



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

FILE

REPLY TO  
ATTENTION OF:

Operations Division  
Eastern Evaluation Section

JUL 23 2010

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

BP America Production Company  
2401 5<sup>th</sup> 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 with attached flex boom, at Cat Bay along (3) Bird Islands, in Plaquemines 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.

**All conditions of your July 16, 2010, authorization remain in full force and effect.**

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 contact Stephanie Castaing of this office at 504-862-1564.

Sincerely,

Pete J. Serio  
Chief, Regulatory Branch

Enclosures

FILE

## Farabee, Michael V MVN

---

**From:** Evelyn S. Harris [Evelyn.Harris@tbsmith.com]  
**Sent:** Thursday, July 22, 2010 5:33 PM  
**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:** RE: Revised EUA for The Bird Islands  
**Attachments:** Revised EUA dwgs 7-22-10.pdf

EUA10-087

MVN-2010-1728-EPP

Attached are revisions to the above listed EUA's for pilings to support flexible boom placement at The Bird Islands - Sites 2 & 3 located in Cat Bay.

The change includes treating sites #2 and #3 as one location. Site 1 remains as authorized in the original EUA. After investigation by Patti Holland, US Fisheries and Wildlife, and Mark Castille, LDWF, it was determined that birds are inhabiting both of the islands. Due to water depths between the islands and the proximity to shore, the center pilings have been removed and the path rounded out on the eastern side of the islands.

Due to the concentration of birds, including fledglings, this island has been moved to a higher level of need and will work will begin as soon as Queen Bess (also birded) is complete (possibly as early as this week-end).

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]

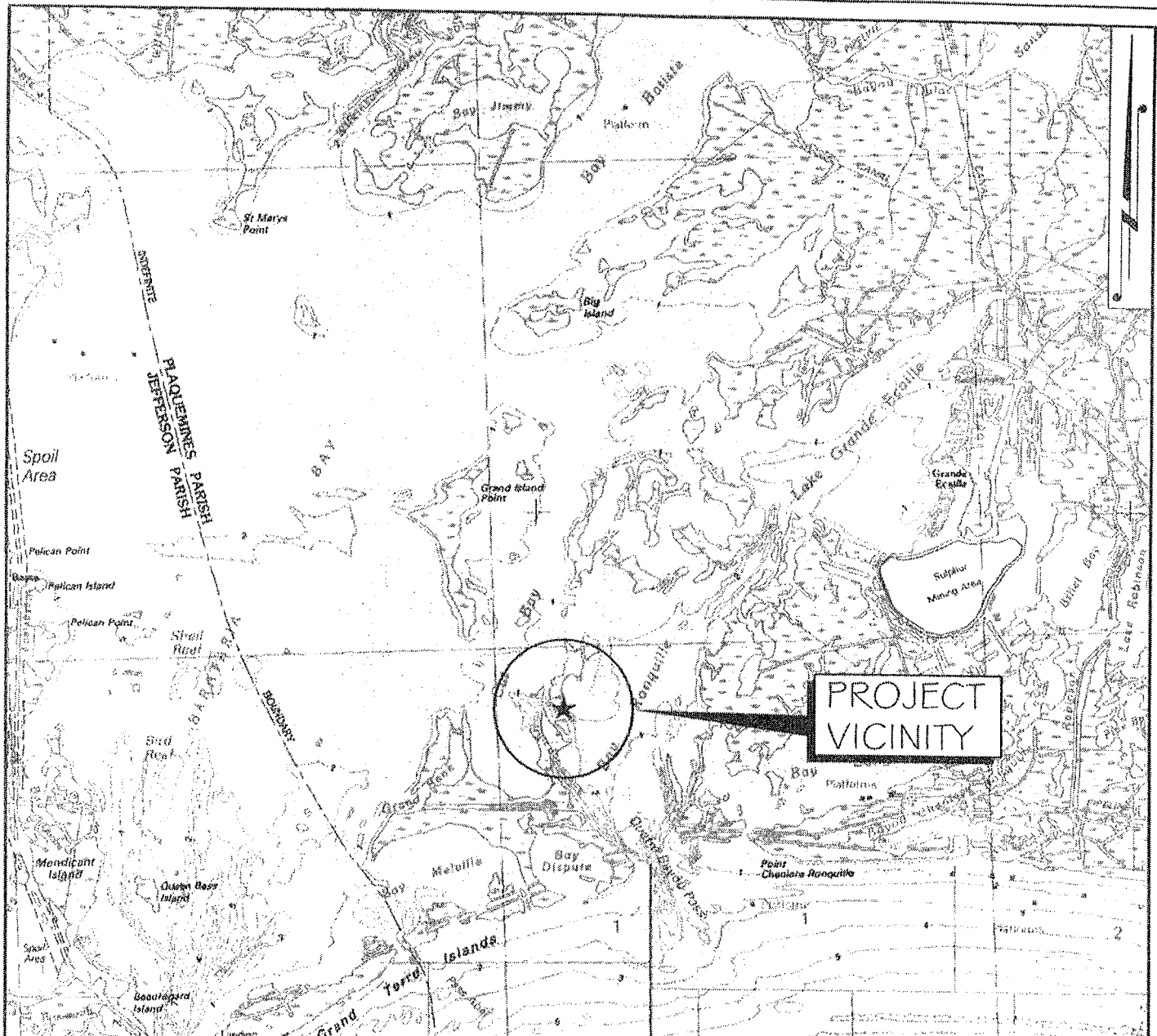
Main Line: [REDACTED]

Cell Phone: [REDACTED]

Toll Free: [REDACTED]

Fax: [REDACTED]

Webpage: [www.tbsmith.com](http://www.tbsmith.com) <<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 THE BIRD ISLANDS IN CAT BAY  
 LOCATED IN PLAQUEMINES PARISH,  
 LOUISIANA



Chef Morrison  
 CONTRACTORS

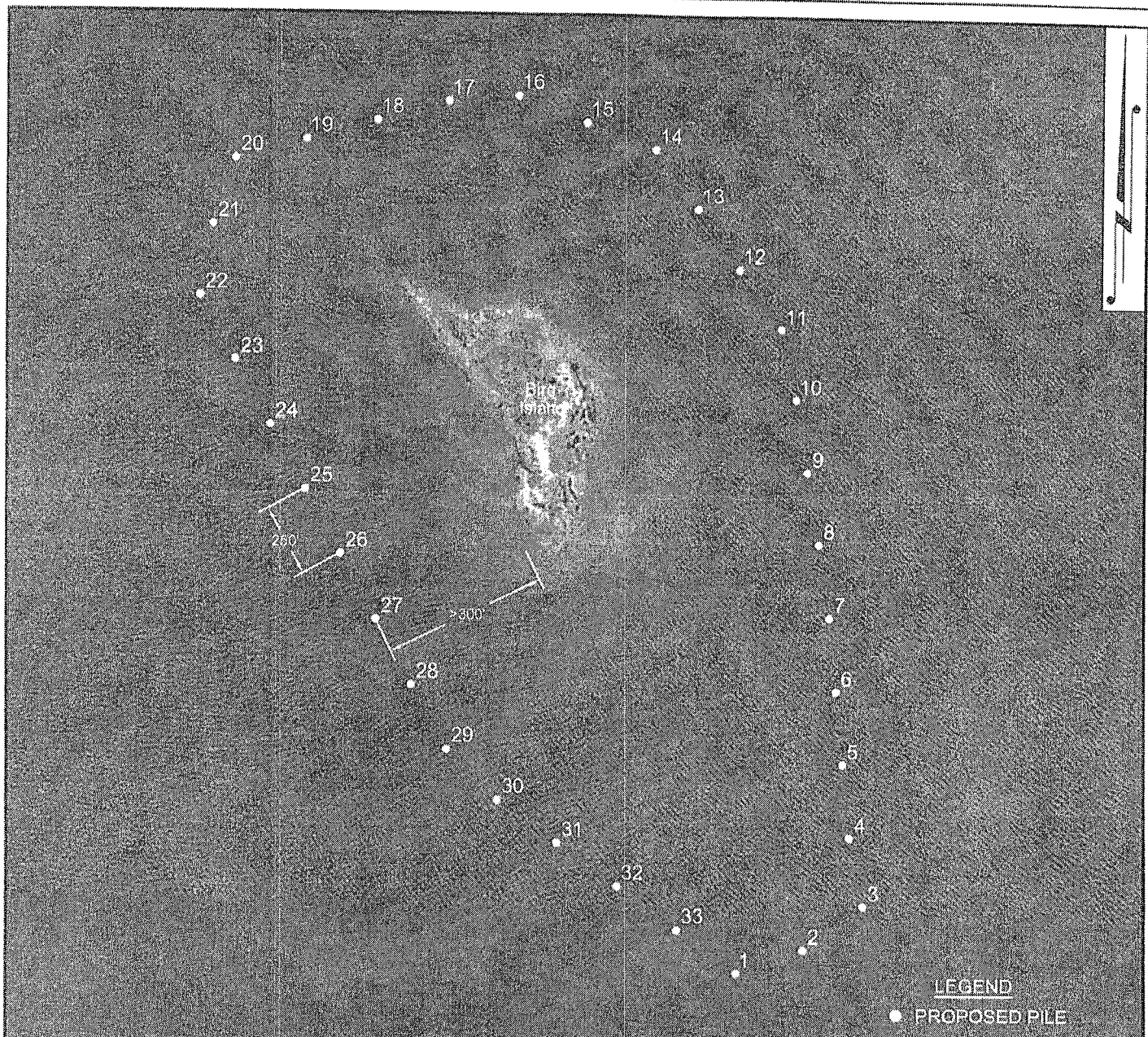


**T. BAKER SMITH**  
 PROFESSIONAL SURVEYORS & ENGINEERS  
 (866) 868-1050 www.tbssm.com



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

FILE:



**LEGEND**  
● PROPOSED PILE

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NO.	DATE	REVISION

**PLAN VIEW - SITE 1**

**BP North American**

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



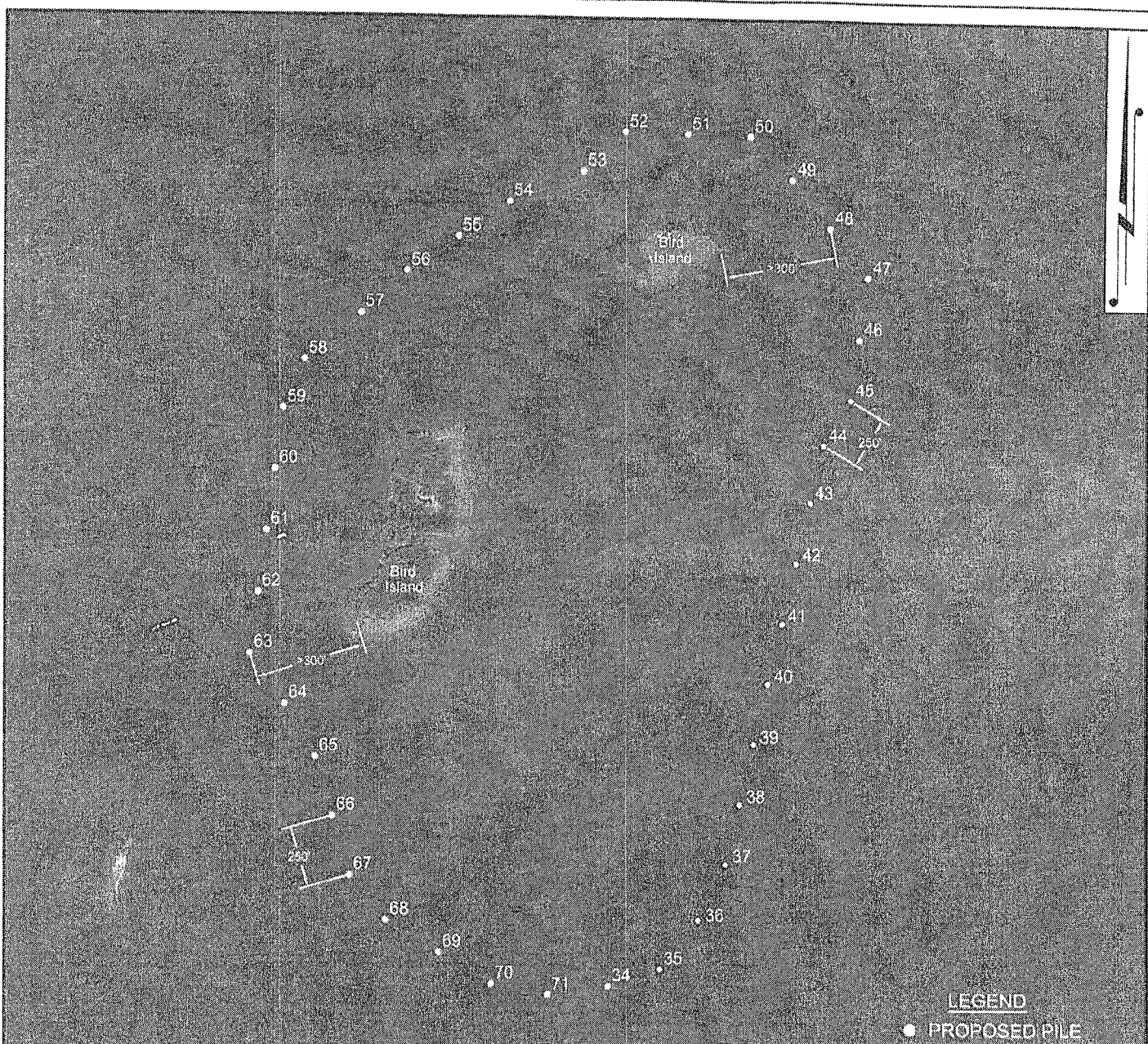
**T. BAKER SMITH**  
PROFESSIONAL CONSULTANTS SINCE 1953  
(985) 808-1030 www.tbasmth.com

SCALE IN FEET

500' 250' 0 500'

FILE:

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



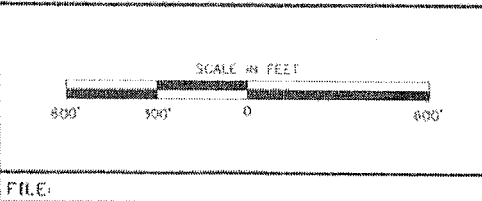
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NO.	DATE	REVISION

**PLAN VIEW**

**BP North American**

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

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

FILE:

PROPOSED PILINGS

Point #	Northing	Easting	Lat.	Long.
1	304409.2455	3747229.5919	29° 19' 43.89"	-89° 52' 10.86"
2	304490.1092	3747457.7161	29° 19' 44.66"	-89° 52' 08.28"
3	304632.5789	3747661.6745	29° 19' 46.04"	-89° 52' 05.95"
4	304862.4993	3747615.4586	29° 19' 48.32"	-89° 52' 06.44"
5	305110.0193	3747593.0655	29° 19' 50.78"	-89° 52' 06.68"
6	305357.5393	3747570.6724	29° 19' 53.23"	-89° 52' 06.87"
7	305605.0593	3747548.2793	29° 19' 55.68"	-89° 52' 07.09"
8	305850.8098	3747511.9384	29° 19' 58.12"	-89° 52' 07.47"
9	306096.0800	3747471.8116	29° 20' 00.55"	-89° 52' 07.88"
10	306341.3501	3747431.6847	29° 20' 02.99"	-89° 52' 08.30"
11	306582.4054	3747381.3287	29° 20' 05.36"	-89° 52' 08.84"
12	306784.7488	3747237.0208	29° 20' 07.40"	-89° 52' 10.44"
13	306987.0922	3747092.7130	29° 20' 09.42"	-89° 52' 12.04"
14	307189.4357	3746948.4051	29° 20' 11.44"	-89° 52' 13.64"
15	307277.7692	3746716.1019	29° 20' 12.35"	-89° 52' 16.25"
16	307366.1028	3746483.7986	29° 20' 13.25"	-89° 52' 18.86"
17	307346.1348	3746246.4894	29° 20' 13.08"	-89° 52' 21.55"
18	307279.6073	3746007.0281	29° 20' 12.45"	-89° 52' 24.26"
19	307213.0798	3745767.5669	29° 20' 11.83"	-89° 52' 26.98"
20	307146.5523	3745528.1056	29° 20' 11.20"	-89° 52' 29.69"
21	306921.8480	3745452.7582	29° 20' 08.98"	-89° 52' 30.57"
22	306682.2243	3745410.9159	29° 20' 06.62"	-89° 52' 31.08"
23	306464.2658	3745530.3382	29° 20' 04.44"	-89° 52' 29.76"
24	306246.3073	3745649.7606	29° 20' 02.27"	-89° 52' 28.45"
25	306028.3488	3745769.1829	29° 20' 00.10"	-89° 52' 27.13"
26	305810.3903	3745888.6053	29° 19' 57.93"	-89° 52' 25.81"
27	305592.4318	3746008.0276	29° 19' 55.75"	-89° 52' 24.49"
28	305374.4733	3746127.4500	29° 19' 53.58"	-89° 52' 23.18"
29	305156.5148	3746246.8724	29° 19' 51.41"	-89° 52' 21.86"
30	304986.4167	3746420.1753	29° 19' 49.70"	-89° 52' 19.92"

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

NO.	DATE	REVISION

**PILING COORDINATES**

**BP North American**

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



**T. BAKER SMITH**  
PROFESSIONAL CONSULTANTS SINCE 1913  
(985) 868-1858 www.tbasmfll.com

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

PROPOSED PILINGS

Point #	Northing	Easting	Lat.	Long.
31	304842.1239	3746622.5295	29° 19' 48.25"	-89° 52' 17.66"
32	304697.8311	3746824.8836	29° 19' 46.79"	-89° 52' 15.39"
33	304553.5383	3747027.2378	29° 19' 45.34"	-89° 52' 13.13"
34	309260.2152	3748702.6610	29° 20' 31.72"	-89° 51' 53.52"
35	309329.7368	3748913.2228	29° 20' 32.38"	-89° 51' 51.13"
36	309528.1474	3749068.1622	29° 20' 34.32"	-89° 51' 49.35"
37	309752.1990	3749179.0716	29° 20' 36.53"	-89° 51' 48.07"
38	309995.7456	3749235.5079	29° 20' 38.93"	-89° 51' 47.40"
39	310239.2922	3749291.9441	29° 20' 41.34"	-89° 51' 46.72"
40	310482.8388	3749348.3804	29° 20' 43.74"	-89° 51' 46.05"
41	310726.3854	3749404.8167	29° 20' 46.14"	-89° 51' 45.38"
42	310969.9320	3749461.2530	29° 20' 48.55"	-89° 51' 44.70"
43	311213.4786	3749517.6892	29° 20' 50.95"	-89° 51' 44.03"
44	311446.2640	3749571.0223	29° 20' 53.25"	-89° 51' 43.39"
45	311631.2851	3749661.4447	29° 20' 55.07"	-89° 51' 42.12"
46	311881.4590	3749714.3990	29° 20' 57.54"	-89° 51' 41.71"
47	312131.6330	3749747.3533	29° 21' 00.01"	-89° 51' 41.30"
48	312330.7447	3749592.3590	29° 21' 02.00"	-89° 51' 43.02"
49	312529.8507	3749437.3435	29° 21' 03.99"	-89° 51' 44.75"
50	312699.3792	3749267.3642	29° 21' 05.69"	-89° 51' 46.64"
51	312706.3103	3749015.1243	29° 21' 05.79"	-89° 51' 49.49"
52	312713.2415	3748762.8844	29° 21' 05.89"	-89° 51' 52.34"
53	312555.0456	3748593.2269	29° 21' 04.35"	-89° 51' 54.28"
54	312699.3792	3749267.3642	29° 21' 05.69"	-89° 51' 46.64"
55	312706.3103	3749015.1243	29° 21' 05.79"	-89° 51' 49.49"
56	312713.2415	3748762.8844	29° 21' 05.89"	-89° 51' 52.34"
57	312555.0456	3748593.2269	29° 21' 04.35"	-89° 51' 54.28"
58	311781.6306	3747469.1068	29° 20' 56.83"	-89° 52' 07.09"
59	311582.3267	3747381.7753	29° 20' 54.87"	-89° 52' 08.11"
60	311336.1833	3747348.1011	29° 20' 52.44"	-89° 52' 08.53"

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NO.	DATE	REVISION

**PILING COORDINATES**

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PROPOSED PILES FOR THE BIRD ISLANDS IN CAT BAY  
LOCATED IN PLAQUEMINES PARISH,  
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SHEET	5	OF	7
DRAWN BY:	RML		
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SCALE:			
DATE:	07/15/10		
JOB NUMBER:	2010.0290		

FILE:



PROPOSED PILINGS

Point #	Northing	Easting	Lat.	Long.
61	311090.0400	3747314.4268	29° 20' 50.01"	-89° 52' 08.94"
62	310843.8967	3747280.7526	29° 20' 47.58"	-89° 52' 09.36"
63	310597.7534	3747247.0784	29° 20' 45.14"	-89° 52' 09.77"
64	310394.4365	3747389.8465	29° 20' 43.11"	-89° 52' 08.19"
65	310182.9593	3747515.6719	29° 20' 41.00"	-89° 52' 06.80"
66	309944.5804	3747585.6435	29° 20' 38.63"	-89° 52' 06.04"
67	309706.2016	3747655.6151	29° 20' 36.27"	-89° 52' 05.29"
68	309526.5345	3747801.9036	29° 20' 34.47"	-89° 52' 03.66"
69	309397.7806	3748014.3723	29° 20' 33.17"	-89° 52' 01.28"
70	309269.0268	3748226.8409	29° 20' 31.87"	-89° 51' 58.90"
71	309225.2558	3748456.6969	29° 20' 31.40"	-89° 51' 56.31"

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NO.	DATE	REVISION

**PILING COORDINATES**

**BP North American**

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



**T. BAKER SMITH**  
PROFESSIONAL CONSULTANTS SINCE 1913  
(504) 888-1050 www.tbsmith.com

SHEET	6	OF	7
DRAWN BY:	RML		
APPROVED BY:	KJK		
SCALE:			
DATE:	07/15/10		
JOB NUMBER:	2010.0290		

FILE:

NOTES:

1. AS-BUILT DRAWINGS WILL BE SUBMITTED WITHIN 30 DAYS OF COMPLETION OF THIS PROJECT TO THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF COASTAL MANAGEMENT, P.O. BOX 44487, BATON ROUGE, LA 70804-4487.
2. ALL STRUCTURES, FACILITIES, WELL AND PIPELINES/FLOWLINES OCCURRING IN OPEN WATER AREAS OR IN OILFIELD CANALS OR SLIPS SHALL BE REMOVED WITHIN 120 DAYS OF ABANDONMENT OR THE FACILITIES FOR THE HEREIN PERMITTED USE UNLESS PRIOR WRITTEN APPROVAL TO LEAVE SUCH STRUCTURES IN PLACE IS RECEIVED FROM THE OFFICE OF COASTAL MANAGEMENT. THIS CONDITION DOES NOT PRECLUDE THE NECESSITY FOR REVISING THE CURRENT PERMIT OR OBTAINING A SEPARATE COASTAL USE PERMIT, SHOULD ONE BE REQUIRED.
3. STRUCTURES MUST BE MARKED/LIGHTED IN ACCORDANCE WITH U.S. COAST GUARD REGULATIONS.
4. IN ORDER TO ENSURE THE SAFETY OF ALL PARTIES, THE PERMITTEE SHALL CONTACT THE LOUISIANA ONE CALL SYSTEM (1-800-272-3020) A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION (DIGGING, DREDGING, JETTING, ETC.) OR DEMOLITION ACTIVITY.

EQUIPMENT LIST

- 900 HP TUG - DRAFT 7FT
- 600 HP TUG - DRAFT 6FT
- 2 BARGES (140 X 45 X 8) - DRAFT 3.5FT
- CREWBOAT - DRAFT 2.5FT

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

NO.	DATE	REVISION
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NOTES

**BP North American**

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



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

FILE:



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF:

Operations Division  
Regulatory Branch

SEP 13 2007

SUBJECT: MVN-1997-4840-CX  
(General Permit)NOD-20

SPECIAL PUBLIC NOTICE

ANNOUNCEMENT OF GENERAL PERMIT TIME EXTENSION  
FOR EMERGENCY OPERATIONS  
WITHIN THE NEW ORLEANS DISTRICT

On March 9, 2007, this district issued a public notice announcing consideration of a time extension to the general permit for emergency operations. All available information and comments were considered in determining that the overall public interest would be best served by issuing the time extension. A copy of the extended general permit for emergency operations is attached.

We have reserved the right to modify, suspend, or revoke this general permit any time we determine it is in the public's interest to do so. Interested parties are invited to submit written comments or suggestions for modifications or improvement of this general permit to the Regulatory Branch of this district at any time.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in cursive script that reads "Pete Serio".

Pete J. Serio  
Chief, Regulatory Branch

Attachment



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF:

Operations Division  
Regulatory Branch

SEP 13 2007

SUBJECT: MVN-1997-4840-CX  
(General Permit)NOD-20

GENERAL PERMIT  
EMERGENCY OPERATIONS  
WITHIN THE NEW ORLEANS DISTRICT

Authorization No.: (General Permit)NOD-20  
Initial Effective Date: November 1, 1982  
Expiration Date: October 31, 2012

Under authorization granted by Part 325.8(b) of Title 33, Code of Federal Regulations, the District Commander at New Orleans has granted this general permit for certain emergency operations as described. This permit authorizes work and structures under the following legislation:

- a. Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403).
- b. Section 404 of the Clean Water Act (33 USC 1344).

This permit does not authorize any work under Section 9 of the Rivers and Harbors Act of March 3, 1899 (33 USC 404) or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413).

This permit is applicable only within the boundaries of the New Orleans District of the U.S. Army Corps of Engineers.

Work authorized by this general permit is the minimum amount necessary to respond to such emergencies as oil or gas well blowouts, pipeline explosions or ruptures, explosions, fires, oil or hazardous materials spills, and shipwrecks or sinkings of vessels in navigation channels or similar situations which would result in an imminent safety and/or environmental hazard, loss of property, or immediate economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application.

Approval to perform work under this general permit does not replace normal permitting approval required under our regulations. Authorization under the general permit is a temporary approval to allow the applicant to perform work under emergency situations. After the emergency situation has been addressed, the applicant must either restore the site to as near pre-project conditions as practical, or must apply for a permit to maintain the work initially authorized under the general permit. Permit applications to maintain work initially authorized under this general permit would be processed in the normal manner to include a public notice, water quality certification from the Louisiana Department of Environmental Quality, and coastal use permit or other approval from the Louisiana Department of Natural Resources, Coastal Management Division, where applicable.

The activities authorized by this general permit include, but are not limited to:

- a. Emergency placement of a drilling rig in open waters to drill a shutoff well.
- b. Emergency dredging and disposal of dredged material for movement of equipment to evacuate personnel, fight fires, shutoff blow-out wells, install and service pollution control equipment, and repair ruptured pipelines.
- c. Emergency dredging and placement of fills to collect and confine oil or hazardous materials.
- d. Emergency dredging and deposition of dredged material to remove or re-float grounded, wrecked, burned out or sunken vessels blocking major navigation channels.
- e. Emergency placement of fills to provide access to a location for placement of drilling rigs to drill shutoff wells.

In addition to the applicable conditions of our standard permit form (copy enclosed), the following conditions apply to this general permit:

- a. Dredging and other activities will be the minimum necessary to meet the emergency.
- b. Restoration is required in accordance with the following:
  - (1) Restoration plans must be submitted to the Regulatory Branch of this district within 30 days of the date when the approval was granted by the New Orleans District for the emergency work under the general permit.
  - (2) The District Commander will consult with appropriate federal, state, and local agencies prior to approval of restoration plans.
  - (3) The restoration work must begin within 30 days of approval of plans or lesser time when so specified by the District Commander or his representative, unless a specific time extension is granted by the New Orleans District.
  - (4) Once begun, restoration work will be diligently prosecuted until completed.

(5) Disturbed wetland areas shall be restored to as near preproject conditions as practicable.

c. In appropriate cases when it may be in the public interest to allow maintenance of structures, fills, or dredged areas installed under this general permit authorization, permittees must apply for and receive a Department of the Army permit. If the permit application is denied, restoration will proceed in accordance with condition b., immediately above.

d. Applications to maintain facilities authorized by this general permit must be submitted within 30 days of the date when the approval was granted by the New Orleans District for the emergency work under the general permit, unless a specific time extension is granted by the New Orleans District. Permit applications will be processed using regular procedures, including a public notice where applicable.

e. Requests to maintain facilities authorized under this general permit must include a completed application form, letter-sized drawings illustrating the location and scope of the work, and be mailed to the Regulatory Branch at the letterhead address above. Applications for work in the Louisiana Coastal Zone must also be sent to the Louisiana Department of Natural Resources, Coastal Management Division.

f. This general permit may be modified, suspended, or revoked by the District Commander any time it is found to be in the public interest to do so.

g. Approval under this general permit does not relieve permittees from obtaining emergency permits or other approvals from any required state or local agency, or the consent of the landowner. For emergency work within the Louisiana Coastal Zone, applicant's must also contact Louisiana Department of Natural Resources, Coastal Management Division (CMD) at (225) 342-7591 for specific approval before performing the emergency work. CMD has a similar emergency general permit, CUP-GP-29.

h. Other conditions may be added in individual approvals for work under this general permit to address site specific conditions or situations.

Procedures to be followed in administering this general permit are as follows:

a. The initial contact may be made in person or by telephone to one of the following numbers.

(1) Regulatory Branch  
(504) 862-2255

(2) Eastern Evaluation Section  
(504) 862-2044

(3) Central evaluation Section  
(504) 862-2276

(4) Western Evaluation Section  
(504) 862-2261

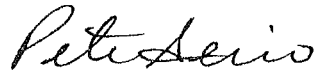
For work within the Louisiana Coastal Zone **also** contact the Louisiana Department of Natural Resources, Coastal Management Division at (225) 342-7591.

b. Authorization under this general permit may be granted upon initial contact provided the requester can present sufficient information on the location, nature, and extent of the work to establish that the emergency situation exists. Depending on the extent of the emergency, immediate verbal authorization may be granted to perform the work, however, in other cases a written request explaining the emergency, with sketches and maps, may be needed to establish that the project qualifies for approval under the provisions of the emergency general permit.

c. If authorization to proceed is granted at the initial contact, the permittee must supply written documentation of the work to be done within 1 working day of the approval being granted, including necessary maps, drawings, and sketches.

d. Permittees will supply all other information necessary to establish a complete file.

e. Written approval will be granted after all necessary information has been provided.



Pete J. Serio  
Chief, Regulatory Branch

Enclosures

DECISION DOCUMENT FOR EMERGENCY PERMITTING VERIFICATION, NOD-20

ORM Number: MVN 2010-1728 EPP

Applicant: BP America Production Company

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

Receipt Date: July 22, 2010 Complete: Yes  No

Additional Information Requested Date: no

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 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:

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 final 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): Modification to EUA 10-087 pending.

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 of the original permit remain in effect 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:  Chief, Eastern Evaluation Section

Reviewed by:  Chief, Eastern Evaluation Section

Date: July 23, 2010