

Burkett, Jennifer E MVN

From: Farabee, Michael V MVN
Sent: Monday, June 21, 2010 8:39 AM
To: Burkett, Jennifer E MVN
Cc: Watts, Nathan E MVN-Contractor
Subject: FW: Proposed Queen Bess Island Project

Jenn:

Please put a note in orm that the project was not and will not be constructed, put his e-mail in the file. I'd suggest seeing if Nathan can scan this now so you don't have to worry about what's lost.

Nathan may be capturing all this Deepwater Horizon oil spill in a special folder so make sure he is aware of what it is. I've copied him for a heads up.

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: Devillier, Ryan [mailto:RDevillier@jchance.com]
Sent: Monday, June 21, 2010 8:25 AM
To: Joseph "Jay" Pecot
Cc: Karl Morgan; Farabee, Michael V MVN
Subject: RE: Proposed Queen Bess Island Project

Good Morning All

Due to constraints with water depths and wildlife issues, we will no longer be pursuing this project. I appreciate your prompt response on this issue, as I will be asking for more guidance on other projects in the future. If any of you have any questions regarding this or any activity in Grand Isle, please don't hesitate to contact me.

We would like to hereby withdraw our application for this project.

Ryan DeVillier
Environmental Unit Leader


From: Joseph "Jay" Pecot [Jay.Pecot@LA.GOV]
Sent: Tuesday, June 08, 2010 10:35 AM
To: Devillier, Ryan
Cc: Karl Morgan; 'Farabee, Michael V MVN'
Subject: RE: Proposed Queen Bess Island Project

Ryan,

Operations Division
Eastern Evaluation Section

FILE COPY

SUBJECT: (General Permit)NOD-20
BASE FILE: MVN 2010-1291 EBB

JUN 09 2010

British Petroleum
c/o: Grand Isle Response
Post Office Box 827
Grand Isle, Louisiana 70358

Gentlemen:

This concerns your enclosed communication dated June 8, 2010, relative to your request for an emergency authorization to install Aqua-Barrier inflatable coffer dams off of Queen Bess Island, in Grand Isle, Louisiana, within Jefferson Parish; in order to mitigate effects of oil from the Deepwater Horizon oil spill within the region.

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

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

1. Should the initial test phase of this project show viability, the permittee shall contact this office and advise us of your intent to encircle the entire island prior to beginning that phase of the project.
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. Aqua-Barriers should be aligned to avoid and minimize impacts to any existing shrimp and/or fishery nursery areas, sea grass beds, oyster reefs, fishery concentration areas, rookeries, and turtle nesting areas in the vicinity of the project.
4. Permittee shall ensure that oil collected against these structures is promptly removed in an environmentally acceptable manner.
5. Wildlife or other marine organism strandings are to be reported immediately to the appropriate State and Federal resource agencies.

6. To the maximum extent possible, permittee shall reduce the amount of time that construction (i.e., deployment, maintenance and retrieval) activities occur in the vicinity of nesting colonies in order to minimize stress to nesting birds, eggs, and young. To minimize disturbance to colonies containing nesting gulls, terns, and/or black skimmers, it is recommended that all activity occurring within 650 feet of a colonial nest site be restricted to the non-nesting period (i.e., September 16 through April 1). For colonies containing nesting brown pelicans, it is recommended that all activity occurring within 2,000 feet of the nesting colony be restricted to the non-nesting period (i.e., September 15 through March 31). An observer should monitor each colonial nest site to determine the minimum distance at which construction can occur without disturbing nesting birds. If the recommended buffer restrictions are not feasible, the U.S. Fish and Wildlife Service (David Walther at [REDACTED]) and Louisiana Department of Wildlife and Fisheries (Mike Carloss at [REDACTED]) should be contacted to assist in the determinations of the maximum distance practicable.
7. To the maximum extent possible, the permittee shall limit activities potentially disturbing to wildlife to the cooler parts of the day, as well as begin construction at the greatest distance from the nesting sites to allow gradual habituation of nesting birds to project activities.
8. If the entire project is constructed to completely encircle Queen Bess Island, and if oil is determined not to be present in the area for a duration of more than two weeks, a section of the coffer dam (no less than 50 feet total) shall be temporarily removed to re-establish tidal flushing and minimize adverse water quality impacts on the enclosed waters. The temporary opening(s) may be closed if oiling risk returns.
9. Permittee shall coordinate with Michael Seymour of the Louisiana Natural Heritage Program at [REDACTED] concerning the presence of nesting bird colonies.
10. All sections of Aqua-Barriers and associated fill shall be removed upon conclusion of the emergency, and disposed of in an environmentally acceptable manner.
11. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
12. Your use of the permitted activity shall not obstruct the public's right to free navigation on all navigable waters of the United States.

13. 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.

14. If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.,) in the waterway, you are advised to notify the U.S. Coast Guard so that a Notice to Mariners, if required, may be prepared. Notification, with a copy of your permit approval and drawings, should be mailed to the U.S. Coast Guard District, Sector New Orleans Command Center, 201 Hammond Highway, Metairie, Louisiana 70005, about 1 month before you plan to start work. Telephone inquiries can be directed to (504) 846-5923.

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

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

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

Sincerely,

Pete J. Serio
Chief, Regulatory Branch


Farabee
OD-SE


Serio
OD-S

Enclosures



Queen Bess Island



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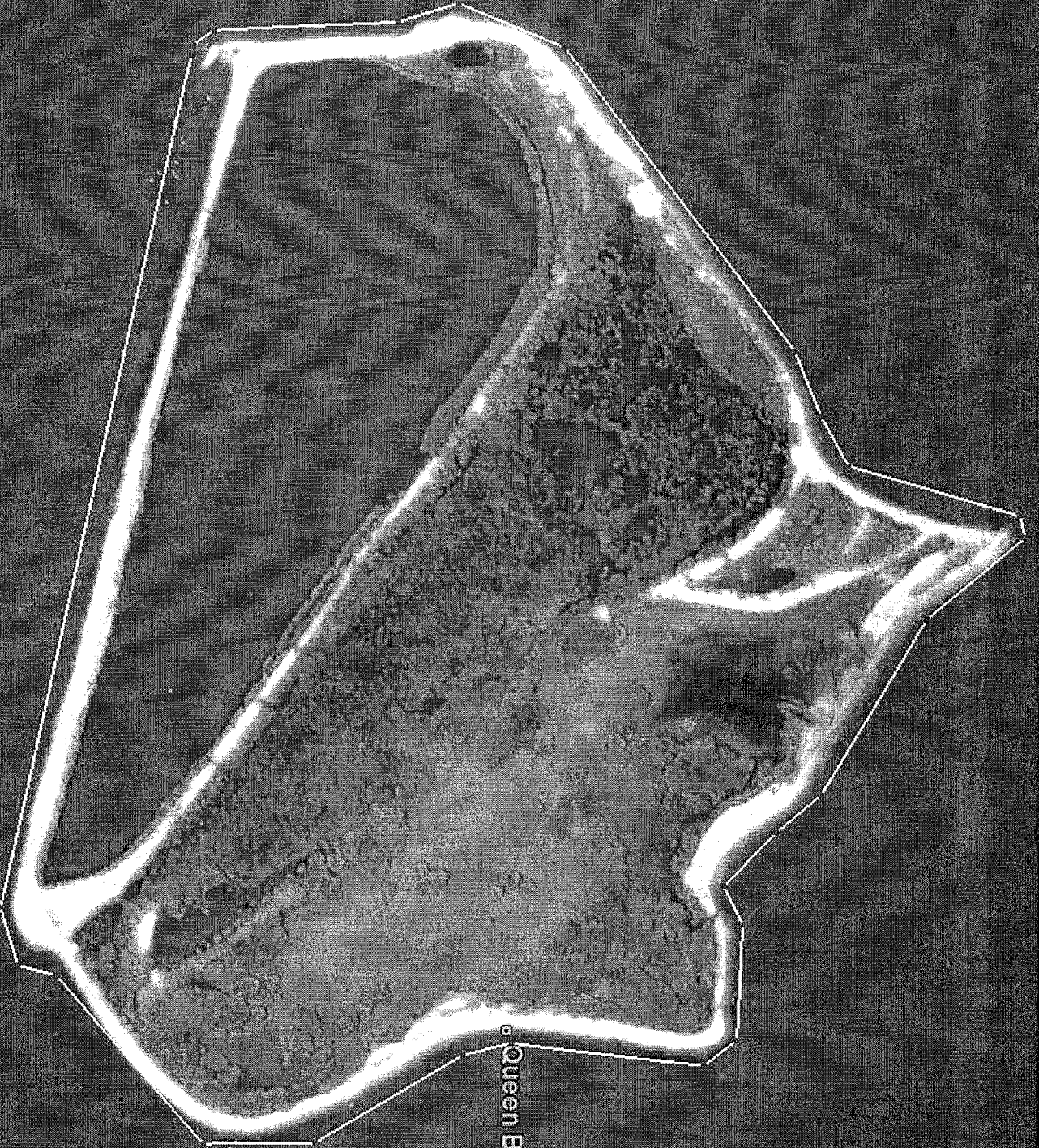
Image © 2010 DigitalGlobe
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Imagery Date: Nov 6, 2004

29°18'12.19" N 89°57'35.70" W elev 0 ft

© 2010 Google

Eye alt 2105 ft



Queen Bess Island

© 2010 Google

Imagery Date: Nov 6, 2004

© 2010 Europa Technologies
Image © 2010 DigitalGlobe
29°18'15.60" N 89°57'33.53" W elev 4 ft

© 2005 Google

Eye alt 1832 ft



DECISION DOCUMENT FOR EMERGENCY PERMITTING VERIFICATION, NOD-20

ORM Number: MVN 2010-1291 EBB

Applicant: BP c/o Grand Isle Response

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

Receipt Date: June 7, 2010 Complete: Yes No

Additional Information Requested Date: yes

Application Complete Date: June 8, 2010

Waters of the US: yes

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

Authority: Section 10 Section 404 Section 103

Project Description (Describe activities in waters of the U.S. authorized by verification):
Installation of Aqua-Barrier inflatable coffer dams.

Project Purpose: Provide protection, from the Deepwater Horizon Oil Spill for Queen Bess Island and the brown pelicans nesting there.

Type of Permit Verified: NOD-20

Pre-construction Notification Required: Yes No

Coordination with Agencies/Tribes: Yes No Date: June 8, 2010

Commenting Agencies:

US Fish and Wildlife Service

US Environmental Protection Agency

National Marine Fisheries Service

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

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

State Historic Preservation Office

Other:

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

Compliance with Other Federal Laws (If specific law is not applicable write N/A in the adjacent text box): N/A

- a) Endangered Species Act: Notification was provided to the US Fish and Wildlife Service (USFWS) and Louisiana Department of Wildlife and Fisheries (LDWF) on June 8, 2010.

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

Effects determination: The USFWS recommends reducing the amount of time that construction (i.e., deployment, maintenance and retrieval) activities occur in the vicinity of nesting colonies in order to minimize stress to nesting birds, eggs, and young. To minimize disturbance to colonies containing nesting gulls, terns, and/or black skimmers, the USFWS typically recommends that all activity occurring within 650 feet of a colonial nest site be restricted to the non-nesting period (i.e., September 16 through April 1). For colonies containing nesting brown pelicans, the USFWS typically recommends that all activity occurring within 2,000 feet of the nesting colony be restricted to the non-nesting period (i.e., September 15 through March 31). An observer should monitor each colonial nest site to determine the minimum distance at which construction can occur without disturbing nesting birds. If the recommended buffer restrictions are not feasible, the USFWS and LDWF should be contacted to assist in the determinations of the maximum distance practicable. The LDWF Office of Wildlife (Mike Carloss: 225/765-2814) may be contacted to obtain the most current information about the nesting chronology of shorebirds and brown pelican on Queen Bess. An additional precaution would include limiting potential disturbing activities to the cooler part of the day (i.e., morning and evening). In addition, they suggest starting construction at the greatest distance from the nesting sites to allow gradual habituation of nesting birds to those activities and allow construction workers time to become efficient in aqua-barrier deployment so that work time in the vicinity of the colonies is minimized.. The LDWF submitted no objections to the proposal provided that the applicant consult with the Louisiana Natural Heritage Program ornithologist. Pending submittal of an after-the-fact (ATF) application within 30 days of the date of this authorization, further consultation will be conducted with the USFWS and LDWF.

Date of Service(s) concurrence: June 8, 2010

Basis for "no effect" determination: pending

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

- b) Magnuson-Stevens Act (Essential Fish Habitat): Notification was provided to the National Marine Fisheries Service (NMFS) on June 8, 2010. In an email dated June 8, 2010, NMFS stated no objection the the work but recommended that the applicant: 1. The permittee shall not dredge, place fill, or track on marsh.2. If the entire project is constructed to completely encircle Queen Bess Island, and if oil is determined not to be present in the area for a duration

of more than two weeks, a section of the coffer dam (no less than 50 feet total) shall be temporarily removed to re-establish tidal flushing and minimize adverse water quality impacts on the enclosed waters. The temporary opening(s) may be closed if oiling risk returns.³ All sections of inflatable coffer dams shall be removed upon conclusion of the emergency.

Name of species present: Brown pelican

Effects determination: N/A

Date of Service(s) concurrence: June 8, 2010

Basis for "no effect" determination: N/A

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): SHPO will be engaged as necessary upon completion of the project and review of the ATF application.

d) Section 401 Water Quality Certification:

Individual certification required: yes no

Issued waived denied .

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

e) Coastal Zone Management Act:

Individual certification required: yes no

Issued waived denied

Additional information (optional): Emergency Authorization EUA 10-051 was issued by the DNR on June 8, 2010.

f) Wild and Scenic Rivers Act:

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

Managing agency:

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

Additional information (optional):

g) Others (Specify):

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

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

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

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

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

Prepared by: Jennifer Burkett Jennifer Burkett

Reviewed by: Michael Farabee Michael Farabee

Date: 6/9/10

Burkett, Jennifer E MVN

From: Ryan DeVillier [ryan_devillier@yahoo.com]
Sent: Tuesday, June 08, 2010 11:01 AM
To: Burkett, Jennifer E MVN; Farabee, Michael V MVN
Cc: karl.morgan@la.gov; regina.staten@la.gov; jay.pecot@la.gov; Monica.Dandurand@LA.GOV
Subject: Queen Bess Proposed Project
Attachments: QueenBessProposedProj.jpg

Good Morning All

After Consulting with Jennifer from USACE, it is our intention to apply for the entire project area, just in case this test works. The bladder dams would encircle the island at a total length of 1.01 miles. The footprint on the water bottom would range from 9 to 13.5 feet, depending on the type of boom deployed and the depth of water.

I apologize for the lack of detail in the drawings, but our mapping resources are extremely limited at this time. If there is any clarification that I can provide, please don't hesitate to contact me.

FYI

The applicant for this project will be BP. The address should be as follows:


BP C/O
Grand Isle Response
PO Box 827
Grand Isle, LA 70358

The "outer limits" for the project area will be:

NW:
29 18' 25.39
89 57' 45.34
NE:
29 18' 24.19
89 57' 24.35
SE:
29 18' 08.21
89 57' 23.61
SW:
29 18' 08.43
89 57' 45.62

Thanks

Ryan DeVillier


rdevillier@jchance.com (Please reply to this address if possible)

From: Farabee, Michael V MVN [Michael.V.Farabee@usace.army.mil]
Sent: Tuesday, 08, 2010 8:58 AM
To: DeVillier, Ryan
Cc: Burkett, Jennifer E MVN
Subject: FW: Proposed Queen Bess Island Project

Ryan: I got this from the State this morning, and I know you spoke with Jennifer Burkett yesterday. I anticipate you sending in additional drawings showing the footprint of the proposed structure beyond the test site and other information Jennifer discussed with you. Once we have that, we need to coordinate with a few elements and hopefully get you an answer later today or first thing tomorrow. Thanks for your help on this, if you can copy us and LADNR (Karl Morgan/Jay Pecot) with your final proposal it keeps us on the same page.

Thanks again, we'll look for your e-mail.

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: Karl Morgan [<mailto:Karl.Morgan@LA.GOV>]

Sent: Tuesday, June 08, 2010 8:22 AM

To: Joseph "Jay" Pecot; Farabee, Michael V MVN

Subject: FW: Proposed Queen Bess Island Project Here is what I have. I checked our data and oyster leases were 250 feet or so away and no pipelines.

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

From: Devillier, Ryan [<mailto:RDevillier@jchance.com>]

Sent: Monday, June 07, 2010 5:09 PM

To: Karl Morgan; Regina Staten; jennifer.e.burkett@usace.mil.gov

Subject: Proposed Queen Bess Island Project Greetings As we discussed earlier today, we are proposing a small test project for the protection of the sensitive Queen Bess Island, one of the largest brown pelican nesting areas in LA. After consulting with LDWF, we have identified this area as a top priority. We are proposing the installation of two inflatable coffer dams to test their effectiveness on diverting the flow of oil into these rookeries. The dams come in 100 foot sections. The maximum water depths for the type of dam that we are testing is 3 feet, but we will try to get somewhere in the range of 2-2.5 feet to maximize effectiveness.

The name of the product is Aqua-Barrier. More information, should you require it, can be obtained at www.aquabarrier.com. I have attached a map image of the approximate location of the test. This may need to be slightly adjusted in the field depending on the water level and tide.

The coordinates for the project area are as follows:

POB-29 18' 09.23N 89 57'29.85W

POE-29 18' 09.85N 89 57'27.92W


I would appreciate any input and guidance that you may be able to provide.

Please feel free to call me directly should you have any questions about this or other proposed projects in the Grand Isle area.

Due to the emergency nature of the ongoing operations, I would appreciate a timely response to our request.

Sincerely

Ryan DeVillier
Environmental Unit Leader
Grand Isle Response


rdevillier@jchance.com

Who will be the official applicant for this project?

Will any dredging/filling (including marine vessel access) be required for this project? If yes, can you provide an estimate of amount (cubic yards) and/or area & depth.

Thanks,

JayPecot - Staff Scientist DCL-A
Louisiana Department of Natural Resources Coastal Management Division
617 N. 3rd Street
Baton Rouge, LA 70802
Phone: [REDACTED] Fax: [REDACTED]

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

From: Karl Morgan
Sent: Tuesday, June 08, 2010 8:22 AM
To: Joseph "Jay" Pecot; 'Farabee, Michael V MVN'
Subject: FW: Proposed Queen Bess Island Project

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Sent: Monday, June 07, 2010 5:09 PM
To: Karl Morgan; Regina Staten; jennifer.e.burkett@usace.mil.gov
Subject: Proposed Queen Bess Island Project

Greetings

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I would appreciate any input and guidance that you may be able to provide. Please feel free to call me directly should you have any questions about this or other proposed projects in the Grand Isle area. Due to the emergency nature of the ongoing operations, I would appreciate a timely response to our request.

Sincerely

Ryan DeVillier
Environmental Unit Leader

Grand Isle Response


rdevillier@jchance.com



BOBBY JINDAL
GOVERNOR

ROBERT D. HARPER
SECRETARY

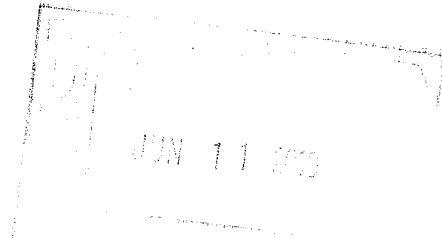
State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

June 8, 2010

CERTIFIED MAIL NO. 0082570800

BP CO

Grand Isle Response
P.O. Box 827
Grand Isle, LA 70358
Attn: Mr. Ryan Devillier



EUA 10-051; Emergency Use Authorization

Description: Proposed installation of inflatable coffer dams, each measuring 100' in length, to surround Queen Bess Island. A total of 1.01 miles of the inflatable dams will be required and widths will vary between 9' and 13.5'. Approximate duration of the dams is 5 months. No dredge or fill is required.

Location: Queen Bess Island

(NW corner) 29° 18' 25.39" N; 89° 57' 45.34" W,

(NE corner) 29° 18' 24.19" N; 89° 57' 24.35" W.

(SE corner) 29° 18' 08.21" N; 89° 57' 23.61" W.

(SW corner) 29° 18' 08.43" N; 89° 57' 45.62" W.

Jefferson Parish, LA

Dear Mr. Devillier:

We have reviewed the information presented to the Office of Coastal Management (OCM) in your Emergency Use Authorization request dated May 21, 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

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>

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4. 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>.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

11. 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.
12. 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] [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.
13. The following comment has been provided by the Louisiana Department of Wildlife and Fisheries.

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

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

14. The applicant agrees, by virtue of the commencement of authorized activities, to restrict usage of tracked or wheeled vehicles and placement of the dams off of any vegetation and/or sand dunes to the maximum extent practicable.
15. The applicant agrees, by virtue of the commencement of authorized activities that should changes in the location or the section of the existing waterways, or in the generally prevailing conditions in the vicinity be required in the future, in the public interest, applicant shall remove the inflatable dams at applicant's expense and restore the site upon request of OCM.
16. 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

EUA 10-051
Queen Bess Island Inflatable Dams
June 8, 2010
Page 4

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.

17. 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_____.

KM/nd

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



Queen Bess Island



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Image © 2010 DigitalGlobe

29° 18' 15.60" N 89° 57' 33.53" W elev 4 ft

Imagery Date: Nov 6, 2004

© 2005 Google

Eye alt 1832 ft

Burkett, Jennifer E MVN

From: Butler, Dave [dbutler@wlf.la.gov]
Sent: Tuesday, June 08, 2010 3:30 PM
To: Burkett, Jennifer E MVN
Subject: RE: Emergency Authorization for Shore Protection off of Queen Bess Island
Attachments: LDWF Comments Queen Bess Emergency.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer,

Here is the comment letter from LDWF regarding the Queen Bess Island project. If you have any questions, please let me know.

Thanks,

Dave Butler

Louisiana Department of Wildlife and Fisheries Permits Coordinator P.O. Box 98000 2000 Quail Drive Room 467 Baton Rouge, LA 70898 Phone# [REDACTED] Fax# [REDACTED]

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

From: Burkett, Jennifer E MVN [mailto:Jennifer.E.Burkett@usace.army.mil]

Sent: Tuesday, June 08, 2010 1:25 PM

To: [Seth Bordelon@fws.gov](mailto:Seth.Bordelon@fws.gov); Balkum, Kyle; richard.hartman@noaa.gov; John.Ettinger@epamail.epa.gov; Jamie Phillippe; Patrick.Williams@noaa.gov; Butler, Dave; Jay.Pecot@LA.GOV; christine.charrier@la.gov; Walther, David; karl.morgan@la.gov; Schindler, Paige P MVN; Schneider, Donald C MVN

Cc: Serio, Pete J MVN; Mayer, Martin S MVN; Farabee, Michael V MVN; Ryan DeVillier

Subject: Emergency Authorization for Shore Protection off of Queen Bess Island

All,

Forwarded for your review and comment:

BP is requesting emergency authorization to install inflatable coffer dams to divert the flow of oil away from brown pelican nesting habitat located on

Queen Bess Island in Grand Isle. The dams come in 100-foot sections and are

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45.34

NE: 29 18' 24.19, 89 57' 24.35 SE: 29 18' 08.21, 89 57' 23.61 SW: 29 18'

08.43, 89 57' 45.62.

Lack of response by 4:30 PM today will be construed as no objection.

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

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



BOBBY JINDAL
GOVERNOR

State of Louisiana

ROBERT J. BARHAM
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

JIMMY L. ANTHONY
ASSISTANT SECRETARY

June 8, 2010

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

RE: *Emergency Permit Queen Bess Island*
Applicant: Jefferson Parish
Notice Date: June 08, 2010

Dear Mr. Serio:

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

LDWF has no objection to the issuance of an emergency use permit for the proposed activity.

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

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

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 Matthew Weigel at [REDACTED] should you need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy L. Anthony".

Jimmy L. Anthony
Assistant Secretary

cd/cm

Page 2
Emergency Authorization Queen Bess Island
June 8, 2010

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

Burkett, Jennifer E MVN

From: Schindler, Paige P MVN
Sent: Tuesday, June 08, 2010 2:23 PM
To: Burkett, Jennifer E MVN
Cc: Selquist, Mark A MVN
Subject: RE: Emergency Authorization for Shore Protection off of Queen Bess Island

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer, We have no RE interests at Queen Bess Island so, no RE instrument will be required for the proposed work. Thanks,
Paige

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

From: Burkett, Jennifer E MVN
Sent: Tuesday, June 08, 2010 1:25 PM
To: 'Seth_Bordelon@fws.gov'; 'kbalkum@wlf.louisiana.gov'; 'richard.hartman@noaa.gov'; 'John.Ettinger@epamail.epa.gov'; 'Jamie Phillippe'; 'Patrick.Williams@noaa.gov'; 'Butler, Dave'; 'Jay.Pecot@LA.GOV'; 'christine.charrier@la.gov'; Walther, David; 'karl.morgan@la.gov'; Schindler, Paige P MVN; Schneider, Donald C MVN
Cc: Serio, Pete J MVN; Mayer, Martin S MVN; Farabee, Michael V MVN; 'Ryan DeVillier'
Subject: Emergency Authorization for Shore Protection off of Queen Bess Island

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Burkett, Jennifer E MVN

From: David_Walther@fws.gov
Sent: Tuesday, June 08, 2010 3:35 PM
To: Burkett, Jennifer E MVN
Cc: christine.charrier@la.gov; Butler, Dave; Schneider, Donald C MVN; Jamie Phillippe; Jay.Pecot@LA.GOV; John.Ettinger@epamail.epa.gov; karl.morgan@la.gov; kbalkum@wlf.louisiana.gov; Mayer, Martin S MVN; Farabee, Michael V MVN; Schindler, Paige P MVN; Patrick.Williams@noaa.gov; Serio, Pete J MVN; richard.hartman@noaa.gov; Ryan DeVillier; Seth_Bordelon@fws.gov; mcarloss@wlf.louisiana.gov; Deborah_Fuller@fws.gov; Patti_Holland@fws.gov; Brad_Rieck@fws.gov
Subject: Re: Emergency Authorization for Shore Protection off of Queen Bess Island
Attachments: pic22704.gif; graycol.gif; eclblank.gif

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Burkett,

The following recommendations are provided in 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.), but do not constitute the report of the Secretary of the Interior as required by Section 2(b) of that Act. In addition, these comments pertain to the Migratory Bird Treaty Act (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.).

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

Therefore, we recommend reducing the amount of time that construction (i.e., deployment, maintenance and retrieval) activities occur in the vicinity of nesting colonies in order to minimize stress to nesting birds, eggs, and young. To minimize disturbance to colonies containing nesting gulls, terns, and/or black skimmers, the Service typically recommends that all activity occurring within 650 feet of a colonial nest site be restricted to the non-nesting period (i.e., September 16 through April 1). For colonies containing nesting brown pelicans, the Service typically recommends that all activity occurring within 2,000 feet of the nesting colony be restricted to the non-nesting period (i.e., September 15 through March 31). An observer should monitor each colonial nest site to determine the minimum distance at which construction can occur without disturbing nesting birds. If the recommended buffer restrictions are not feasible, the Service and Louisiana Department of Wildlife and Fisheries (LDWF) should be contacted to assist in the determinations of the maximum distance practicable. The LDWF' Office of Wildlife (Mike Carloss: 225/765-2814) may be contacted to obtain the most current information about the nesting chronology of shorebirds and brown pelican on Queen Bess.

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

Thank you for the opportunity to provide these comments.

David Walther

US Fish and Wildlife Service
Lafayette, LA

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

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

06/08/2010 01:24 PM

To

<Seth_Bordelon@fws.gov>, <kbalkum@wlf.louisiana.gov>, <richard.hartman@noaa.gov>, <John.Ettinger@epamail.epa.gov>, "Jamie Phillippe" <Jamie.Phillippe@LA.GOV>, <Patrick.Williams@noaa.gov>, "Butler, Dave" <dbutler@wlf.la.gov>, <Jay.Pecot@LA.GOV>, <christine.charrier@la.gov>, "Walther, David" <david_walther@fws.gov>, <karl.morgan@la.gov>, "Schindler, Paige P MVN" <Paige.P.Schindler@usace.army.mil>, "Schneider, Donald C MVN" <Donald.C.Schneider@usace.army.mil>

cc

"Serio, Pete J MVN" <Pete.J.Serio@usace.army.mil>, "Mayer, Martin S MVN" <Martin.S.Mayer@usace.army.mil>, "Farabee, Michael V MVN" <Michael.V.Farabee@usace.army.mil>, "Ryan DeVillier" <ryan_devillier@yahoo.com>

Subject

Emergency Authorization for Shore Protection off of Queen Bess Island

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

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[attachment "Queen Bess Test.JPG" deleted by David Walther/R4/FWS/DOI] [attachment "Queen Bess Island Project.JPG"
deleted by David Walther/R4/FWS/DOI]

Burkett, Jennifer E MVN

From: Miles Croom [Miles.Croom@noaa.gov]
Sent: Tuesday, June 08, 2010 4:00 PM
To: Lee, Alvin B SAM; Burkett, Jennifer E MVN
Cc: 'sally.yozell@noaa.gov'; Jainey Bavishi; Roy Crabtree; Buck Sutter; Heather Blough; Rusty Swafford; Richard Hartman; David Bernhart; Robert Hoffman; Eric Hawk; Pat Montanio; Brian T Pawlak; Chris Doley; John Rapp; Margaret Davidson; Todd Davison; Robert Haddad; Doug Helton; David Dale
Subject: Emergency Authorization for Shore Protection off of Queen Bess Island
Attachments: miles_croom.vcf

Follow Up Flag: Follow up
Flag Status: Flagged

Colonel Lee:

NOAA has reviewed the requested emergency authorization for inflatable coffer dams around Queen Bess Island in Jefferson Parish, Louisiana. We understand the desire to protect this valuable brown pelican rookery from oil spill impacts. NMFS does not object to emergency authorization provided that the permit is conditioned as follows:

1. The permittee shall not dredge, place fill, or track on marsh.
2. If the entire project is constructed to completely encircle Queen Bess Island, and if oil is determined not to be present in the area for a duration of more than two weeks, a section of the coffer dam (no less than 50 feet total) shall be temporarily removed to re-establish tidal flushing and minimize adverse water quality impacts on the enclosed waters. The temporary opening(s) may be closed if oiling risk returns.
3. All sections of inflatable coffer dams shall be removed upon conclusion of the emergency.

We appreciate the efforts of the New Orleans District in coordinating with NMFS on this requested emergency authorization.

Miles Croom

Burkett, Jennifer E MVN

From: Ettinger.John@epamail.epa.gov
Sent: Tuesday, June 08, 2010 4:28 PM
To: Burkett, Jennifer E MVN
Cc: Landers.Timothy@epamail.epa.gov; Miller.Clay@epamail.epa.gov; EOC_Water; McCormick.Karen@epamail.epa.gov; Honker.William@epamail.epa.gov; Watson.Jane@epamail.epa.gov; Croll.Brittany@epamail.epa.gov; hall.rosemary@epa.gov
Subject: Re: FW: Emergency Authorization for Shore Protection off of Queen Bess Island
Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer,

Following are EPA's comments. Thank you for coordinating with us on this matter.

- 1) Inflatable coffer dams (Aqua-Barriers) should be considered temporary structures and removed in their entirety upon conclusion of spill clean-up efforts, or after a period of no more than 12 months, whichever is less. Should Aqua-Barriers continue to be needed to divert shoreward movement of oil for more than 12 months, authorization may be extended provided the applicant re-initiates review and coordination by the Corps of Engineers and other appropriate Federal and State resource agencies.

- 2) Aqua-Barriers should not be placed in or through existing coastal marshes.

- 3) Aqua-Barriers should be aligned to avoid and minimize impacts to any existing shrimp and/or fishery nursery areas, sea grass beds, oyster reefs, fishery concentration areas, rookeries, and turtle nesting areas in the vicinity of the projects.

- 4) All vehicles used for access, transport, placement and removal activities shall avoid vegetated wetlands and other aquatic resources to the maximum extent practicable.

- 5) It would be our recommendation that as oil is collected by the inflatable coffer dams, appropriate equipment and technology should be used to quickly remove this oil at a frequency necessary to prevent potential migration of oil from storm events. Cleaning of inflatable coffer dams should not take place in environmentally sensitive areas.

- 6) Potential impacts of the Aqua-Barriers on fish and wildlife passage should be coordinated with US Fish and Wildlife Service and the National Marine Fisheries Service for the duration of their deployment. Wildlife or other marine organism strandings are to be reported immediately to the appropriate State and Federal resource agencies.

7) Aqua-Barriers should be maintained in good, working condition throughout the duration of their deployment. Should repairs need to be made, they should be conducted in a manner that minimizes damage to marshes and other areas of particular ecological value.

8) If Gulf water used to fill the tubes is already contaminated with oil, upon removal of this project, water in the tubes shall be disposed of properly and not allowed to re-enter the beach or aquatic environment.

9) Within 30 days of the removal of the permitted booms, the permittee shall submit a report to the Corps documenting any deviation from the permitted inflatable coffer dam deployment plan. In addition, the report should document for each Aqua-Barrier deployment location, the total number of linear feet of Aqua-Barrier that were fouled with oil residue. Finally, the report should provide a qualitative assessment concerning the effectiveness of the permitted Aqua-Barriers in protecting the targeted brown pelican nesting habitat areas.

John Ettinger
U.S. EPA Region 6
[REDACTED]
ettinger.john@epa.gov

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

To: John Ettinger/R6/USEPA/US@EPA
From: "Burkett, Jennifer E MVN" <Jennifer.E.Burkett@usace.army.mil>
Date: 06/08/2010 01:36PM
Subject: FW: Emergency Authorization for Shore Protection off of Queen Bess Island

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

From: Burkett, Jennifer E MVN
Sent: Tuesday, June 08, 2010 1:25 PM
To: 'Seth_Bordelon@fws.gov'; 'kbalkum@wlf.louisiana.gov';
'richard.hartman@noaa.gov'; 'John.Ettinger@epamail.epa.gov'; 'Jamie
Phillippe'; 'Patrick.Williams@noaa.gov'; 'Butler, Dave'; 'Jay.Pecot@LA.GOV';
'christine.charrier@la.gov'; Walther, David; 'karl.morgan@la.gov'; Schindler,
Paige P MVN; Schneider, Donald C MVN
Cc: Serio, Pete J MVN; Mayer, Martin S MVN; Farabee, Michael V MVN; 'Ryan
DeVillier'
Subject: Emergency Authorization for Shore Protection off of Queen Bess
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[attachment "Queen Bess Test.JPG" removed by John Ettinger/R6/USEPA/US] [attachment "Queen Bess Island Project.JPG" removed by John Ettinger/R6/USEPA/US]

Burkett, Jennifer E MVN

From: Dwight Bradshaw [Dwight.Bradshaw@LA.GOV]
Sent: Tuesday, June 08, 2010 4:50 PM
To: Chris Piehler; Jamie Phillippe; Burkett, Jennifer E MVN; Jeff Dauzat; Cheryl Nolan; Melvin "Mitch" Mitchell; Tom Killeen; Gary Aydell; Ronnie Bean; Betty Brousseau; Sanford Phillips; _DEQ-BP Deepwater Horizon Oil Spill
Subject: RE: Emergency Authorization for Shore Protection off of Queen Bess Island

Follow Up Flag: Follow up
Flag Status: Flagged

Deployed as specified (a 3 foot barrier in 2.5 feet of water) it will not be an effective barrier to the oil.

It will take very little wave action (0.5 ft waves) for the oil to begin to go over the barrier. A 10 - 15 knot wind, which is common, will generate waves large enough to break completely over the barrier and carry the oil across as well.

Dwight Bradshaw, LDEQ Incident Commander Mississippi Canyon 252
201 Evans Road, Bldg. 4 Suite 420
New Orleans, LA 70123
Office [REDACTED]
Cell [REDACTED]
E-mail: Dwight.Bradshaw@la.gov

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

From: Chris Piehler
Sent: Tuesday, June 08, 2010 4:34 PM
To: Jamie Phillippe; Jennifer.E.Burkett@usace.army.mil; Jeff Dauzat; Dwight Bradshaw; Cheryl Nolan; Melvin "Mitch" Mitchell; Tom Killeen; Gary Aydell; Ronnie Bean; Betty Brousseau; Sanford Phillips; _DEQ-BP Deepwater Horizon Oil Spill
Subject: RE: Emergency Authorization for Shore Protection off of Queen Bess Island

Thanks Jamie, I also have similar concerns and was also not able to access the information on "aquabarrier". It would appear to be pre-mature for project approval at this time.

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Sent: Tuesday, June 08, 2010 4:25 PM
To: Jennifer.E.Burkett@usace.army.mil; Jeff Dauzat; Chris Piehler; Dwight Bradshaw; Cheryl Nolan; Melvin "Mitch" Mitchell; Tom Killeen; Gary Aydell; Ronnie Bean; Betty Brousseau; Sanford Phillips; _DEQ-BP Deepwater Horizon Oil Spill
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- that the components will not stay in place during any sea state and having them roll over the island and the nesting pelicans. It appears that if these components stay in place, the tidal flow to the Island will be cut off. The island and its water borne inhabitants will be cut off from the nurturing ebb and flow of the tide.

- the bottom structure at this site is not hard. Will the excessive weight of the components will sink into the soft substrate? Once the components are removed, the remaining void may be filled with slough off from the island causing additional erosion.

- there may be issues with oyster leases.

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

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

From: Jamie Phillippe
Sent: Tuesday, June 08, 2010 1:36 PM
To: Chris Piehler; Dwight Bradshaw; Jeff Dauzat; Cheryl Nolan; Melvin "Mitch" Mitchell; Tom Killeen; Gary Aydele; Ronnie Bean; Betty Brousseau; Sanford Phillips; _DEQ-BP Deepwater Horizon Oil Spill
Subject: FW: Emergency Authorization for Shore Protection off of Queen Bess Island

All,

I've received a request for comments/recommendations from the Corps. This project involves the placement of temporary, inflatable "coffer dams" (more like giant tubes) around Queen Bess Island in Barataria Bay (please see attachments). I have no objection to the project.

FYI, DEQ's server will not permit me to open up the manufacturer's website (www.aquabarrier.com).

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Sent: Tuesday, June 08, 2010 1:25 PM
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Sent: Tuesday, June 08, 2010 4:34 PM
To: Jamie Phillippe; Burkett, Jennifer E MVN; Jeff Dauzat; Dwight Bradshaw; Cheryl Nolan; Melvin "Mitch" Mitchell; Tom Killeen; Gary Aydell; Ronnie Bean; Betty Brousseau; Sanford Phillips; _DEQ-BP Deepwater Horizon Oil Spill
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BP is requesting emergency authorization to install inflatable coffer dams to divert the flow of oil away from brown pelican nesting habitat located on Queen Bess Island in Grand Isle. The dams come in 100-foot sections and are called Aqua-Barriers (see www.aquabarrier.com for more information). They have a maximum depth of three feet and will be placed in water between two and two and a half feet deep to maximize effectiveness. Two dams will be installed initially at POB: -29 18' 09.23N 89 57'29.85W POE: -29 18' 09.85N 89 57'27.92W (as shown in the first picture) to test the effectiveness of this strategy. If proven useful, the bladder dams would encircle the island at a total length of 1.01 mile (as shown in the second picture), with the outer limits for the project area located at: NW: 29 18' 25.39, 89 57' 45.34
NE: 29 18' 24.19, 89 57' 24.35 SE: 29 18' 08.21, 89 57' 23.61 SW: 29 18' 08.43, 89 57' 45.62.

Lack of response by 4:30 PM today will be construed as no objection.

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

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

Burkett, Jennifer E MVN

From: Jamie Phillippe [Jamie.Phillippe@LA.GOV]
Sent: Tuesday, June 08, 2010 4:25 PM
To: Burkett, Jennifer E MVN; Jeff Dauzat; Chris Piehler; Dwight Bradshaw; Cheryl Nolan; Melvin "Mitch" Mitchell; Tom Killeen; Gary Aydell; Ronnie Bean; Betty Brousseau; Sanford Phillips; _DEQ-BP Deepwater Horizon Oil Spill
Subject: RE: Emergency Authorization for Shore Protection off of Queen Bess Island

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer,

DEQ has the following comment concerning the Queen Bess Island project:

- that the components will not stay in place during any sea state and having them roll over the island and the nesting pelicans. It appears that if these components stay in place, the tidal flow to the Island will be cut off. The island and its water borne inhabitants will be cut off from the nurturing ebb and flow of the tide.
- the bottom structure at this site is not hard. Will the excessive weight of the components will sink into the soft substrate? Once the components are removed, the remaining void may be filled with slough off from the island causing additional erosion.
- there may be issues with oyster leases.

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

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

From: Jamie Phillippe
Sent: Tuesday, June 08, 2010 1:36 PM
To: Chris Piehler; Dwight Bradshaw; Jeff Dauzat; Cheryl Nolan; Melvin "Mitch" Mitchell; Tom Killeen; Gary Aydell; Ronnie Bean; Betty Brousseau; Sanford Phillips; _DEQ-BP Deepwater Horizon Oil Spill
Subject: FW: Emergency Authorization for Shore Protection off of Queen Bess Island

All,

I've received a request for comments/recommendations from the Corps. This project involves the placement of temporary, inflatable "coffer dams" (more like giant tubes) around Queen Bess Island in Barataria Bay (please see attachments). I have no objection to the project.

FYI, DEQ's server will not permit me to open up the manufacturer's website (www.aquabarrier.com).

The Corps has requested comments to be sent in by 4:30PM today, June 8, 2010.

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

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

From: Burkett, Jennifer E MVN [mailto:Jennifer.E.Burkett@usace.army.mil]

Sent: Tuesday, June 08, 2010 1:25 PM

To: Seth_Bordelon@fws.gov; kbalkum@wlf.louisiana.gov; richard.hartman@noaa.gov; John.Ettinger@epamail.epa.gov; Jamie Phillippe; Patrick.Williams@noaa.gov; Butler, Dave; Joseph "Jay" Pecot; Christine Charrier; Walther, David; Karl Morgan; Schindler, Paige P MVN; Schneider, Donald C MVN

Cc: Serio, Pete J MVN; Mayer, Martin S MVN; Farabee, Michael V MVN; Ryan DeVillier

Subject: Emergency Authorization for Shore Protection off of Queen Bess Island

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