

Burkett, Jennifer E MVN

From: Farabee, Michael V MVN
Sent: Thursday, July 22, 2010 1:14 PM
To: 'Evelyn S. Harris'
Cc: Serio, Pete J MVN; 'HoumaSITL@uscg.mil'; Mujica, Joaquin MVN; 'Karl Morgan'; Clark, Karl J MVN; Daigle, Michelle C MVN; Burkett, Jennifer E MVN; 'Joseph "Jay" Pecot'
Subject: FW: EUA 1722
Attachments: Modified 1722.pdf

Evelyn,

The work proposed by BP America modifying their existing emergency authorization of July 16, 2010, to install pilings and flex boom adjacent to Mendicant Island, Queen Bess Island and Beaugard Island in Jefferson Parish may be accomplished under the guidelines of this District's Emergency General Permit (NOD-20), copy is enclosed with your final authorization letter attached titled "Modified Authorization 1722". Your Corps tracking number is MVN 2010-1722 EBB. If you have any additional questions please contact Ms. Jennifer Burkett at (504) 862-2045.

Please be aware that because of this modification the 30 days to provide a "follow up" application begins today.

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

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

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

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

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

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

From: Burkett, Jennifer E MVN
Sent: Thursday, July 22, 2010 1:08 PM
To: Farabee, Michael V MVN
Subject: EUA 1722

Mike,

You wanted me to remind you to tell them that they now have 30 from today to put in the application.

Thanks,
Jennifer

FILE COPY

Operations Division
Eastern Evaluation Section

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

JUL 22 2010

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

Gentlemen:

This concerns your enclosed communication dated July 22, 2010, requesting modification to your emergency authorization dated July 16, 2010, to install pilings for holding temporary flex booms around Mendicant Island, Queen Bess Island, and Beauregard Island, located off of Barataria Pass, near Grand Isle, in Jefferson Parish, Louisiana, in order to mitigate effects of oil from the Deepwater Horizon oil spill within the region.

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

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

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

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

6. To the maximum extent possible, the permittee shall limit activities potentially disturbing to wildlife to the cooler parts of the day, as well as begin construction at the greatest distance from the nesting sites to allow gradual habituation of nesting birds to project activities.
7. Permittee shall coordinate with Michael Seymour of the Louisiana Natural Heritage Program at [REDACTED] concerning the presence of nesting bird colonies.
8. Permittee shall notify each oyster lease holder affected within 500 feet of the proposed activity prior to commencement of the project.
9. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
10. Your use of the permitted activity shall not obstruct the public's right to free navigation on all navigable waters of the United States.
11. You shall install and maintain, at your expense, any safety lights, signs and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on your authorized structures.
12. If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.,) in the waterway, you are advised to notify the U.S. Coast Guard so that a Notice to Mariners, if required, may be prepared. Notification, with a

 FILE COPY

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

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


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

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

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

Sincerely,

Pete J. Serio
Chief, Regulatory Branch


Farabee
OD-SE


Serio
OD-S

Enclosures

Burkett, Jennifer E MVN

From: Evelyn S. Harris [Evelyn.Harris@tbsmith.com]
Sent: Thursday, July 22, 2010 9:37 AM
To: Farabee, Michael V MVN; Karl Morgan; Christine Charrier; Sara Krupa; Burkett, Jennifer E MVN
Cc: 'Chet Morrison'; 'Craig Guidry'; Kenneth W. Smith; Kenny J. King; Eric J. Deroche; 'Devillier, Ryan'; 'Guidry, Ty'; 'Brittany LeBoef'; Patti_Holland@FWS.GOV; Myers Jr, Artie V; dave.golson@bp.com; 'dalenilene@gmail.com'; 'jmornini@juno.com'; 'rroberie@chetm.com'
Subject: Revised EUA for Baratavia Pass
Attachments: EUA Revised Permit Dwgs 07-22-10.pdf

EUA10-085

MVN-2010-1722-EBB

Attached are two revisions to the above listed EUA's for pilings to support flexible boom placement at Baratavia Pass (Mendicant Island, Queen Bess Island and Beauregard Island). The two islands that required changes are:

- 1) Mendicant Island – 7 pilings were added at the southern tip of the island.
- 2) Queen Bess – Due to the bird population and insufficient water levels at low tide, the piles have been moved from 300-foot off the shoreline to 500-feet. The distance change was made by Wildlife and Fisheries, Mark Castille and Patti Holland, after a site visit to the island and the bird population was noted.

All changes will be incorporated into the complete permit application at completion of the project.

Thank you,

Evelyn

Evelyn S. Harris

Project Controller

T. BAKER SMITH, INC.

Direct Line: [REDACTED]

Main Line: [REDACTED]

Cell Phone: [REDACTED]

Toll Free: [REDACTED]

Fax: [REDACTED]

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



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

NO.	DATE	REVISION

VICINITY MAP

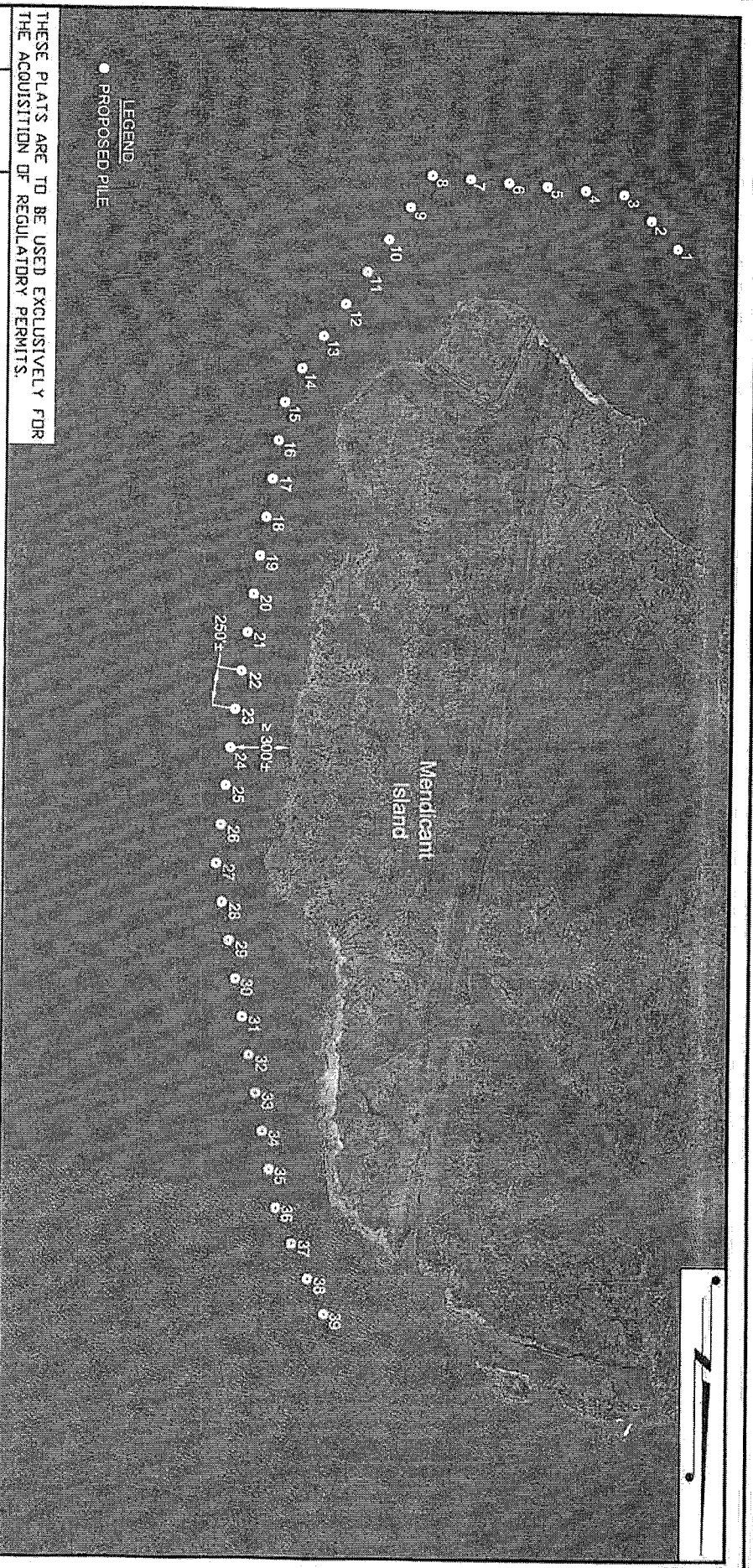
BP North American

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



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

FILE:



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LEGEND
 ● PROPOSED PILE

NO.	DATE	REVISION

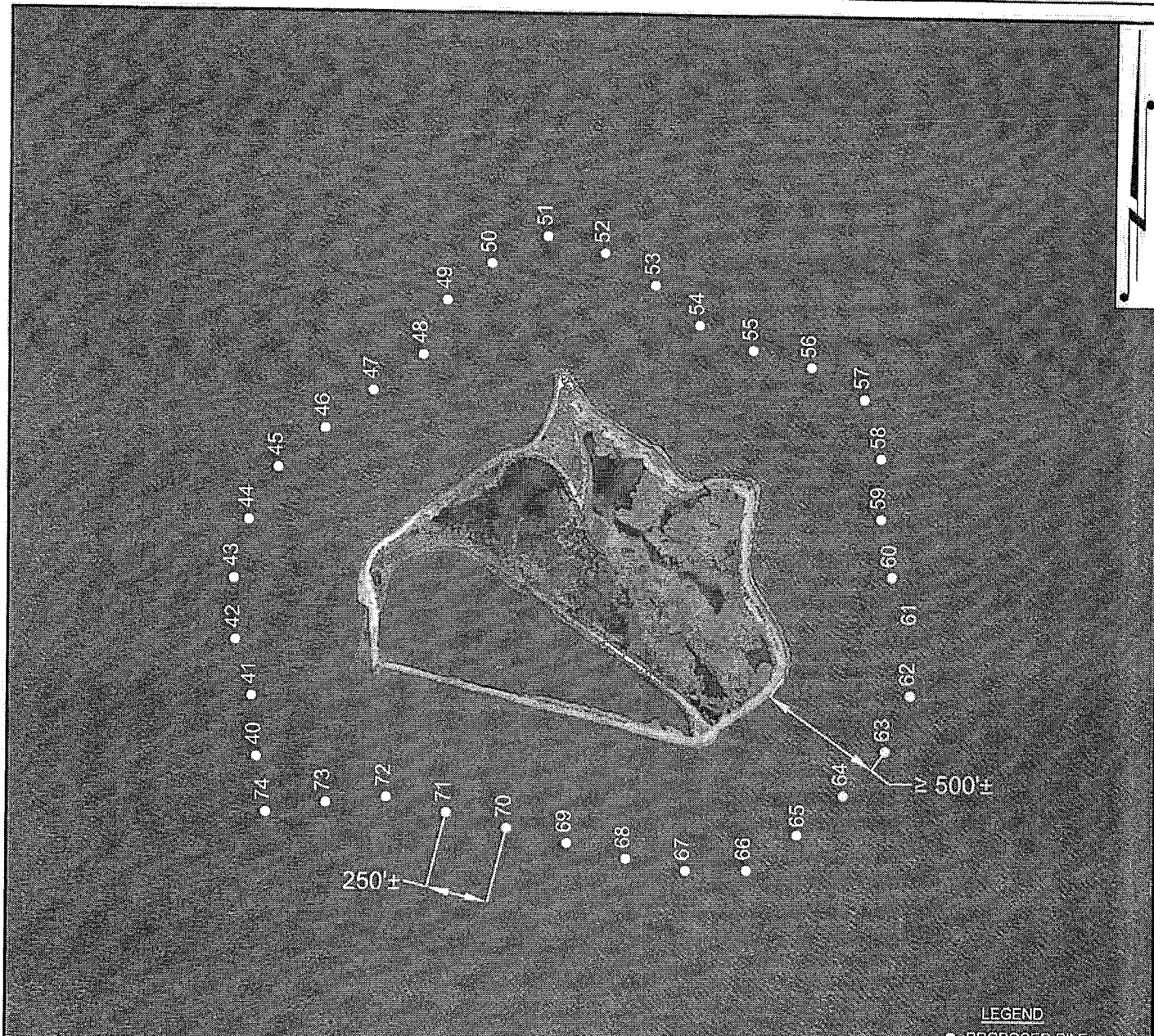
PLAN VIEW - SITE 1

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



FILE:	
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SHEET	2	OF	8
DRAWN BY:	RHL		
APPROVED BY:	KJK		
SCALE:	1"=1,000'		
DATE:	07/13/10		
JOB NUMBER:	2010.0290		



LEGEND
 ● PROPOSED PILE

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

NO.	DATE	REVISION

PLAN VIEW - SITE 2

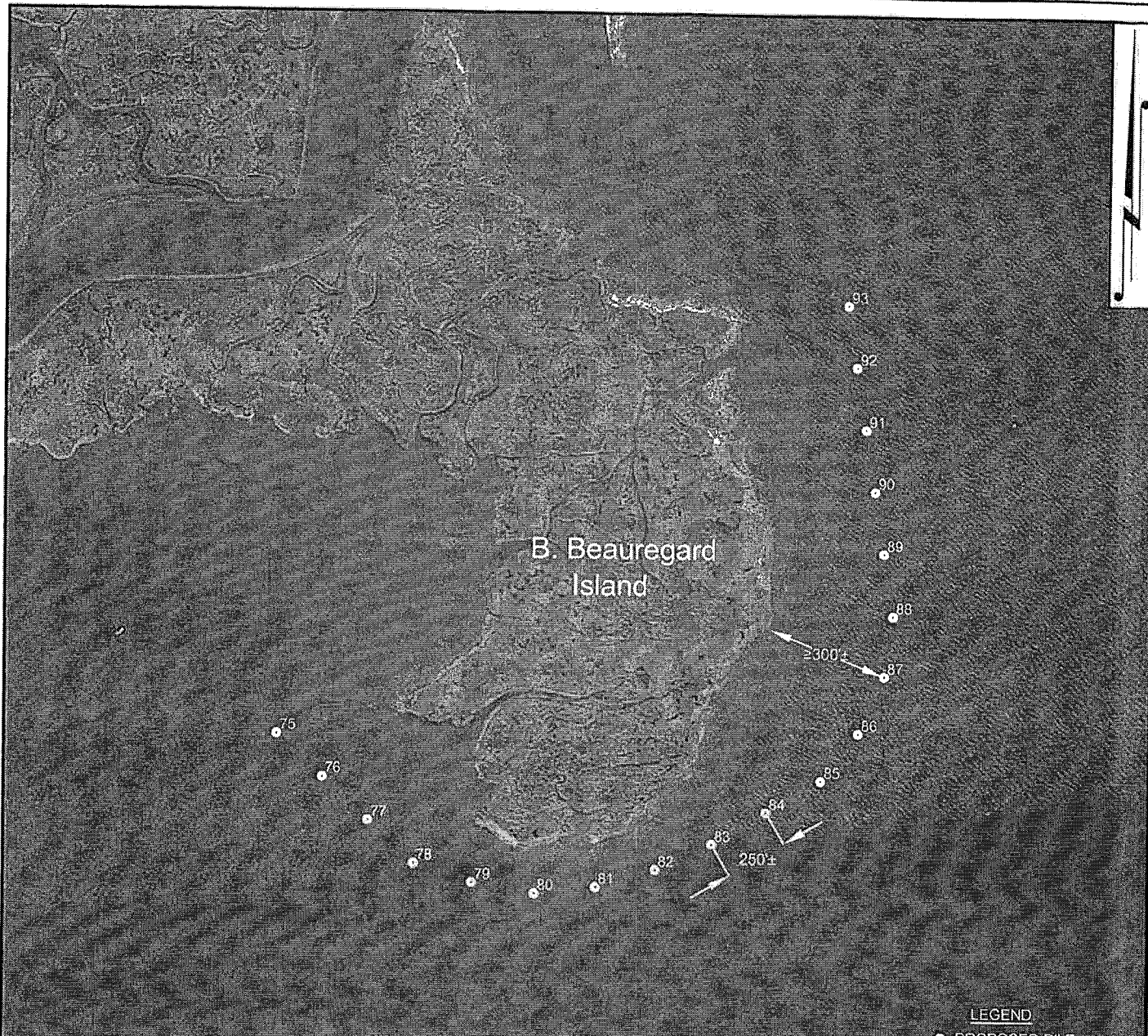
BP North American

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



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

FILE:



LEGEND
 ● PROPOSED PILE

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

NO.	DATE	REVISION

PLAN VIEW - SITE 3

BP North American

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



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

FILE:

Proposed Pilings				
Point #	Northing	Easting	LAT.	LONG.
1	293516.0130	3712985.7121	N029° 18' 00.23"	W089° 58' 39.15"
2	293336.2972	3713159.5054	N029° 17' 58.42"	W089° 58' 37.22"
3	293166.4612	3713342.9603	N029° 17' 56.72"	W089° 58' 35.17"
4	293145.1703	3713592.0513	N029° 17' 56.48"	W089° 58' 32.36"
5	3713841.1434	3713841.1432	N029° 17' 56.24"	W089° 58' 29.55"
6	293102.5894	3714090.2351	N029° 17' 56.00"	W089° 58' 26.74"
7	293081.2981	3714339.3270	N029° 17' 55.76"	W089° 58' 23.93"
8	293060.0067	3714588.4182	N029° 17' 55.52"	W089° 58' 21.12"
9	293273.8466	3714727.3621	N029° 17' 57.62"	W089° 58' 19.52"
10	293487.6865	3714866.3059	N029° 17' 59.72"	W089° 58' 17.92"
11	293701.5264	3715005.2497	N029° 18' 01.83"	W089° 58' 16.32"
12	293915.3662	3715144.1936	N029° 18' 03.93"	W089° 58' 14.73"
13	294129.2061	3715283.1374	N029° 18' 06.03"	W089° 58' 13.13"
14	294343.0460	3715422.0812	N029° 18' 08.13"	W089° 58' 11.53"
15	294567.3567	3715533.4365	N029° 18' 10.33"	W089° 58' 10.24"
16	294819.5361	3715571.3629	N029° 18' 12.83"	W089° 58' 09.78"
17	295071.7156	3715609.2893	N029° 18' 15.32"	W089° 58' 09.32"
18	295323.8950	3715647.2157	N029° 18' 17.81"	W089° 58' 08.85"
19	295576.0745	3715685.1420	N029° 18' 20.30"	W089° 58' 08.39"
20	295828.2539	3715723.0684	N029° 18' 22.79"	W089° 58' 07.93"
21	296080.4334	3715760.9948	N029° 18' 25.28"	W089° 58' 07.47"
22	296332.6128	3715798.9212	N029° 18' 27.78"	W089° 58' 07.01"
23	296584.7923	3715836.8476	N029° 18' 30.27"	W089° 58' 06.54"
24	296838.1495	3715865.7827	N029° 18' 32.77"	W089° 58' 06.18"
25	297086.3702	3715893.5072	N029° 18' 35.23"	W089° 58' 05.84"
26	297345.0285	3715922.3974	N029° 18' 37.78"	W089° 58' 05.48"
27	297598.4680	3715950.7047	N029° 18' 40.29"	W089° 58' 05.12"
28	297849.5380	3715912.2387	N029° 18' 42.78"	W089° 58' 05.52"
29	298100.3336	3715866.0383	N029° 18' 45.27"	W089° 58' 06.01"
30	298351.1292	3715819.6380	N029° 18' 47.76"	W089° 58' 06.50"

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NO.	DATE	REVISION

PILING COORDINATES

BP North American

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



Chet Morrison
CONTRACTORS



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

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

FILE:

Proposed Piling				
Point #	Northing	Easting	LAT.	LONG.
31	298601.9247	3715773.6377	N029° 18' 50.24"	W089° 58' 06.99"
32	298852.7203	3715727.4373	N029° 18' 52.73"	W089° 58' 07.47"
33	299103.5159	3715681.2370	N029° 18' 55.22"	W089° 58' 07.96"
34	299354.3114	3715635.0367	N029° 18' 57.71"	W089° 58' 08.45"
35	299605.1070	3715588.8363	N029° 19' 00.20"	W089° 58' 08.94"
36	299855.9025	3715542.6360	N029° 19' 02.68"	W089° 58' 09.43"
37	300088.4198	3715438.8956	N029° 19' 05.00"	W089° 58' 10.57"
38	300319.9014	3715331.8948	N029° 19' 07.30"	W089° 58' 11.74"
39	300551.3829	3715224.8940	N029° 19' 09.61"	W089° 58' 12.92"
40	294402.0995	3717402.6120	N029° 18' 08.48"	W089° 57' 49.15"
41	294648.4528	3717381.5956	N029° 18' 10.92"	W089° 57' 49.36"
42	294873.0938	3717314.0012	N029° 18' 13.15"	W089° 57' 50.09"
43	295120.2211	3717306.2746	N029° 18' 15.60"	W089° 57' 50.15"
44	295357.8414	3717365.5201	N029° 18' 17.94"	W089° 57' 49.44"
45	295568.5672	3717482.8324	N029° 18' 20.01"	W089° 57' 48.10"
46	295726.5573	3717672.4579	N029° 18' 21.56"	W089° 57' 45.93"
47	295879.7452	3717866.0061	N029° 18' 23.05"	W089° 57' 43.72"
48	296025.6280	3718063.4657	N029° 18' 24.47"	W089° 57' 41.47"
49	296247.3471	3718157.2513	N029° 18' 26.65"	W089° 57' 40.38"
50	296399.0004	3718331.0192	N029° 18' 28.12"	W089° 57' 38.40"
51	296509.5329	3718552.1848	N029° 18' 29.20"	W089° 57' 35.89"
52	296442.9775	3718781.8970	N029° 18' 28.52"	W089° 57' 33.30"
53	296314.4302	3718988.2502	N029° 18' 27.22"	W089° 57' 30.99"
54	296154.5548	3719169.5746	N029° 18' 25.62"	W089° 57' 28.96"
55	296054.0809	3719386.5305	N029° 18' 24.60"	W089° 57' 26.53"
56	295988.3028	3719620.1943	N029° 18' 23.92"	W089° 57' 23.89"
57	295882.9854	3719833.3309	N029° 18' 22.65"	W089° 57' 21.50"
58	295625.7512	3719902.9839	N029° 18' 20.29"	W089° 57' 20.75"
59	295380.5112	3719904.6802	N029° 18' 17.87"	W089° 57' 20.76"
60	295148.1638	3719949.8065	N029° 18' 15.56"	W089° 57' 20.29"

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NO.	DATE	REVISION

PILING COORDINATES

BP North American

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



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

Proposed Piling				
Point #	Northing	Easting	LAT.	LONG.
61	294915.8207	3720032.7957	N029° 18' 13.25"	W089° 57' 19.38"
62	294670.5581	3720027.2876	N029° 18' 10.82"	W089° 57' 19.48"
63	294445.4144	3719928.3241	N029° 18' 08.61"	W089° 57' 20.62"
64	294264.9012	3719761.7808	N029° 18' 06.84"	W089° 57' 22.53"
65	294103.2302	3719576.6038	N029° 18' 05.26"	W089° 57' 24.64"
66	293959.6755	3719375.5586	N029° 18' 03.86"	W089° 57' 26.93"
67	293956.5957	3719130.0166	N029° 18' 03.86"	W089° 57' 29.71"
68	294001.5165	3718887.5870	N029° 18' 04.34"	W089° 57' 32.44"
69	294061.7263	3718647.7821	N029° 18' 04.96"	W089° 57' 35.14"
70	294121.9361	3718407.9771	N029° 18' 05.58"	W089° 57' 37.84"
71	294182.1459	3718168.1722	N029° 18' 06.21"	W089° 57' 40.54"
72	294242.3556	3717928.3672	N029° 18' 06.83"	W089° 57' 43.24"
73	294219.1255	3717685.1843	N029° 18' 06.63"	W089° 57' 45.99"
74	294178.4973	3717441.2971	N029° 18' 06.26"	W089° 57' 48.75"
75	283813.2999	3714932.4796	N029° 16' 23.95"	W089° 58' 18.47"
76	283640.6746	3715118.0221	N029° 16' 22.22"	W089° 58' 16.40"
77	283468.0493	3715303.5647	N029° 16' 20.49"	W089° 58' 14.33"
78	283295.4240	3715489.1072	N029° 16' 18.76"	W089° 58' 12.26"
79	283220.7065	3715722.8957	N029° 16' 17.99"	W089° 58' 09.63"
80	283178.7449	3715972.8252	N029° 16' 17.55"	W089° 58' 08.81"
81	283206.6130	3716218.4692	N029° 16' 17.79"	W089° 58' 04.03"
82	283278.8214	3716461.3920	N029° 16' 18.48"	W089° 58' 01.28"
83	283382.8907	3716690.3712	N029° 16' 19.48"	W089° 57' 58.68"
84	283512.3430	3716908.2419	N029° 16' 20.74"	W089° 57' 56.21"
85	283641.5288	3717125.6641	N029° 16' 21.99"	W089° 57' 53.73"
86	283833.6587	3717273.0246	N029° 16' 23.88"	W089° 57' 52.04"
87	284066.2721	3717373.6057	N029° 16' 26.17"	W089° 57' 50.88"
88	284307.6835	3717406.6743	N029° 16' 28.55"	W089° 57' 50.47"
89	284558.3051	3717369.0667	N029° 16' 31.04"	W089° 57' 50.86"
90	284808.9268	3717331.4580	N029° 16' 33.52"	W089° 57' 51.25"
91	285059.5484	3717293.8514	N029° 16' 36.01"	W089° 57' 51.64"
92	285310.1700	3717256.2438	N029° 16' 38.49"	W089° 57' 52.03"
93	285560.7917	3717218.6362	N029° 16' 40.98"	W089° 57' 52.42"

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

NO.	DATE	REVISION

PILING COORDINATES

BP North American

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



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

NOTES:

1. AS-BUILT DRAWINGS WILL BE SUBMITTED WITHIN 30 DAYS OF COMPLETION OF THIS PROJECT TO THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF COASTAL MANAGEMENT, P.O. BOX 44487, BATON ROUGE, LA 70804-4487.

2. ALL STRUCTURES, FACILITIES, WELL AND PIPELINES/FLOWLINES OCCURRING IN OPEN WATER AREAS OR IN OILFIELD CANALS OR SLIPS SHALL BE REMOVED WITHIN 120 DAYS OF ABANDONMENT OR THE FACILITIES FOR THE HEREIN PERMITTED USE UNLESS PRIOR WRITTEN APPROVAL TO LEAVE SUCH STRUCTURES IN PLACE IS RECEIVED FROM THE OFFICE OF COASTAL MANAGEMENT. THIS CONDITION DOES NOT PRECLUDE THE NECESSITY FOR REVISING THE CURRENT PERMIT OR OBTAINING A SEPARATE COASTAL USE PERMIT, SHOULD ONE BE REQUIRED.

3. STRUCTURES MUST BE MARKED/LIGHTED IN ACCORDANCE WITH U.S. COAST GUARD REGULATIONS.

4. IN ORDER TO ENSURE THE SAFETY OF ALL PARTIES, THE PERMITTEE SHALL CONTACT THE LOUISIANA ONE CALL SYSTEM (1-800-272-3020) A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION (DIGGING, DREDGING, JETTING, ETC.) OR DEMOLITION ACTIVITY.

EQUIPMENT LIST

900 HP TUG - DRAFT 7FT

600 HP TUG - DRAFT 6FT

2 BARGES (140 X 45 X 8) - DRAFT 3.5FT

CREWBOAT - DRAFT 2.5FT

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NO.	DATE	REVISION
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NOTES

BP North American

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



T. BAKER SMITH
PROFESSIONAL CONSULTANTS SINCE 1913
(985) 865-1050 www.tbsmith.com

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

FILE:

DECISION DOCUMENT FOR EMERGENCY PERMITTING VERIFICATION, NOD-20

ORM Number: MVN 2010-1722 EBB

Applicant: BP America Production Company

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

Receipt Date: July 22, 2010 Complete: Yes No

Additional Information Requested Date: yes

Application Complete Date: July 22, 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):
Modification of project to increase the number and change location of pilings.

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

Type of Permit Verified: NOD-20

Pre-construction Notification Required: Yes No

Coordination with Agencies/Tribes: Yes No Date:

Commenting Agencies:

US Fish and Wildlife Service

US Environmental Protection Agency

National Marine Fisheries Service

State Agency (if checked, list commenting state agencies)

State Historic Preservation Office

Other:

Substantive Issues and Corps Resolution:

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:
Name of species present:

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

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

Basis for "no effect" determination: pending

Additional information (optional):

b) Magnuson-Stevens Act (Essential Fish Habitat):

Name of species present:

Effects determination: N/A

Date of Service(s) concurrence:

Basis for "no effect" determination: N/A

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

c) Section 106 of the National Historic Preservation Act:

Known site present: yes no

Survey required/conducted: yes no

Effects determination:

Rationale:

Date consultation complete (if necessary):

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

d) Section 401 Water Quality Certification:

Individual certification required: yes no

Issued waived denied .

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

e) Coastal Zone Management Act:

Individual certification required: yes no

Issued waived denied

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

f) Wild and Scenic Rivers Act:

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

Managing agency:

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

Additional information (optional):

g) Others (Specify):

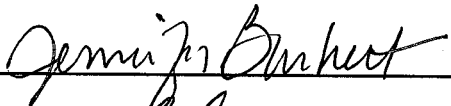
Special Conditions Required: yes no (If yes, provide rationale for each required condition):
General Conditions of the NOD-20 emergency authorization incorporated into the NOD-20 permit instrument, as well as section 10 conditions. Special conditions were also added to address resource agency points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

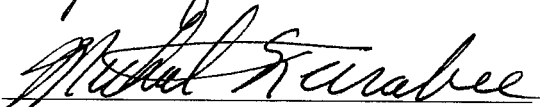
Specific conditions may be incorporated as part of the ATF Individual Permit, pending submittal and processing of the application.

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

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

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

Prepared by:  Project Manager

Reviewed by:  Chief, Eastern Evaluation Section

Date: July 22, 2010

BOBBY JINDAL
GOVERNOR



ROBERT D. HARPER
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

July 22, 2010

CERTIFIED MAIL
NO. _____

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

**RE: EUA 10-085-1 (Amended Emergency Use Authorization)
BP America Production Company**

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

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

Jefferson Parish, LA

Amendment: Mendicant Island – 7 pilings were added at the southern tip of the island. Queen Bess Island – Due to the bird population and insufficient water levels at low tide, the piles have been moved from 300-feet off the shoreline to 500-feet.

Dear Ms. Harris:

We have reviewed the information presented to the Office of Coastal Management (OCM) in your Amended Emergency Use Authorization request dated July 22, 2010. Pursuant to the provisions contained in the LAC (Title 43, Part I, Chapter 7 §723.B.3.), the Amended Emergency Use Authorization request is hereby granted. This Amended Emergency Use Authorization provides only for that work necessary to accomplish nature of emergency and is contingent upon acceptance of the following conditions:

1. This Amended 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 sole opinion of OCM, it proves to be beyond the scope of the authorized activity or has been abandoned.
6. The applicant agrees, by virtue of the commencement of authorized activities, to hold and save the State of Louisiana, the Department of Natural Resources (DNR), and their officers and employees harmless from any damage to persons or property which might result from the emergency use.
7. The applicant agrees, by virtue of the commencement of authorized activities, to certify that the emergency use has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by OCM as referenced herein. OCM may, when it deems appropriate, require that such certification be given by a registered engineer.
8. The applicant agrees, by virtue of the commencement of authorized activities, to ensure that this Amended Emergency Use Authorization, or a copy thereof, shall be available for inspection at the work site at all times during operations.
9. The applicant agrees, by virtue of the commencement of authorized activities, to notify OCM of the date on which initiation of the authorized emergency activity

began. The applicant shall notify OCM by mailing the enclosed green initiation card on the date of initiation of the authorized activities.

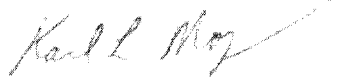
10. The applicant agrees, by virtue of the commencement of authorized activities, to ensure that the authorized activity does not result in the blockage of any natural or manmade streams or sloughs. A follow-up investigation of the authorized work will be conducted by employees of OCM to determine compliance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

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

Emergency Use Authorization
BP America Production Company
July 22, 2010
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Should you have any questions or need additional help, please feel free to contact Christine Charrier, Permits Program Manager, at [REDACTED]

Sincerely,



Karl Morgan,
Acting Administrator

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

by _____
(applicant signature)

KM/oj

Attachments (green card and plats)

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