compensatory mitigation be done on their property.
- Once CMD determines that mitigation is required, they will notify the applicant and all affected landowners of the extent and type of habitat impacted. The landowner(s) will be given (30) thirty days to formally request or waive their mitigation option. (This can cause substantial delays in processing of the application.)

Applicant Responsibilities

- Coordinate with the affected landowner(s) to develop a conceptual compensatory mitigation plan. This plan should be designed to offset the adverse impacts to vegetated wetlands which will occur from the proposed project. (This can also cause substantial delays in processing of the application.)
- To **avoid delays**, it is recommended that, prior to sending the application to CMD, you contact affected landowner(s) to:
 - Inform them of possible wetland impacts and discuss their compensatory mitigation rights; and
 - Ask them to indicate their intentions regarding compensatory mitigation on the form.
- Submit the Landowner Compensatory Mitigation Request/Waiver form along with your application.

Check this box when you have completed Step 12; then proceed to Step 13.

Continue to page 8 for Step 13.



Joint Permit Application *Continued (page 9 of 12)*

Step 15 of 16

What fees are required for permit processing and what methods are available for payment?

COE and Local Parish Program fees will be assessed separately at the end of the process.

The following fees apply and must be received in order to process the application.

- a. Check the appropriate box to indicate the fee type: (See the "Glossary" on page 10 for the definitions of terms.)
- \$100.00 - Non-Residential
 - \$ 20.00 - Residential
- If your activity involves dredging or filling, CMD will bill you on the basis of \$.04 per cubic yards for residential uses and \$.05 per cubic yards for all other uses.
 - Fees may not apply if the Joint Permit Application is being processed by the local Parish.
 - Additional fees may be assessed for mitigation processing.

b. Check the appropriate box to indicate payment method:

- Check/Money Order
- Electronic Transfer
- Credit Card (Visa or Mastercard only)
- Escrow Account

- Make Check/Money Order payable to the Coastal Management Division.
- To pay by Credit Card, Electronic Transfer or Escrow Account, call CMD at 1-800-267-4019 to provide specific account information or provide account information on a separate sheet of paper and include with application.
- Cash is not accepted.

Check this box when you have completed Step 15, then proceed to Step 16.

Step 16 of 16

How do I submit the Joint Permit Application and Maps and Drawings for processing?

If your project is in the Galveston or Vicksburg District of the Corps of Engineers, please see page 12.

Note: Please keep a copy of the completed application for your records.

To submit this permit application, Maps and Drawings and all supporting documentation, select an option below.



MAIL: Coastal Management Division
 P.O. Box 44487
 Baton Rouge, LA 70804-4487

If you select the MAIL option, submit the original Joint Permit Application, Maps and Drawings and supporting documentation.



EXPRESS MAIL: Coastal Management Division
 617 North 3rd Street,
 Suite 1048
 Baton Rouge, LA 70802
 Phone: 225-342-7591

If you select the EXPRESS MAIL option, submit the original copies of the Joint Permit Application, Maps and Drawings and supporting documentation.



FAX: 225-342-6760
Attention: Coastal Management Division, Joint Permit Application Processing

- Include a cover sheet with the total number of pages; and
- If you select the FAX option, follow-up with one of the mail options to prevent delay if the fax is not legible.
- Payment arrangements should be made prior to faxing your application by calling CMD at 1-800-267-4019.

Check this box when you have completed Step 16, then submit for processing.

Continue to page 10 for the "Glossary of Terms".

Laborde, Brad MVN

From: Jamie Phillippe [Jamie.Phillippe@LA.GOV]
Sent: Tuesday, May 25, 2010 3:25 PM
To: Laborde, Brad MVN; Seth_Bordelon@fws.gov; Mick.Tamara@epamail.epa.gov; Balkum, Kyle; richard.hartman@noaa.gov; John Ettinger - EPA
Cc: Chris Piehler; Dwight Bradshaw; Jeff Dauzat; Cheryl Nolan; Melvin "Mitch" Mitchell; Tom Killeen; Gary Aydel; Betty Brousseau; Ronnie Bean; Sanford Phillips; _DEQ-BP Deepwater Horizon Oil Spill; Peggy Hatch
Subject: RE: NOD 20 authorization near Turtle Bay

Brad,

DEQ would like to provide the following recommendations related to the Harvey Cutoff and Turtle Bay project:

- that the marsh plugs will only be used to fill in areas of degraded spoil banks and coastal marsh,
- that vegetative cover be utilized to stabilize marsh plugs in areas of degraded spoil banks and coastal marsh to control erosion,
- that no navigable waterways will be filled in; this includes all canals and natural waterbodies,
- that all marsh plugs not impede tidal flow in the interior marshes of the subject area,
- that where feasible, booms be utilized instead of marsh plugs, &
- that any excavate material be free of contaminants.

DEQ also has the following recommendations related to the emergency commenting process:

- that it is questionable whether this project qualifies for a New Orleans District general permit #20 (NOD-20), &
- that it is difficult to make informed recommendations based upon one general map, without much detail, coordinates, etc.

Thanks,

Jamie Phillippe
Louisiana Department of Environmental Quality
401 Water Quality Certifications

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

From: Laborde, Brad MVN [mailto:Brad.Laborde@usace.army.mil]
Sent: Monday, May 24, 2010 3:17 PM
To: Seth_Bordelon@fws.gov; Mick.Tamara@epamail.epa.gov; Balkum, Kyle; richard.hartman@noaa.gov; John Ettinger - EPA; Jamie Phillippe
Subject: NOD 20 authorization near Turtle Bay

All,

Please review the attached emergency request. This work will be processed and qualify under NOD 20 (Emergency Operations). The proposal is to place 'marsh plugs' in areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in order to protect interior marsh from the existing Deepwater Horizon oil discharge.

Please provide your comments by 9:00 am on Tuesday May 25 2010.

Thanks,

Brad LaBorde
Environmental Resources Specialist
Eastern Evaluation Section
(504) 862-2225
(504) 862-2117 - fax

In order to assist us in improving our service to you, please complete the survey found at

Laborde, Brad MVN

From: Farabee, Michael V MVN
Sent: Tuesday, May 25, 2010 1:14 PM
To: 'Dwight Bradshaw'
Cc: Laborde, Brad MVN; 'Joseph "Jay" Pecot'
Subject: RE: NOD-20s

Hey Dwight,

I certainly understand your concern over real emergency requests vs. questionable ones. The request you discussed in your voice mail (Lucas Ehrensing) was submitted to us through LADNR who is processing as an emergency request as well. Let me say that every time we receive an emergency request it is difficult to finally determine the actual "urgency" of the event but our decision is based on existing and potential conditions at the location as well as the ability of the proposal to potentially mitigate any negative impacts of the targeted emergency. That said, the BP oil spill certainly raises questions as to how soon is too soon for local landowners to begin preparations to minimize impacts to their property if necessary. If an NOD-20 can be issued for the breach locations, as requested in the application, that permit does not allow for any closure to be permanent and requires a full evaluation or complete restoration of work done in response to the emergency event. We are making every attempt to allow appropriate, yet timely, review by other regulatory and resource agencies to limit environmental impacts where possible. I know LADNR notified one land owner in Central/West Louisiana that their request did not meet the criteria for emergency so these requests are not simply being rubber stamped. And of course, no single regulatory agency can override the decision of any other state, federal or local entity required to provide similar authorization to allow the work to take place so several checks and balances are in place throughout the process.

I hope this response provides some level of understanding into our emergency permitting procedures. Thank you for touching base. Good luck with your continued efforts.

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: Dwight Bradshaw [mailto:Dwight.Bradshaw@LA.GOV]
Sent: Tuesday, May 25, 2010 10:42 AM
To: Farabee, Michael V MVN
Subject: NOD-20s

Mr. Farabee,

As a matter of clarification. My concern is not with the projects by the Louisiana National Guard. My concern is with private entities trying to take advantage of the emergency.

Dwight Bradshaw, Incident Commander
Louisiana Department of Environmental Quality Mississippi Canyon 252 Cell Phone ([REDACTED])
E-mail: Dwight.Bradshaw@la.gov

Laborde, Brad MVN

From: Balkum, Kyle [kbalkum@wf.la.gov]
Sent: Tuesday, May 25, 2010 11:39 AM
To: Laborde, Brad MVN
Cc: Butler, Dave; Davis, Chris (F&R)
Subject: RE: NOD 20 authorization near Turtle Bay

Brad,

LDWF has no objection to the proposed activity. We recommend that all excavated material be acquired from open water. Also, once it has been determined that oil will no longer affect the protected area, the plugs located at natural drainage features (i.e., bayous, tidal creeks) should be degraded.

Let me know if you have any questions.

-Kyle

Kyle F. Balkum
Biologist Program Manager, Habitat Section - Louisiana Department of Wildlife and Fisheries
Office: [REDACTED]
Fax: [REDACTED]

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

From: Laborde, Brad MVN [mailto:Brad.Laborde@usace.army.mil]
Sent: Monday, May 24, 2010 3:17 PM
To: Seth_Bordelon@fws.gov; Mick.Tamara@epamail.epa.gov; Balkum, Kyle; richard.hartman@noaa.gov; John Ettinger - EPA; Jamie Phillippe
Subject: NOD 20 authorization near Turtle Bay

All,

Please review the attached emergency request. This work will be processed and qualify under NOD 20 (Emergency Operations). The proposal is to place 'marsh plugs' in areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in order to protect interior marsh from the existing Deepwater Horizon oil discharge.

Please provide your comments by 9:00 am on Tuesday May 25 2010.

Thanks,

Brad LaBorde
Environmental Resources Specialist
Eastern Evaluation Section
(504) 862-2225
(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>

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

If you have any questions, please feel free to contact Brad LaBorde with this office at (504) 862-2225 or at brad.laborde@usace.army.mil.

Sincerely,


M. FARABEE
OD-SE

Pete Serio
Chief, Regulatory Branch


SERIO
OD-S

Laborde, Brad MVN

From: Dwight Bradshaw [Dwight.Bradshaw@LA.GOV]
Sent: Tuesday, May 25, 2010 9:40 AM
To: Laborde, Brad MVN
Subject: FW: NOD 20 authorization near Turtle Bay

Importance: High

Attachments: ~OTD5DDP000F.PDF; sonris_i_gisimswin456445683258.jpg



~OTD5DDP000F.PDFsonris_i_gisimswin4
F (2 MB) 56445683258...

Brad,

This is NOT part of the State of Louisiana's plan to address the oil spill and should NOT be given consideration under NOD 20. Are you available to discuss?

Dwight Bradshaw, LDEQ Incident Commander Mississippi Canyon 252 Cell Phone ([REDACTED])
E-mail: Dwight.Bradshaw@la.gov

From: Jamie Phillippe
Sent: Monday, May 24, 2010 4:05 PM
To: Chris Piehler; Dwight Bradshaw; Jeff Dauzat; Cheryl Nolan; Melvin "Mitch" Mitchell; Tom Killeen; Gary Aydele; Betty Brousseau; Sanford Phillips; Ronnie Bean; _DEQ-BP Deepwater Horizon Oil Spill
Subject: FW: NOD 20 authorization near Turtle Bay

All,

I've received an emergency request for comments to dredge waterbottoms and place spoil material to plug multiple gaps in coastal marsh near Harvey Cutoff and Turtle Bay in Jefferson Parish (see attachments).

I have asked the Corps whether these plugs will be temporary and will be removed after the oil situation has abated or to be left in place for the foreseeable future; I can provide you with an update to this issue once an answer is given. Nonetheless, I have no objection to the project.

Please provide comments by 9AM, Tuesday, May 25, 2010.

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

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

From: Laborde, Brad MVN [mailto:Brad.Laborde@usace.army.mil]
Sent: Monday, May 24, 2010 3:17 PM
To: Seth_Bordelon@fws.gov; Mick.Tamara@epamail.epa.gov; Balkum, Kyle; richard.hartman@noaa.gov; John Ettinger - EPA; Jamie Phillippe
Subject: NOD 20 authorization near Turtle Bay

All,

Please review the attached emergency request. This work will be processed and qualify under NOD 20 (Emergency Operations). The proposal is to place 'marsh plugs' in areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in order to protect interior marsh from the existing Deepwater Horizon oil discharge.

Please provide your comments by 9:00 am on Tuesday May 25 2010.

Thanks,

Brad LaBorde
Environmental Resources Specialist
Eastern Evaluation Section
(504) 862-2225
(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>

Laborde, Brad MVN

From: Seth_Bordelon@fws.gov
Sent: Tuesday, May 25, 2010 9:07 AM
To: Laborde, Brad MVN
Subject: Re: NOD 20 authorization near Turtle Bay

Attachments: pic00053.gif; graycol.gif; ecblank.gif



pic00053.gif (2 KB) graycol.gif (210 B) ecblank.gif (128 B)

Brad,

We also recommend that the permit be conditioned to require photographic documentation to ensure that the plugs are removed after the emergency. Thanks again.

Seth Bordelon
U.S. Fish & Wildlife Service
Lafayette Ecological Services
[REDACTED]

seth_bordelon@fws.gov

Inactive hide details for "Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>"Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>

"Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>

05/24/2010 03:23 PM

To

<Seth_Bordelon@fws.gov>, <Mick.Tamara@epamail.epa.gov>, "Balkum, Kyle" <kbalkum@wlf.la.gov>, <richard.hartman@noaa.gov>, "John Ettinger - EPA" <ettinger.john@epa.gov>, "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>

cc

Subject

NOD 20 authorization near Turtle Bay

All,

Please review the attached emergency request. This work will be processed and qualify under NOD 20 (Emergency Operations). The proposal is to place 'marsh plugs' in areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in order to protect interior marsh from the existing Deepwater Horizon oil discharge.

Please provide your comments by 9:00 am on Tuesday May 25 2010.

Thanks,

Brad LaBorde
Environmental Resources Specialist
Eastern Evaluation Section
(504) 862-2225
(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>

[attachment "~OTD5DDP000F.PDF" deleted by Seth Bordelon/R4/FWS/DOI] [attachment "sonris_i_gisimswin456445683258.jpg" deleted by Seth Bordelon/R4/FWS/DOI]

Laborde, Brad MVN

From: Seth_Bordelon@fws.gov
Sent: Tuesday, May 25, 2010 8:45 AM
To: Laborde, Brad MVN
Cc: John Ettinger - EPA; Jamie Phillippe; Balkum, Kyle; Mick.Tamara@epamail.epa.gov; richard.hartman@noaa.gov; Patti_Holland@fws.gov; Brad_Rieck@fws.gov
Subject: Re: NOD 20 authorization near Turtle Bay
Attachments: pic24946.gif; graycol.gif; ecblank.gif



pic24946.gif (2 KB) graycol.gif (210 B) ecblank.gif (128 B)

Brad,

The Service does not object to the proposed project. However, we recommend that the plugs be removed once the threat of oil is no longer imminent. Thanks for coordinating with us.

Seth Bordelon
U.S. Fish & Wildlife Service
Lafayette Ecological Services
[REDACTED]
seth_bordelon@fws.gov

Inactive hide details for "Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>"Laborde, Brad MVN"
<Brad.Laborde@usace.army.mil>

"Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>

05/24/2010 03:23 PM

To

<Seth_Bordelon@fws.gov>, <Mick.Tamara@epamail.epa.gov>, "Balkum, Kyle" <kbalkum@wlf.la.gov>, <richard.hartman@noaa.gov>, "John Ettinger - EPA" <ettinger.john@epa.gov>, "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>

cc

Subject

NOD 20 authorization near Turtle Bay

All,

Please review the attached emergency request. This work will be processed and qualify under NOD 20 (Emergency Operations). The proposal is to place 'marsh plugs' in areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in order to protect interior marsh from the existing Deepwater Horizon oil discharge.

Please provide your comments by 9:00 am on Tuesday May 25 2010.

Thanks,

Brad LaBorde
Environmental Resources Specialist
Eastern Evaluation Section
(504) 862-2225
(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>

[attachment "~OTD5DDP000F.PDF" deleted by Seth Bordelon/R4/FWS/DOI] [attachment
"sonris_i_gisimswin456445683258.jpg" deleted by Seth Bordelon/R4/FWS/DOI]

Laborde, Brad MVN

From: Seth_Bordelon@fws.gov
Sent: Tuesday, May 25, 2010 9:07 AM
To: Laborde, Brad MVN
Subject: Re: NOD 20 authorization near Turtle Bay

Attachments: pic00053.gif; graycol.gif; ecblank.gif



pic00053.gif (2 KB) graycol.gif (210 B) ecblank.gif (128 B)

Brad,

We also recommend that the permit be conditioned to require photographic documentation to ensure that the plugs are removed after the emergency. Thanks again.

Seth Bordelon
U.S. Fish & Wildlife Service
Lafayette Ecological Services
[REDACTED]

seth_bordelon@fws.gov

Inactive hide details for "Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>"Laborde, Brad MVN"
<Brad.Laborde@usace.army.mil>

"Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>

05/24/2010 03:23 PM

To

<Seth_Bordelon@fws.gov>, <Mick.Tamara@epamail.epa.gov>, "Balkum, Kyle" <kbalkum@wlf.la.gov>, <richard.hartman@noaa.gov>, "John Ettinger - EPA" <ettinger.john@epa.gov>, "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>

cc

Subject

NOD 20 authorization near Turtle Bay

All,

Please review the attached emergency request. This work will be processed and qualify under NOD 20 (Emergency Operations). The proposal is to place 'marsh plugs' in areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in order to protect interior marsh from the existing Deepwater Horizon oil discharge.

Please provide your comments by 9:00 am on Tuesday May 25 2010.

Thanks,

Brad LaBorde
Environmental Resources Specialist
Eastern Evaluation Section
(504) 862-2225
(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>

[attachment "~OTD5DDP000F.PDF" deleted by Seth Bordelon/R4/FWS/DOI] [attachment "sonris_i_gisimswin456445683258.jpg" deleted by Seth Bordelon/R4/FWS/DOI]

Laborde, Brad MVN

From: Ettinger.John@epamail.epa.gov
Sent: Tuesday, May 25, 2010 9:03 AM
To: Laborde, Brad MVN
Subject: Re: NOD 20 authorization near Turtle Bay

Thanks.

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

From: "Laborde, Brad MVN" [Brad.Laborde@usace.army.mil]
Sent: 05/25/2010 08:50 AM EST
To: John Ettinger
Subject: RE: NOD 20 authorization near Turtle Bay

Sure John, DEQ has concerns and I extended the comment period until 1:00pm.

To update you on DEQ's concerns, they questioned if the plugs were temporary or permanent. I spoke with the applicant, he stated the fill is permanent.

He also said the fill will only be used in spoil bank and open water areas that have opened up since the hurricanes of '05-'08. I can special condition this NOD20 to make sure the caps are not for use in navigable waterways.

Thanks,

Brad LaBorde

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: Ettinger.John@epamail.epa.gov [mailto:Ettinger.John@epamail.epa.gov]
Sent: Tuesday, May 25, 2010 8:34 AM
To: Laborde, Brad MVN
Subject: Re: NOD 20 authorization near Turtle Bay

Brad,

Could we get an extension on the due time? Perhaps a few hours?

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

From: "Laborde, Brad MVN" [Brad.Laborde@usace.army.mil]
Sent: 05/24/2010 03:17 PM EST
To: <Seth_Bordelon@fws.gov>; Tamara Mick; "Balkum, Kyle" <kbalkum@wlf.la.gov>; <richard.hartman@noaa.gov>; John Ettinger; "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>
Subject: NOD 20 authorization near Turtle Bay

All,

Please review the attached emergency request. This work will be processed and qualify under NOD 20 (Emergency Operations). The proposal is to place 'marsh plugs' in areas between Little Lake and Turtle Bay to the south and Bayou

Rigolets to the north, in order to protect interior marsh from the existing Deepwater Horizon oil discharge.

Please provide your comments by 9:00 am on Tuesday May 25 2010.

Thanks,

Brad LaBorde
Environmental Resources Specialist
Eastern Evaluation Section
(504) 862-2225
(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>

Laborde, Brad MVN

From: Richard Hartman [Richard.Hartman@noaa.gov]
Sent: Tuesday, May 25, 2010 8:59 AM
To: Laborde, Brad MVN
Cc: Seth_Bordelon@fws.gov; Mick.Tamara@epamail.epa.gov; Balkum, Kyle; John Ettinger - EPA; Jamie Phillippe
Subject: Re: NOD 20 authorization near Turtle Bay

Brad

The National Oceanic and Atmospheric Administration (NOAA) understands the desire of the applicant to construct plugs in 27 openings leading from exterior waters into marsh habitats. The purpose of the work would be to prevent oil from entering brackish marsh and shallow water bottoms in the project area.

These habitats have been designated by the Gulf of Mexico Fishery Management Council and NOAA as essential fish habitat under provisions of the Magnuson-Stevens Fishery Conservation and Management Act.

While NOAA appreciates the applicant's desire to prevent oil from entering the project area and supports the goal of minimizing adverse impacts to NOAA trust resources, NOAA is concerned the plugs could result in the impoundment of a significant acreage of marsh and shallow water bottoms. Such an outcome would prevent marine fishery access to critical nursery areas for a number of federally managed fishery species such as white shrimp, brown shrimp and red drum. The project would also prevent access to these nursery areas for other economically important marine fishery species such as spotted seatrout, black drum, striped mullet, southern flounder and blue crab.

Impoundment of these areas also could have adverse water quality impacts on interior waters. Evapotranspiration could concentrate salts in impounded waters, significantly increasing salinities. Poor circulation and high air temperatures could lead to extremely low dissolved oxygen levels in water trapped behind the plugs, causing fish kills.

In view of the above, NOAA recommends any permit issued for this project require:

1. The material to be used for plugging gaps must come from existing waterways, not marsh areas.
2. The plugs must be degraded to pre-existing elevations after threat of oil entering the project area is over. That should be defined specifically as within 30 days of the end of significant oiling of Grand Isle beaches.

Richard Hartman

Laborde, Brad MVN wrote:

> All,
>
> Please review the attached emergency request. This work will be
> processed and qualify under NOD 20 (Emergency Operations). The
> proposal is to place 'marsh plugs' in areas between Little Lake and
> Turtle Bay to the south and Bayou Rigolets to the north, in order to
> protect interior marsh from the existing Deepwater Horizon oil discharge.
>
> Please provide your comments by 9:00 am on Tuesday May 25 2010.
>
> Thanks,
>
>
> Brad LaBorde
> Environmental Resources Specialist
> Eastern Evaluation Section
> (504) 862-2225
> (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>

>
>
>
>
>
>
>
>
> -----
> |
>

Laborde, Brad MVN

From: Seth_Bordelon@fws.gov
Sent: Tuesday, May 25, 2010 8:45 AM
To: Laborde, Brad MVN
Cc: John Ettinger - EPA; Jamie Phillippe; Balkum, Kyle; Mick.Tamara@epamail.epa.gov; richard.hartman@noaa.gov; Patti_Holland@fws.gov; Brad_Rieck@fws.gov
Subject: Re: NOD 20 authorization near Turtle Bay
Attachments: pic24946.gif; graycol.gif; ecblank.gif



pic24946.gif (2 KB) graycol.gif (210 B) ecblank.gif (128 B)

Brad,

The Service does not object to the proposed project. However, we recommend that the plugs be removed once the threat of oil is no longer imminent. Thanks for coordinating with us.

Seth Bordelon
U.S. Fish & Wildlife Service
Lafayette Ecological Services

seth_bordelon@fws.gov

Inactive hide details for "Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>"Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>

"Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>

05/24/2010 03:23 PM

To

<Seth_Bordelon@fws.gov>, <Mick.Tamara@epamail.epa.gov>, "Balkum, Kyle" <kbalkum@wlf.la.gov>, <richard.hartman@noaa.gov>, "John Ettinger - EPA" <ettinger.john@epa.gov>, "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>

cc

Subject

NOD 20 authorization near Turtle Bay

All,

Please review the attached emergency request. This work will be processed and qualify under NOD 20 (Emergency Operations). The proposal is to place 'marsh plugs' in areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in order to protect interior marsh from the existing Deepwater Horizon oil discharge.

Please provide your comments by 9:00 am on Tuesday May 25 2010.

Thanks,

Brad LaBorde
Environmental Resources Specialist
Eastern Evaluation Section
(504) 862-2225
(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>

[attachment "~OTD5DDP000F.PDF" deleted by Seth Bordelon/R4/FWS/DOI] [attachment "sonris_i_gisimswin456445683258.jpg" deleted by Seth Bordelon/R4/FWS/DOI]

Laborde, Brad MVN

From: Ettinger.John@epamail.epa.gov
Sent: Tuesday, May 25, 2010 8:34 AM
To: Laborde, Brad MVN
Subject: Re: NOD 20 authorization near Turtle Bay

Brad,

Could we get an extension on the due time? Perhaps a few hours?

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

From: "Laborde, Brad MVN" [Brad.Laborde@usace.army.mil]
Sent: 05/24/2010 03:17 PM EST
To: <Seth_Bordelon@fws.gov>; Tamara Mick; "Balkum, Kyle" <kbalkum@wlf.la.gov>; <richard.hartman@noaa.gov>;
John Ettinger; "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>
Subject: NOD 20 authorization near Turtle Bay

All,

Please review the attached emergency request. This work will be processed and qualify under NOD 20 (Emergency Operations). The proposal is to place 'marsh plugs' in areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in order to protect interior marsh from the existing Deepwater Horizon oil discharge.

Please provide your comments by 9:00 am on Tuesday May 25 2010.

Thanks,

Brad LaBorde
Environmental Resources Specialist
Eastern Evaluation Section
(504) 862-2225
(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>

Laborde, Brad MVN

From: Mick.Tamara@epamail.epa.gov
Sent: Monday, May 24, 2010 3:35 PM
To: Laborde, Brad MVN
Cc: Jamie Phillippe; Ettinger.John@epamail.epa.gov; Balkum, Kyle; richard.hartman@noaa.gov; Seth_Bordelon@fws.gov
Subject: Re: NOD 20 authorization near Turtle Bay

brad - EPA has no objection to the emergency request, thanks ... t

Tamara Mick
US EPA Region 6
Wetlands Section
[REDACTED]

From: "Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>
To: <Seth_Bordelon@fws.gov>, Tamara Mick/R6/USEPA/US@EPA, "Balkum, Kyle" <kbalkum@wlf.la.gov>, <richard.hartman@noaa.gov>, John Ettinger/R6/USEPA/US@EPA, "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>
Date: 05/24/2010 03:24 PM
Subject: NOD 20 authorization near Turtle Bay

All,

Please review the attached emergency request. This work will be processed and qualify under NOD 20 (Emergency Operations). The proposal is to place 'marsh plugs' in areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in order to protect interior marsh from the existing Deepwater Horizon oil discharge.

Please provide your comments by 9:00 am on Tuesday May 25 2010.

Thanks,

Brad LaBorde
Environmental Resources Specialist
Eastern Evaluation Section
(504) 862-2225
(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> <<http://per2.nwp.usace.army.mil/survey.html>>

[attachment "~OTD5DDP000F.PDF" deleted by Tamara Mick/R6/USEPA/US] [attachment "sonris_i_gisimswin456445683258.jpg" deleted by Tamara Mick/R6/USEPA/US]

Laborde, Brad MVN

From: Butler, Dave [dbutler@wlf.la.gov]
To: Laborde, Brad MVN
Sent: Monday, May 24, 2010 3:48 PM
Subject: Read: FW: NOD 20 authorization near Turtle Bay

Your message

To: dbutler@wlf.la.gov
Subject:

was read on 5/24/2010 3:48 PM.

Laborde, Brad MVN

From: Ettinger.John@epamail.epa.gov
Sent: Monday, May 24, 2010 3:42 PM
To: Mick.Tamara@epamail.epa.gov; Laborde, Brad MVN
Subject: Re: NOD 20 authorization near Turtle Bay

Brad,

Please disregard Tammy's earlier e-mail. All of these requests are being coordinated through EPA HQ. Thanks.

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

From: Tamara Mick
Sent: 05/24/2010 03:34 PM CDT
To: "Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>
Cc: "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>; John Ettinger; "Balkum, Kyle" <kbalkum@wlf.la.gov>; richard.hartman@noaa.gov; Seth_Bordelon@fws.gov
Subject: Re: NOD 20 authorization near Turtle Bay brad - EPA has no objection to the emergency request, thanks ... t

Tamara Mick
US EPA Region 6
Wetlands Section
[REDACTED]

From: "Laborde, Brad MVN" <Brad.Laborde@usace.army.mil>
To: <Seth_Bordelon@fws.gov>, Tamara Mick/R6/USEPA/US@EPA, "Balkum, Kyle" <kbalkum@wlf.la.gov>, <richard.hartman@noaa.gov>, John Ettinger/R6/USEPA/US@EPA, "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>
Date: 05/24/2010 03:24 PM
Subject: NOD 20 authorization near Turtle Bay

All,

Please review the attached emergency request. This work will be processed and qualify under NOD 20 (Emergency Operations). The proposal is to place 'marsh plugs' in areas between Little Lake and Turtle Bay to the south and Bayou Rigolets to the north, in order to protect interior marsh from the existing Deepwater Horizon oil discharge.

Please provide your comments by 9:00 am on Tuesday May 25 2010.

Thanks,

Brad LaBorde
Environmental Resources Specialist
Eastern Evaluation Section
(504) 862-2225
(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>

[attachment "~OTD5DDP000F.PDF" deleted by Tamara Mick/R6/USEPA/US] [attachment "sonris_i_gisimswin456445683258.jpg" deleted by Tamara Mick/R6/USEPA/US]

Laborde, Brad MVN

From: Jamie Phillippe [Jamie.Phillippe@LA.GOV]
To: Laborde, Brad MVN
Sent: Monday, May 24, 2010 3:49 PM
Subject: Read: NOD 20 authorization near Turtle Bay

Your message

To: Jamie.Phillippe@LA.GOV
Subject:

was read on 5/24/2010 3:49 PM.

Laborde, Brad MVN

From: Joseph "Jay" Pecot [Jay.Pecot@LA.GOV]
To: Laborde, Brad MVN
Sent: Monday, May 24, 2010 3:51 PM
Subject: Read: FW: NOD 20 authorization near Turtle Bay

Your message

To: Jay.Pecot@LA.GOV
Subject:

was read on 5/24/2010 3:51 PM.

May 24, 2010

MEMORANDUM FOR CHIEF, Management & Disposal Branch, REAL ESTATE DIVISION

SUBJECT: Review of Permit Application for Real Estate Interest

1. The attached permit application is forwarded for your determination as to need for a real estate instrument.

2. Information relative to this application is as follows:

APPLICANT: Lusas Ehrensing

APPLICATION NUMBER: MVN-2010-1152-EOO (emergency request, Deepwater Horizon Discharge)

DISTRICT PERMIT PROCESSOR: Brad LaBorde EXT. 2225

3. Please advise us of your determination as soon as possible. Lack of reply within 3 days of the date of this request will be construed as indicating Real Estate Division has no property interest at the permit site and does not object to permit issuance.

Enclosure

Handwritten signature of Pete J. Serio
Pete J. Serio
Chief, Regulatory Branch

CEMVN-RE-M

FOR Chief, Regulatory Branch, Operations Division

Reference permit application forwarded for determination as to need for a real estate interest.

a. No real estate instrument will be required for this application, as no real estate interest under the jurisdiction of the New Orleans District is involved.

b. A real estate instrument will be required for this application as it impacts real interests under the jurisdiction of the New Orleans District. If review by other district elements result in changes to any of the application exhibits and/or the proposed work being authorized under the Department of the Army permit, these changes should be forwarded to Real Estate Division to be incorporated into the real estate instrument. Within the permit, please also advise the applicant of the need for a real estate instrument, and that no further action is required on their part for issuance of the real estate instrument, which will be forwarded under separate letter. Please forward a final copy of the permit for our records.

Handwritten notes:
May 25
1 June 10
KT

2 Encls
wd

Handwritten signature of Paige Schindler
Paige Schindler
Chief, M&D Branch

Handwritten date:
6/1/10

BOBBY JINDAL
GOVERNOR



ROBERT D. HARPER
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

June 3, 2010

CERTIFIED MAIL NO. 0082510787

Lucas H. Ehrensing, P.E./Little Lake Club
P.O. Box 1063
St. Rose, LA 70087
Attn: Mr. Lucas Ehrensing, P.E.

RE: EUA 10-045; Emergency Use Authorization

Description: Proposed repair of numerous breaches on marsh water banks to prevent potential oil intrusion from the BP Horizon oil spill into interior marshlands. An estimated 1,500'L x 20'W x 10'D total area of breaches (0.68 acres; 11,111 cubic yards total) will be filled with native material dredged from adjacent waterways.

Location: 29° 34' 30" N; 90° 07' 30" W; northerly of Turtle Bay;
Jefferson Parish, LA

Dear Mr. Ehrensing;

We have reviewed the information presented to the Office of Coastal Management (OCM) in your Emergency Use Authorization request dated May 24, 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 the above referenced purpose 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 (225) 342-7591 or (800)-267-4019; or by visiting our website at <http://www.dnr.state.la.us/crm/coastmgt/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 opinion of OCM, it proves to be beyond the scope of the authorized activity or is 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 appropriate, require such certification by 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 area where the project is located is all part of the aboriginal homelands of the Chitimacha Tribe of Louisiana. As such, large villages, burial sites, and sacred sites were in place in that entire area. If at any time during the course of the work, any traditional cultural properties are discovered, Permittee shall immediately contact Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator) at [REDACTED] or ([REDACTED]) [REDACTED]. Office hours are Monday through Thursday from 7:30 A.M. - 5:00 P.M. and on Friday between 7:30 A.M.– 11:30 A.M. If traditional cultural properties are discovered on the weekend or after business hours, the notification shall be made the next business morning.
11. Applicant shall be liable for, and shall compensate the state for, any damages to the oyster seed grounds caused by Applicant or Applicant contractors during any work done under this permit. Prior to commencement of the permitted activity, applicant will also provide the Louisiana Department of Wildlife and Fisheries (LDWF) with the name of an individual in authority who can be contacted regarding any work done under the permit.

12. Compensation for impacts to the public oyster seed grounds shall be in the form of the planting cultch material (i.e. crushed concrete, limestone, oyster shell, etc) at the rate of 1 cubic yard per acre of impacted area for barren, non-supportive areas of the seed grounds, 50 cubic yards per acre of impacted area for supportive areas, and 187 cubic yards per acre of impacted area for reef areas plus the value of any living oyster resources destroyed. Applicant shall bear the expense of acquisition and deposition of cultch. The cultch shall be deposited by Applicant, it's contractor or sub-contractor, under the direct supervision of LDWF, and shall be deposited at a time, place, and in a manner prescribed by the Department. In lieu of planting cultch material, Applicant may make payment directly to the Public Oyster Seed Ground Development Account.
13. Applicant shall not discharge any drilling and/or workover effluent except for flocculated filtered water into the waters in the areas of the proposed activity. Discharge rate of water shall not exceed the rate of filtering.
14. Applicant shall not discharge any produced waters into the waters in the areas of proposed activity.
15. Applicant, Applicant's contractors and sub-contractors shall not discharge any human waste from any vessel that does not meet or exceed the requirements of the Department of Health and Hospitals.
16. If access route traverses a currently productive public oyster area, Applicant shall secure approval of the access route from LDWF and shall ingress and egress to the project location only along the approved route.
17. Applicant shall establish and maintain, until the permitted activity is complete, along the access route appropriate access route markings for vessels traveling to and from the project location. These markings may be subject to applicable local, state, and federal navigation requirements. These markings shall be sufficient to be used during day and night operations as well as in any climatic and sea condition which may occur during permitted activities.

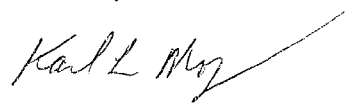
18. Applicant shall provide legal representation and indemnification to LDWF for any and all lawsuits and legal claims that may be filed or made against the Department of Wildlife and Fisheries as a result of the activities by Applicant.
19. This permit specifically does not authorize prop washing, wheel washing, dredging, or jetting beyond what is shown in the application and drawings. Any changes or variances in the location, access route, volume of material moved and/or magnitude of the area of impact shall require formal application to, and prior written authorization from, the Department of Natural Resources (DNR). The decision by DNR whether to authorize those changes will require consultation by DNR with LDWF in strict adherence to all applicable provisions of the February 3, 2005 Memorandum of Agreement between those two agencies.
20. Applicant shall have at the project location float booms for containing any spills.
21. At the discretion of the Secretary or Deputy Assistant Secretary of LDWF, any activities may be suspended until more favorable conditions prevail.
22. Applicant shall provide a letter of completion and as-built drawings of the completed project to the Department of Wildlife and Fisheries no later than 60 days following completion of the permitted activity.
23. At the discretion of LDWF, a post-project bottom contour and side-scan survey may be required. The results of these surveys will be made available to the Department, upon request.
24. Applicant shall remove or spread any dredged material which is greater than 0.5 feet above original bottom contours.
25. At the discretion of LDWF, Applicant may be required to return all or part of water bottoms to pre-project conditions.
26. All vessels utilized under this permit shall be of such size and loaded in such a manner as to not impact the waterbottoms over which they pass.

27. LDWF has no objection to the proposed activity. We recommend that all excavated material be acquired from open water. Also, once it has been determined that oil will no longer affect the protected area, the plugs located at natural drainage features (i.e., bayous, tidal creeks) should be degraded.
28. All plugs/closures on/across State of Louisiana owned waterbottoms shall be temporary and removed once it has been determined that oil will no longer affect the protected area.
29. 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.
30. 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.

31. This authorization is not valid unless the applicant agrees to the terms and conditions provided for herein by executing in the space provided below.

Should you have any questions or need additional help, please feel free to contact Mrs. Christine Charrier, Acting Program Manager, at [REDACTED]

Sincerely,



Karl Morgan,
Acting Administrator

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

JR/jbp

Attachments (green card and plats)

CC: Pete Serio, COE w/plats
David Butler, LDWF w/plats
Karl Morgan, CMD/SS w/plats
Frank Cole, CMD/FI w/plats
Jason Smith, Jefferson Parish w/plats