From: Melanie Jarrell
To: Karl Morgan
Cc: Regina Staten; Lacoste, Angie D MVN
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre
Date: Monday, July 19, 2010 3:34:40 PM
Attachments: REVISED EUA.pdf

---

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The proposed action plan is to move the stained sediment to the shoreline for surf washing then move it back in place along the shoreline with small backhoe/soil moving equipment.

thank you,

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted]

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Cc: Monica Nicole Dandurand <Monica.Dandurand@LA.GOV>
Sent: Mon, July 19, 2010 2:26:47 PM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

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From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 9:25 AM
To: Karl Morgan
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

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[redacted] - cellular

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Sent: Mon, July 19, 2010 8:49:03 AM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

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From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 6:34 AM
To: Karl Morgan
Cc: Regina Staten; ronald.dippo@bp.com; David E. Fritz; Ed Owens; Melanie Jarrell; sedebj@bp.com
Subject: EUA Request to Surf Wash sediments on Grand Terre

Mr. Morgan:

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Your verbal approval today would be greatly appreciated!

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Many thanks for working with us on these important projects!

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Deepwater Horizon
BP Exploration & Production Co. Inc.
HOUMA, LOUISIANA - July 19, 2010

Deepwater Horizon Response
Letter of No Objection or
Emergency Use Authorization Request
Surf Washing of Sand on Grand Terre Island

Location
The coordinates of the east and west ends of the ocean shore beach are:
29 deg 18' 42.1" N 89 deg 51' 35.3" W
and
29 deg 18' 50.4" N 89 deg 54' 16.2" W
See attached location maps (two maps)
Jefferson Parish

Applicant name:
BP Exploration and Production Company, Inc.
1597 Hwy 311
Houma, LA 70395
Contact: David E. Fritz

Agent: Melanie Jarrell
Environmental Strategies, LLC
412 Breemen Circle
Lafayette, LA 70508
[redacted].

Description of Activity:

Sediment relocation, sometimes called "surf washing", is a shoreline treatment technique that accelerates the natural physical removal of oil from the beach sediments. In many instances this treatment option is a viable alternative to the removal and disposal of oiled sediments. Oil stranded on the upper section of the intertidal zone or above the limit of normal wave action, such as on a storm berm, can be relocated to a lower elevation, where the oiled sediment is exposed to a higher amount of physical action from water and waves for longer periods of time. Sediment relocation is effective due to physical processes that abrade oil from sediment and because of oil-mineral aggregate (OMA) formation processes. OMA processes increase the surface area of the oil that is exposed and thereby stimulate physical and chemical weathering and biological degradation. Sediment relocation actions during spill response operations and experimental studies have demonstrated that this is a viable treatment technique that can dramatically accelerate natural processes in the removal of stranded oil from a shoreline. Data collected to investigate the migration of oil from the beach following oiled sediment relocation has demonstrated that this action does not cause significant hydrocarbon accumulation in the nearshore environment, as neither the benthic sediments or suspended particulate material reach unacceptable toxicity levels as dispersion is

effective, without causing detrimental environmental effects, in low wave-energy environments as well as on more exposed sand.

Length of time needed to perform activity:

Initial surf washing on Grande Terre is expected to occur for five months (November 2010), then possibly another wash during April/May 2011, if necessary.

Point of beginning and end for project site:
(see maps)
29 deg 18' 42.1" N 89 deg 51' 35.3" W
and
29 deg 18' 50.4" N 89 deg 54' 16.2" W

Equipment Needed:

Only small equipment will be necessary to relocate oiled sediment to a lower tidal zone – the sand with be placed at the tide line and washed by the tide. Tactics on types of equipment to use has not been worked out yet, however, agencies and trustees will be involved in the entire process.

Access to site:

Beach is accessible by boat.

Operational Start Up /Anticipated Date:

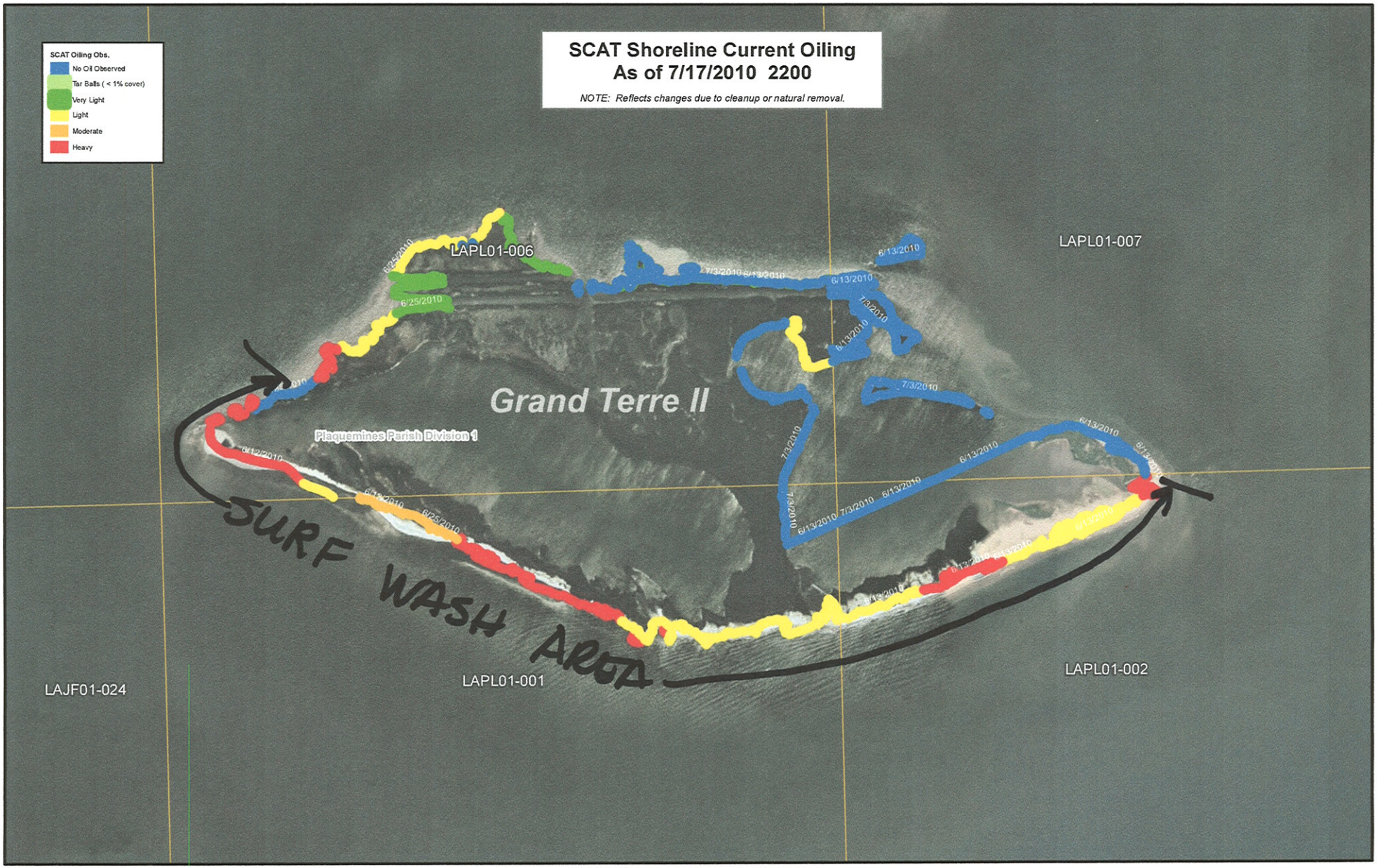
The project itself has not started. The team is waiting for a verbal approval to commence, with a formal letter of "No Objection" or EUA, if necessary. A demonstration of this clean up technique was performed with DNR observers (Steve Lorio and Regina Staten on July 16, 2010).

Estimated amount of Stained Sand -

Grande Terre II - stained sand only - moved 20 cu yards on the "demonstration" on July 16th. Based on June 13, 2010 SCAT data, the stained sand area is approx. 5000 yards long and 15 yards wide, with average depth of 2 foot = approx. 50,000 cu yards (assumes only one pass)

Signed: David E. Fritz

David Fritz, Environmental Unit Leader, BP



MC252 Shoreline Current Oiling Situation Map - Grand Terre II
As of: 7/17/2010 2200

0 0.5 1 Kilometers
0 0.25 0.5 Miles

From:	Lacoste, Angie D MVN
To:	"kbalkum@wlf.louisiana.gov"; "rcdavis@wlf.la.gov"; "richard.hartman@noaa.gov"; "ettinger.john@epa.gov"; "Patrick.Williams@noaa.gov"; "Jay.Pecot@LA.GOV"; "christine.charrier@la.gov"; Walther, David; "karl.morgan@la.gov"; Schindler, Paige P MVN; Schneider, Donald C MVN; Brown, Jane L MVN; "Jamie Phillippe"; "Butler, Dave"; "Seth_Bordelon@fws.gov"; "Monica.Dandurand@LA.GOV"; "patti_holland@fws.gov"; "houmasitl@uscg.mil"
Cc:	Mujica, Joaquin MVN; Daigle, Michelle C MVN; Clark, Karl J MVN
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Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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[redacted] - cellular

U.S. Environmental Protection Agency
Comments on Corps of Engineers Emergency Authorization Request
Surf Washing of Oiled Sands on Grand Terre Island, Louisiana

July 20, 2010

This is in response to the Corps of Engineers (Corps) request on July 19, 2010, for EPA review of a proposal to "surf wash" oiled sands on Grand Terre Island, Louisiana. According to materials included with the application, this technique would involve the relocation of oiled sands from "above the limit of normal wave action" to a "lower elevation, where the oiled sediment is exposed to a higher amount of physical action from water and waves for a longer amount of time."

The applicant is essentially seeking authorization to reintroduce pollutants into the aquatic environment. Such an action would appear contrary to a basic goal of this oil spill response (i.e., minimize the amount of oil in the aquatic environment). The proposed project would result in increased pollutants entering waters in the sensitive and ecologically important tidal zone on Grand Terre Island. There is inadequate information to evaluate the extent and duration of the direct, indirect, and cumulative adverse environmental impacts of such an action. Moreover, less environmentally damaging alternatives are available and currently in use. Alternatives such as bagging and removal would be clearly preferable environmentally. For these reasons, EPA opposes the proposed project and recommends the Corps deny authorization for it.

The applicant has not provided sufficient information to accurately determine the quantity of oil that would be re-discharged into tidal waters. Additionally, there is no indication of any threshold or limit on the type of oiled sands that would be re-introduced into the aquatic environment. Would heavily oiled sands be pushed back into the aquatic environment? Even if this were not the intention, it would be quite difficult to enforce any such limits or thresholds in the remote locations. Thus, as proposed, there would appear to be no practical way to quantify or limit the discharge of pollutants associated with this proposed project.

No information has been provided on the fate of oiled sands once reintroduced into the aquatic environment, except for general statements regarding accelerated weathering and degradation. The applicant references studies of this technique in general, but no citations are provided. Nor is there any indication that this technique has been applied to an oil spill of this scale and extent – and in this type of environment. Oiled sands would be re-suspended in the aquatic environment, possibly increasing exposure of aquatic organisms to hydrocarbons. Presumably, some portion of the oiled sands would be re-deposited elsewhere along the shore. It is unclear why either or both such outcomes would be acceptable.

Approval of this proposal could set an adverse precedent, clearing the way for expanded use of this approach to dealing with oiled sands. Oil has impacted many miles of sandy beach and barrier shoreline across the northern Gulf of Mexico. Expanded use of this technique across the affected region could have untold cumulative adverse impacts on the aquatic environment. We would question

National Oceanic and Atmospheric Administration
Comments Pertaining to Proposed Emergency Authorization of Surf Washing of Sand on East Grand Terre Island in Jefferson Parish

July 20, 2010

By electronic mail dated July 20, 2010, the U.S. Army Corps of Engineers, New Orleans District (NOD) requested natural resource agency review of the application by BP Exploration and Production Company Incorporated for emergency authorization to conduct "surf washing" of oiled beach sediments on East Grand Terre Island in Jefferson Parish, Louisiana. The NOD is considering emergency authorization for these activities under provisions of General Permit NOD-20. Based on information provided, oiled beach sediment would be relocated from its present location on the island to the surf zone. Surf washing, intended to separate oil from sand substrate, would occur during an initial washing period from now until November 2010. A possible second washing period is proposed during April and May 2011.

NOAA appreciates the need to employ as many viable spill countermeasures as possible; however, such measures must avoid, minimize, or mitigate additive adverse environmental impacts. However, NOAA is concerned with the merits and impacts of this proposal for a number of reasons. Principal issues of concern are:

1. The appropriateness of the effort. Based on discussions with NOAA staff at the Unified Command Center (UCC) and our review of published literature pertaining to the use of surf washing, such activities should only be undertaken when sandy shorelines have a very light coating of oil. Information transmitted with the application indicates that much of the area proposed for surf washing is categorized as having medium to heavy coatings of oil. As such, surf washing in those areas would be inappropriate as an oil spill remediation response and could actually remobilize oil for transport into wetlands behind East Grand Terre or down drift beach fronts. It should be noted that oil-contaminated wetlands are much harder to clean than beach habitats.

2. Shoreline clean-up via surf washing should not be considered until heavy accumulations have been mechanically removed and the risk of recontamination by floating oil has abated. NOAA staff at the UCC have indicated that oil slicks are again moving in the direction of East Grand Terre Island. Surf washing at this time would provide no long term benefit to the remediation of contaminated sediments that may just get re-contaminated later.

3. NOAA staff at the UCC have indicated that surf washing is generally utilized as a last resort remediation effort at beaches in demand for recreational purposes. Given the lack of a demand for immediate remediation of oiled conditions on East Grand Terre Island, NOAA questions the need for emergency authorization of surf washing at this time.

The U.S. Fish and Wildlife Service (Service) has received your July 19, 2010, electronic mail requesting our review of a proposed emergency authorization for sediment relocation (surf washing) on Grand Terre, in Jefferson Parish, Louisiana. The Deepwater Horizon Response Environmental Unit proposes to relocate oiled sediment from the upper section of the intertidal zone (above normal wave action) to a lower elevation where wave action can "wash" the oil from the sediment. The sediment would then be moved back in place along the shoreline with small soil moving equipment (backhoe, etc.). The proposed work is intended to protect fish and wildlife resources from the oil spill associated with the Deepwater Horizon (i.e., Mississippi Canyon 252) blowout. The comments below are submitted in accordance with the technical assistance provisions of the Fish and Wildlife Coordination Act (FWCA; 48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), 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.), and provide emergency informal consultation information under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) in anticipation of emergency consultation.

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

Grand Terre II (i.e., East Grand Terre) is within Unit LA-5 of designated critical habitat for the threatened piping plover. Critical habitat on that island includes all of the island where primary constituent elements (i.e., intertidal beaches, mud flats, sand flats, algal flats, wash-over passes, and associated dunes and flats above annual high tide) occur down to mean low, low water (MLLW). Prior to oil impacting that island, the Louisiana Department of Natural Resources (LDNR) was conducting the restoration of that island using funds from their Coastal Impact Assistance Program. The newly created beach and dune system on that island was not completely restored prior to being impacted by oil. Benthic fauna recolonization is likely to be further hindered by oiled sand relocation.

The proposed "surf washing" is not a clean-up technique that has been previously reviewed and/or analyzed by resource agencies as part of our response to oil spill clean-up activities. None of the information provided by either the Corps or LDNR explains how much time would be needed for microbial degradation to "process" the oil washed from the sediment. Studies have shown that benthic fauna may take anywhere from 6 months to 2 years to recover from a beach nourishment event. However, the Service is concerned that this technique's impacts to the benthic fauna of the intertidal zone by re-oiling could further delay the recovery of benthic communities upon which the threatened piping plover and other shorebird species prey upon. Other clean-up methods (i.e., minimal scraping and removal of oiled sediment) would permanently remove the oil from the ecosystem in general, which is what we prefer. We also recommend that the attached recommendations (specifically, BMP-1, -3, -4, -5, -8, -10, -11, -12, -25, -26, -27, -31), which have been adopted by the Houma Command Center, be considered to

BOBBY JINDAL
GOVERNOR

State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

ROBERT J. BARHAM
SECRETARY

JIMMY L. ANTHONY
ASSISTANT SECRETARY

July 20, 2010

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

RE: *Application Number: Emergency-Grand Terre II*
Applicant: BP Exploration and Production Company
Public Notice Date: July 19, 2010

Dear Mr. Serio:

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

As tactics develop, resource and regulatory agencies should be informed of project details concerning equipment type, equipment usage, proposed work areas, etc. Agencies then should be given the opportunity to provide additional comments.

Once the threat of oil has subsided, the applicant should be required to immediately restore natural contours to the project area.

LDWF requests that the applicant notify each oyster lease holder within 1500 feet of the proposed activity prior to commencement.

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].

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

Our Database also indicates that natural communities are known to occur in the area. This community includes coastal mangroves and marsh scrubland. Consult Amity Bass prior to any activity at [redacted].

We understand that some samples were taken for further analysis during the 16 July 2010 pilot of this technique; natural resource commenting agencies would benefit greatly from seeing the analysis results.

The beach face and lower intertidal is home to numerous species which despite oil staining still use it as a habitat. Large scale removal of sediment and placing in the intertidal zone will result in re-suspension of hydrocarbons and disruption of the normal habitats of these organisms. These organisms include larval fish, crustaceans and other ecologically important invertebrates.

The EUA indicates that the surf washing does not increase the toxicity above threshold levels. This information is gathered from smaller scale spills and that same conclusion cannot be made here do to the size and nature of this spill. In addition moving the oil from the splash zone of the beach and placing it back into the water column is only moving where the oil finally resides. Having the oil back in the water is not beneficial to aquatic organisms, particularly as some of the smaller larval fish and crustaceans may be more vulnerable to toxicity effects from dispersed oil (see comment above).

In documents passed through the state and federal OSCs, one of the "pros" for the surf washing process is that beaches treated in that way pass the "white towel" test. Grand Terre II is remote and is not a public beach, therefore, the aesthetic argument is not appropriate for this site.

The spills referred to in the documents signed off on by the State OSC are in a variety of habitats. How applicable are the results to the present circumstance at Grand Terre?

Would this response activity be subject to possible NRDA action as injuries accrued as a result of response?

The Louisiana Department of Wildlife and Fisheries appreciates the opportunity to review and provide recommendations to you regarding this proposed activity. Please do not hesitate to contact Habitat Section biologist Chris Davis at [redacted] should you need further assistance.

Sincerely,

Jimmy L. Anthony
Assistant Secretary

mw/ab/rb

c: Matthew Weigel, Biologist
Amity Bass, Biologist
Robert Bourgeois, Biologist

EPA, Marine & Wetlands Section
USFWS Ecological Services

Lacoste, Angie D MVN

From: Jamie Phillippe [Jamie.Phillippe@LA.GOV]
Sent: Monday, July 19, 2010 4:10 PM
To: Lacoste, Angie D MVN
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Angie,

DEQ commented on this one previously with DNR. Here's the comment:

DEQ has no objection to this project, provided that all gross oil contamination has been removed first and that observations of the process do not produce persistent sheens (unless persistent sheen is captured through use of sorbents or other removal techniques); the production of temporary sheen is acceptable.

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

-----Original Message-----
From: Lacoste, Angie D MVN [mailto:Angie.D.Lacoste@usace.army.mil]
Sent: Monday, July 19, 2010 4:02 PM
To: kbalkum@wlf.louisiana.gov; rcdavis@wlf.la.gov; richard.hartman@noaa.gov; ettinger.john@epa.gov; Patrick.Williams@noaa.gov; Jay.Pecot@LA.GOV; christine.charrier@la.gov; Walther, David; karl.morgan@la.gov; Schindler, Paige P MVN; Schneider, Donald C MVN; Brown, Jane L MVN; Jamie Phillippe; Butler, Dave; Seth_Bordelon@fws.gov; Monica Nicole Dandurand; patti_holland@fws.gov; houmasitl@uscg.mil
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From: Lacoste, Angie D MVN
To: "Richard Hartman"
Subject: RE: [Fwd: Re: FW: EUA Request to Surf Wash sediments on Grand Terre]
Date: Tuesday, July 20, 2010 11:31:00 AM

As discussed, your request for a time extension to provide comments is granted until Wednesday, July 21, at 9:00am.

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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: Richard Hartman [mailto:Richard.Hartman@noaa.gov]
Sent: Tuesday, July 20, 2010 10:48 AM
To: Lacoste, Angie D MVN
Subject: [Fwd: Re: FW: EUA Request to Surf Wash sediments on Grand Terre]

resend

U.S. Environmental Protection Agency
Comments on Corps of Engineers Emergency Authorization Request
Surf Washing of Oiled Sands on Grand Terre Island, Louisiana

July 20, 2010

This is in response to the Corps of Engineers (Corps) request on July 19, 2010, for EPA review of a proposal to "surf wash" oiled sands on Grand Terre Island, Louisiana. According to materials included with the application, this technique would involve the relocation of oiled sands from "above the limit of normal wave action" to a "lower elevation, where the oiled sediment is exposed to a higher amount of physical action from water and waves for a longer amount of time."

The applicant is essentially seeking authorization to reintroduce pollutants into the aquatic environment. Such an action would appear contrary to a basic goal of this oil spill response (i.e., minimize the amount of oil in the aquatic environment). The proposed project would result in increased pollutants entering waters in the sensitive and ecologically important tidal zone on Grand Terre Island. There is inadequate information to evaluate the extent and duration of the direct, indirect, and cumulative adverse environmental impacts of such an action. Moreover, less environmentally damaging alternatives are available and currently in use. Alternatives such as bagging and removal would be clearly preferable environmentally. For these reasons, EPA opposes the proposed project and recommends the Corps deny authorization for it.

The applicant has not provided sufficient information to accurately determine the quantity of oil that would be re-discharged into tidal waters. Additionally, there is no indication of any threshold or limit on the type of oiled sands that would be re-introduced into the aquatic environment. Would heavily oiled sands be pushed back into the aquatic environment? Even if this were not the intention, it would be quite difficult to enforce any such limits or thresholds in the remote locations. Thus, as proposed, there would appear to be no practical way to quantify or limit the discharge of pollutants associated with this proposed project.

No information has been provided on the fate of oiled sands once reintroduced into the aquatic environment, except for general statements regarding accelerated weathering and degradation. The applicant references studies of this technique in general, but no citations are provided. Nor is there any indication that this technique has been applied to an oil spill of this scale and extent – and in this type of environment. Oiled sands would be re-suspended in the aquatic environment, possibly increasing exposure of aquatic organisms to hydrocarbons. Presumably, some portion of the oiled sands would be re-deposited elsewhere along the shore. It is unclear why either or both such outcomes would be acceptable.

Approval of this proposal could set an adverse precedent, clearing the way for expanded use of this approach to dealing with oiled sands. Oil has impacted many miles of sandy beach and barrier shoreline across the northern Gulf of Mexico. Expanded use of this technique across the affected region could have untold cumulative adverse impacts on the aquatic environment. We would question

National Oceanic and Atmospheric Administration
Comments Pertaining to Proposed Emergency Authorization of Surf Washing of Sand on East Grand Terre Island in Jefferson Parish

July 20, 2010

By electronic mail dated July 20, 2010, the U.S. Army Corps of Engineers, New Orleans District (NOD) requested natural resource agency review of the application by BP Exploration and Production Company Incorporated for emergency authorization to conduct "surf washing" of oiled beach sediments on East Grand Terre Island in Jefferson Parish, Louisiana. The NOD is considering emergency authorization for these activities under provisions of General Permit NOD-20. Based on information provided, oiled beach sediment would be relocated from its present location on the island to the surf zone. Surf washing, intended to separate oil from sand substrate, would occur during an initial washing period from now until November 2010. A possible second washing period is proposed during April and May 2011.

NOAA appreciates the need to employ as many viable spill countermeasures as possible; however, such measures must avoid, minimize, or mitigate additive adverse environmental impacts. However, NOAA is concerned with the merits and impacts of this proposal for a number of reasons. Principal issues of concern are:

1. The appropriateness of the effort. Based on discussions with NOAA staff at the Unified Command Center (UCC) and our review of published literature pertaining to the use of surf washing, such activities should only be undertaken when sandy shorelines have a very light coating of oil. Information transmitted with the application indicates that much of the area proposed for surf washing is categorized as having medium to heavy coatings of oil. As such, surf washing in those areas would be inappropriate as an oil spill remediation response and could actually remobilize oil for transport into wetlands behind East Grand Terre or down drift beach fronts. It should be noted that oil-contaminated wetlands are much harder to clean than beach habitats.

2. Shoreline clean-up via surf washing should not be considered until heavy accumulations have been mechanically removed and the risk of recontamination by floating oil has abated. NOAA staff at the UCC have indicated that oil slicks are again moving in the direction of East Grand Terre Island. Surf washing at this time would provide no long term benefit to the remediation of contaminated sediments that may just get re-contaminated later.

3. NOAA staff at the UCC have indicated that surf washing is generally utilized as a last resort remediation effort at beaches in demand for recreational purposes. Given the lack of a demand for immediate remediation of oiled conditions on East Grand Terre Island, NOAA questions the need for emergency authorization of surf washing at this time.

The U.S. Fish and Wildlife Service (Service) has received your July 19, 2010, electronic mail requesting our review of a proposed emergency authorization for sediment relocation (surf washing) on Grand Terre, in Jefferson Parish, Louisiana. The Deepwater Horizon Response Environmental Unit proposes to relocate oiled sediment from the upper section of the intertidal zone (above normal wave action) to a lower elevation where wave action can "wash" the oil from the sediment. The sediment would then be moved back in place along the shoreline with small soil moving equipment (backhoe, etc.). The proposed work is intended to protect fish and wildlife resources from the oil spill associated with the Deepwater Horizon (i.e., Mississippi Canyon 252) blowout. The comments below are submitted in accordance with the technical assistance provisions of the Fish and Wildlife Coordination Act (FWCA; 48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), 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.), and provide emergency informal consultation information under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) in anticipation of emergency consultation.

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

Grand Terre II (i.e., East Grand Terre) is within Unit LA-5 of designated critical habitat for the threatened piping plover. Critical habitat on that island includes all of the island where primary constituent elements (i.e., intertidal beaches, mud flats, sand flats, algal flats, wash-over passes, and associated dunes and flats above annual high tide) occur down to mean low, low water (MLLW). Prior to oil impacting that island, the Louisiana Department of Natural Resources (LDNR) was conducting the restoration of that island using funds from their Coastal Impact Assistance Program. The newly created beach and dune system on that island was not completely restored prior to being impacted by oil. Benthic fauna recolonization is likely to be further hindered by oiled sand relocation.

The proposed "surf washing" is not a clean-up technique that has been previously reviewed and/or analyzed by resource agencies as part of our response to oil spill clean-up activities. None of the information provided by either the Corps or LDNR explains how much time would be needed for microbial degradation to "process" the oil washed from the sediment. Studies have shown that benthic fauna may take anywhere from 6 months to 2 years to recover from a beach nourishment event. However, the Service is concerned that this technique's impacts to the benthic fauna of the intertidal zone by re-oiling could further delay the recovery of benthic communities upon which the threatened piping plover and other shorebird species prey upon. Other clean-up methods (i.e., minimal scraping and removal of oiled sediment) would permanently remove the oil from the ecosystem in general, which is what we prefer. We also recommend that the attached recommendations (specifically, BMP-1, -3, -4, -5, -8, -10, -11, -12, -25, -26, -27, -31), which have been adopted by the Houma Command Center, be considered to

BOBBY JINDAL
GOVERNOR

State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

ROBERT J. BARHAM
SECRETARY

JIMMY L. ANTHONY
ASSISTANT SECRETARY

July 20, 2010

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

RE: *Application Number: Emergency-Grand Terre II*
Applicant: BP Exploration and Production Company
Public Notice Date: July 19, 2010

Dear Mr. Serio:

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

As tactics develop, resource and regulatory agencies should be informed of project details concerning equipment type, equipment usage, proposed work areas, etc. Agencies then should be given the opportunity to provide additional comments.

Once the threat of oil has subsided, the applicant should be required to immediately restore natural contours to the project area.

LDWF requests that the applicant notify each oyster lease holder within 1500 feet of the proposed activity prior to commencement.

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].

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

Our Database also indicates that natural communities are known to occur in the area. This community includes coastal mangroves and marsh scrubland. Consult Amity Bass prior to any activity at [redacted].

We understand that some samples were taken for further analysis during the 16 July 2010 pilot of this technique; natural resource commenting agencies would benefit greatly from seeing the analysis results.

The beach face and lower intertidal is home to numerous species which despite oil staining still use it as a habitat. Large scale removal of sediment and placing in the intertidal zone will result in re-suspension of hydrocarbons and disruption of the normal habitats of these organisms. These organisms include larval fish, crustaceans and other ecologically important invertebrates.

The EUA indicates that the surf washing does not increase the toxicity above threshold levels. This information is gathered from smaller scale spills and that same conclusion cannot be made here do to the size and nature of this spill. In addition moving the oil from the splash zone of the beach and placing it back into the water column is only moving where the oil finally resides. Having the oil back in the water is not beneficial to aquatic organisms, particularly as some of the smaller larval fish and crustaceans may be more vulnerable to toxicity effects from dispersed oil (see comment above).

In documents passed through the state and federal OSCs, one of the "pros" for the surf washing process is that beaches treated in that way pass the "white towel" test. Grand Terre II is remote and is not a public beach, therefore, the aesthetic argument is not appropriate for this site.

The spills referred to in the documents signed off on by the State OSC are in a variety of habitats. How applicable are the results to the present circumstance at Grand Terre?

Would this response activity be subject to possible NRDA action as injuries accrued as a result of response?

The Louisiana Department of Wildlife and Fisheries appreciates the opportunity to review and provide recommendations to you regarding this proposed activity. Please do not hesitate to contact Habitat Section biologist Chris Davis at [redacted] should you need further assistance.

Sincerely,

Jimmy L. Anthony
Assistant Secretary

mw/ab/rb

c: Matthew Weigel, Biologist
Amity Bass, Biologist
Robert Bourgeois, Biologist

EPA, Marine & Wetlands Section
USFWS Ecological Services

Lacoste, Angie D MVN

From: Jamie Phillippe [Jamie.Phillippe@LA.GOV]
Sent: Monday, July 19, 2010 4:10 PM
To: Lacoste, Angie D MVN
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Angie,

DEQ commented on this one previously with DNR. Here's the comment:

DEQ has no objection to this project, provided that all gross oil contamination has been removed first and that observations of the process do not produce persistent sheens (unless persistent sheen is captured through use of sorbents or other removal techniques); the production of temporary sheen is acceptable.

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

-----Original Message-----
From: Lacoste, Angie D MVN [mailto:Angie.D.Lacoste@usace.army.mil]
Sent: Monday, July 19, 2010 4:02 PM
To: kbalkum@wlf.louisiana.gov; rcdavis@wlf.la.gov; richard.hartman@noaa.gov; ettinger.john@epa.gov; Patrick.Williams@noaa.gov; Jay.Pecot@LA.GOV; christine.charrier@la.gov; Walther, David; karl.morgan@la.gov; Schindler, Paige P MVN; Schneider, Donald C MVN; Brown, Jane L MVN; Jamie Phillippe; Butler, Dave; Seth_Bordelon@fws.gov; Monica Nicole Dandurand; patti_holland@fws.gov; houmasitl@uscg.mil
Cc: Mujica, Joaquin MVN; Daigle, Michelle C MVN; Clark, Karl J MVN
Subject: FW: EUA Request to Surf Wash sediments on Grand Terre

Please review the attached request for an emergency authorization and provide comments by 2:00pm, Tuesday, July 20, 2010. Lack of response will be construed as indicating no objection.

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 3:34 PM
To: Karl Morgan
Cc: Regina Staten; Lacoste, Angie D MVN
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

sorry for the delay on this. Our SCAT team has done another recon of this island but I could not get any more details than what I already have.

The attached letter and plat shows the area where the surf washing is proposed (marker shows lat/long of extent of linear area). The marked area
(15 yards from surf toward the brush), which is open sediment, is the area we would like to surf wash. This area has active cleanup and some of this shoreline only needs the surf wash of the sediment.

The proposed action plan is to move the stained sediment to the shoreline for surf washing then move it back in place along the shoreline with small backhoe/soil moving equipment.

thank you,

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
([redacted] - cellular

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Cc: Monica Nicole Dandurand <Monica.Dandurand@LA.GOV>
Sent: Mon, July 19, 2010 2:26:47 PM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

I have not received any additional plats yet.

From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 9:25 AM
To: Karl Morgan
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

I will be happy to provide this to you. I will get with Dr. Owens and GIS and produce those maps today.

thanks.

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Sent: Mon, July 19, 2010 8:49:03 AM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

Can you get me better plats? Show where the activity is taking place (which Island) and a plat showing how far from the vegetation the work is occurring.

I will send the proposal for comment from the agencies and try to get an EUA document out today.

From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 6:34 AM
To: Karl Morgan
Cc: Regina Staten; ronald.dippo@bp.com; David E. Fritz; Ed Owens; Melanie Jarrell; sedebj@bp.com
Subject: EUA Request to Surf Wash sediments on Grand Terre

Mr. Morgan:

Enclosed is an EUA request for surf washing of sediment on Grande Terre.

Our purpose for requesting this is to obtain a verbal EUA from you today in order to begin the project. (If granted an EUA, a CUP permit will be forthcoming within the time frame established).

Surf washing is a way of removing oily stain on sediments and has been accepted across industry and government for many years.

Dr. Ed Owens, Polaris, is the scientist on this project and has submitted information regarding this activity (attached).

The Deepwater Horizon Response Environmental Unit is requesting approval of this clean up technique in order to minimize any further environmental impact to Grande Terre.

Your verbal approval today would be greatly appreciated!

For any questions, feel free to call me today at [redacted]

Many thanks for working with us on these important projects!

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center

Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

Louisiana Audubon Council
1522 Lowerline St., New Orleans, Louisiana 70118-4010

July 21, 2010

Mr. Pete Serio
Chief, Regulatory Branch
USACE
P.O. Box 60267
New Orleans Louisiana 70160

Re: Emergency Permit: MVN-2010-01753-EKK. Applicant: BP Exploration and Production

Dear Mr. Serio,

We have read the material posted on the Corps' website for the above permit. British Petroleum wants to use "surf-washing" of oil, contaminated-sand on Grand Terre Island, Jefferson Parish, LA.

We object to the issuance this emergency permit for the following reasons:

1). BP would be reintroducing contaminated oiled sands into the surf zone for "surf-washing" and it will move down-drift to other parts of the beach. It would be the antithesis of a clean-up.

2). No scientific data was produced to document that the process would have no adverse impact on the tidal-zone infauna. Although, BP states that they have evidence to document the level of toxicity in the water - they do supply those data.

3). Issuance of this permit would set a precedent for future oil spills and could be used along every oil contaminated beach, once the technique is accepted.

4). It appears to be a ploy by BP to avoid having to clean-up all the oil on the beach and disposing it at an EPA approved disposal site. It also appears to be a cost-cutting measure.

5). Beach studies by Dr. J. W. Tunnell, after the Ixtoc spill, showed that the infaunal population of marine worms and amphipods, along the South Texas oil-contaminated barrier-islands, were reduced by 80 percent in the inter-tidal zone and 50 percent in the sub-tidal zone. What affect will the continued oil contamination have on the infauna of Grand Terre Island?

6). What quantity of oil will be reintroduced into the environment as a result of this permit? Will it be quantified? If not, what is the limit on the amount of oil that will be discharged into our coastal waters?

7). BP has publicly pledged to clean up the oil - not redisperse it into the nearshore environment.

8). How will the oil affect the repopulation of benthic organisms? Re-oiling the beach could delay the recovery of benthic communities.

9). The short time allowed to review this application and lack of scientific documentation provided by the applicant does not allow the proper environmental review by marine biologists.

We request that the Corps deny this emergency permit. There is insufficient information supplied by the applicant to show that there would not be significant environmental impacts. We thank you for considering our comments.

Sincerely,

Dr. Barry Kohl, President,
La Audubon Council
[redacted]
bkohl40@cs.com

cc: EPA
Gulf Restoration Network
Coalition to Restore Coastal La
Sierra Club, Delta Chpt
National Audubon Society

U.S. Environmental Protection Agency
Comments on Corps of Engineers Emergency Authorization Request
Surf Washing of Oiled Sands on Grand Terre Island, Louisiana

July 20, 2010

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State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

ROBERT J. BARHAM
SECRETARY

JIMMY L. ANTHONY
ASSISTANT SECRETARY

July 20, 2010

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

RE: *Application Number: Emergency-Grand Terre II*
Applicant: BP Exploration and Production Company
Public Notice Date: July 19, 2010

Dear Mr. Serio:

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In documents passed through the state and federal OSCs, one of the "pros" for the surf washing process is that beaches treated in that way pass the "white towel" test. Grand Terre II is remote and is not a public beach, therefore, the aesthetic argument is not appropriate for this site.

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The Louisiana Department of Wildlife and Fisheries appreciates the opportunity to review and provide recommendations to you regarding this proposed activity. Please do not hesitate to contact Habitat Section biologist Chris Davis at [redacted] should you need further assistance.

Sincerely,

Jimmy L. Anthony
Assistant Secretary

mw/ab/rb

c: Matthew Weigel, Biologist
Amity Bass, Biologist
Robert Bourgeois, Biologist

EPA, Marine & Wetlands Section
USFWS Ecological Services

Lacoste, Angie D MVN

From: Jamie Phillippe [Jamie.Phillippe@LA.GOV]
Sent: Monday, July 19, 2010 4:10 PM
To: Lacoste, Angie D MVN
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Angie,

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Thanks,
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Louisiana Department of Environmental Quality
401 Water Quality Certifications

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Sent: Monday, July 19, 2010 4:02 PM
To: kbalkum@wlf.louisiana.gov; rcdavis@wlf.la.gov; richard.hartman@noaa.gov; ettinger.john@epa.gov; Patrick.Williams@noaa.gov; Jay.Pecot@LA.GOV; christine.charrier@la.gov; Walther, David; karl.morgan@la.gov; Schindler, Paige P MVN; Schneider, Donald C MVN; Brown, Jane L MVN; Jamie Phillippe; Butler, Dave; Seth_Bordelon@fws.gov; Monica Nicole Dandurand; patti_holland@fws.gov; houmasitl@uscg.mil
Cc: Mujica, Joaquin MVN; Daigle, Michelle C MVN; Clark, Karl J MVN
Subject: FW: EUA Request to Surf Wash sediments on Grand Terre

Please review the attached request for an emergency authorization and provide comments by 2:00pm, Tuesday, July 20, 2010. Lack of response will be construed as indicating no objection.

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted]- cellular

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Surf washing is a way of removing oily stain on sediments and has been accepted across industry and government for many years.

Dr. Ed Owens, Polaris, is the scientist on this project and has submitted information regarding this activity (attached).

The Deepwater Horizon Response Environmental Unit is requesting approval of this clean up technique in order to minimize any further environmental impact to Grande Terre.

Your verbal approval today would be greatly appreciated!

For any questions, feel free to call me today at [redacted].

Many thanks for working with us on these important projects!

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center

Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

Louisiana Audubon Council
1522 Lowerline St., New Orleans, Louisiana 70118-4010

July 21, 2010

Mr. Pete Serio
Chief, Regulatory Branch
USACE
P.O. Box 60267
New Orleans Louisiana 70160

Re: Emergency Permit: MVN-2010-01753-EKK. Applicant: BP Exploration and Production

Dear Mr. Serio,

We have read the material posted on the Corps' website for the above permit. British Petroleum wants to use "surf-washing" of oil, contaminated-sand on Grand Terre Island, Jefferson Parish, LA.

We object to the issuance this emergency permit for the following reasons:

1). BP would be reintroducing contaminated oiled sands into the surf zone for "surf-washing" and it will move down-drift to other parts of the beach. It would be the antithesis of a clean-up.

2). No scientific data was produced to document that the process would have no adverse impact on the tidal-zone infauna. Although, BP states that they have evidence to document the level of toxicity in the water - they do supply those data.

3). Issuance of this permit would set a precedent for future oil spills and could be used along every oil contaminated beach, once the technique is accepted.

4). It appears to be a ploy by BP to avoid having to clean-up all the oil on the beach and disposing it at an EPA approved disposal site. It also appears to be a cost-cutting measure.

5). Beach studies by Dr. J. W. Tunnell, after the Ixtoc spill, showed that the infaunal population of marine worms and amphipods, along the South Texas oil-contaminated barrier-islands, were reduced by 80 percent in the inter-tidal zone and 50 percent in the sub-tidal zone. What affect will the continued oil contamination have on the infauna of Grand Terre Island?

6). What quantity of oil will be reintroduced into the environment as a result of this permit? Will it be quantified? If not, what is the limit on the amount of oil that will be discharged into our coastal waters?

7). BP has publicly pledged to clean up the oil - not redisperse it into the nearshore environment.

8). How will the oil affect the repopulation of benthic organisms? Re-oiling the beach could delay the recovery of benthic communities.

9). The short time allowed to review this application and lack of scientific documentation provided by the applicant does not allow the proper environmental review by marine biologists.

We request that the Corps deny this emergency permit. There is insufficient information supplied by the applicant to show that there would not be significant environmental impacts. We thank you for considering our comments.

Sincerely,

Dr. Barry Kohl, President,
La Audubon Council
[redacted]
bkohl40@cs.com

cc: EPA
Gulf Restoration Network
Coalition to Restore Coastal La
Sierra Club, Delta Chpt
National Audubon Society

SIERRA CLUB
FOUNDED 1892

Haywood R. Martin, Chair
Sierra Club, Delta Chapter
400 Glynndale Ave.
Lafayette, LA 70506
chair@louisiana.sierraclub.org

July 22, 2010

Mr. Pete Serio
Chief, Regulatory Branch
USACE
P.O. Box 60267
New Orleans Louisiana 70160

Re: Emergency Permit: MVN-2010-01753-EKK. Applicant: BP Exploration and Production, "Surf washing" of oil contaminated sand on Grande Terre Island

Dear Mr. Serio,

The Delta (State of Louisiana) Chapter of the Sierra Club hereby expresses strong opposition to the issuance of an emergency permit to allow surf washing of oil contaminated sand on Grand Terre Island. We are opposed for the following reasons:

It defies common sense to clean oil off the beach and then reintroduce it into the water column from where it can continue to wash up on the beach. If the oil is harmful enough to justify the expense of cleanup from beaches, then it is too harmful to reintroduce to the gulf shore environment.

No scientific information is presented in the permit request to show that oil discharged into the surf will not harm wildlife. The proposed procedure would result in oil being directly reintroduced to the inter-tidal zone where numerous biological organisms live, serving as feed stock for birds and other animals.

Numerous studies and experience with prior occurring oil spills support the premise that oil is toxic to ocean and inter-tidal zone dwelling biological organisms. Oil contaminated sand should be treated as a hazardous waste and removed entirely from contact with gulf water, inter-tidal zones and beaches.

Sierra Club Delta Chapter strongly requests that the Corps deny this emergency permit.

Thank you for your consideration of these comments.

Haywood Martin, Chair
Sierra Club Delta Chapter

From:	Ellis Pickett
To:	Lacoste, Angie D MVN
Subject:	MVN-2010-01753-EKK
Date:	Thursday, July 22, 2010 12:37:28 PM

Dear Mrs. Lacoste,
Thank you for your time on the phone today.

As I mentioned, I oppose the BP permit for "sand washing" oil on a coastal barrier island. I would be willing to bet the majority of Americans would oppose this ludicrous attempt by BP to reduce the cost of their promise to "make it right."

This plan, along with the woefully long and hypocritical list of BP statements/denials/solutions is another insult to the American people. What will they do next, bottle oily water and sell it as a health drink?

Ellis Pickett
Liberty, Texas

U.S. Environmental Protection Agency
Comments on Corps of Engineers Emergency Authorization Request
Surf Washing of Oiled Sands on Grand Terre Island, Louisiana

July 20, 2010

This is in response to the Corps of Engineers (Corps) request on July 19, 2010, for EPA review of a proposal to "surf wash" oiled sands on Grand Terre Island, Louisiana. According to materials included with the application, this technique would involve the relocation of oiled sands from "above the limit of normal wave action" to a "lower elevation, where the oiled sediment is exposed to a higher amount of physical action from water and waves for a longer amount of time."

The applicant is essentially seeking authorization to reintroduce pollutants into the aquatic environment. Such an action would appear contrary to a basic goal of this oil spill response (i.e., minimize the amount of oil in the aquatic environment). The proposed project would result in increased pollutants entering waters in the sensitive and ecologically important tidal zone on Grand Terre Island. There is inadequate information to evaluate the extent and duration of the direct, indirect, and cumulative adverse environmental impacts of such an action. Moreover, less environmentally damaging alternatives are available and currently in use. Alternatives such as bagging and removal would be clearly preferable environmentally. For these reasons, EPA opposes the proposed project and recommends the Corps deny authorization for it.

The applicant has not provided sufficient information to accurately determine the quantity of oil that would be re-discharged into tidal waters. Additionally, there is no indication of any threshold or limit on the type of oiled sands that would be re-introduced into the aquatic environment. Would heavily oiled sands be pushed back into the aquatic environment? Even if this were not the intention, it would be quite difficult to enforce any such limits or thresholds in the remote locations. Thus, as proposed, there would appear to be no practical way to quantify or limit the discharge of pollutants associated with this proposed project.

No information has been provided on the fate of oiled sands once reintroduced into the aquatic environment, except for general statements regarding accelerated weathering and degradation. The applicant references studies of this technique in general, but no citations are provided. Nor is there any indication that this technique has been applied to an oil spill of this scale and extent – and in this type of environment. Oiled sands would be re-suspended in the aquatic environment, possibly increasing exposure of aquatic organisms to hydrocarbons. Presumably, some portion of the oiled sands would be re-deposited elsewhere along the shore. It is unclear why either or both such outcomes would be acceptable.

Approval of this proposal could set an adverse precedent, clearing the way for expanded use of this approach to dealing with oiled sands. Oil has impacted many miles of sandy beach and barrier shoreline across the northern Gulf of Mexico. Expanded use of this technique across the affected region could have untold cumulative adverse impacts on the aquatic environment. We would question

National Oceanic and Atmospheric Administration
Comments Pertaining to Proposed Emergency Authorization of Surf Washing of Sand on East Grand Terre Island in Jefferson Parish

July 20, 2010

By electronic mail dated July 20, 2010, the U.S. Army Corps of Engineers, New Orleans District (NOD) requested natural resource agency review of the application by BP Exploration and Production Company Incorporated for emergency authorization to conduct "surf washing" of oiled beach sediments on East Grand Terre Island in Jefferson Parish, Louisiana. The NOD is considering emergency authorization for these activities under provisions of General Permit NOD-20. Based on information provided, oiled beach sediment would be relocated from its present location on the island to the surf zone. Surf washing, intended to separate oil from sand substrate, would occur during an initial washing period from now until November 2010. A possible second washing period is proposed during April and May 2011.

NOAA appreciates the need to employ as many viable spill countermeasures as possible; however, such measures must avoid, minimize, or mitigate additive adverse environmental impacts. However, NOAA is concerned with the merits and impacts of this proposal for a number of reasons. Principal issues of concern are:

1. The appropriateness of the effort. Based on discussions with NOAA staff at the Unified Command Center (UCC) and our review of published literature pertaining to the use of surf washing, such activities should only be undertaken when sandy shorelines have a very light coating of oil. Information transmitted with the application indicates that much of the area proposed for surf washing is categorized as having medium to heavy coatings of oil. As such, surf washing in those areas would be inappropriate as an oil spill remediation response and could actually remobilize oil for transport into wetlands behind East Grand Terre or down drift beach fronts. It should be noted that oil-contaminated wetlands are much harder to clean than beach habitats.

2. Shoreline clean-up via surf washing should not be considered until heavy accumulations have been mechanically removed and the risk of recontamination by floating oil has abated. NOAA staff at the UCC have indicated that oil slicks are again moving in the direction of East Grand Terre Island. Surf washing at this time would provide no long term benefit to the remediation of contaminated sediments that may just get re-contaminated later.

3. NOAA staff at the UCC have indicated that surf washing is generally utilized as a last resort remediation effort at beaches in demand for recreational purposes. Given the lack of a demand for immediate remediation of oiled conditions on East Grand Terre Island, NOAA questions the need for emergency authorization of surf washing at this time.

The U.S. Fish and Wildlife Service (Service) has received your July 19, 2010, electronic mail requesting our review of a proposed emergency authorization for sediment relocation (surf washing) on Grand Terre, in Jefferson Parish, Louisiana. The Deepwater Horizon Response Environmental Unit proposes to relocate oiled sediment from the upper section of the intertidal zone (above normal wave action) to a lower elevation where wave action can "wash" the oil from the sediment. The sediment would then be moved back in place along the shoreline with small soil moving equipment (backhoe, etc.). The proposed work is intended to protect fish and wildlife resources from the oil spill associated with the Deepwater Horizon (i.e., Mississippi Canyon 252) blowout. The comments below are submitted in accordance with the technical assistance provisions of the Fish and Wildlife Coordination Act (FWCA; 48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), 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.), and provide emergency informal consultation information under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) in anticipation of emergency consultation.

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

Grand Terre II (i.e., East Grand Terre) is within Unit LA-5 of designated critical habitat for the threatened piping plover. Critical habitat on that island includes all of the island where primary constituent elements (i.e., intertidal beaches, mud flats, sand flats, algal flats, wash-over passes, and associated dunes and flats above annual high tide) occur down to mean low, low water (MLLW). Prior to oil impacting that island, the Louisiana Department of Natural Resources (LDNR) was conducting the restoration of that island using funds from their Coastal Impact Assistance Program. The newly created beach and dune system on that island was not completely restored prior to being impacted by oil. Benthic fauna recolonization is likely to be further hindered by oiled sand relocation.

The proposed "surf washing" is not a clean-up technique that has been previously reviewed and/or analyzed by resource agencies as part of our response to oil spill clean-up activities. None of the information provided by either the Corps or LDNR explains how much time would be needed for microbial degradation to "process" the oil washed from the sediment. Studies have shown that benthic fauna may take anywhere from 6 months to 2 years to recover from a beach nourishment event. However, the Service is concerned that this technique's impacts to the benthic fauna of the intertidal zone by re-oiling could further delay the recovery of benthic communities upon which the threatened piping plover and other shorebird species prey upon. Other clean-up methods (i.e., minimal scraping and removal of oiled sediment) would permanently remove the oil from the ecosystem in general, which is what we prefer. We also recommend that the attached recommendations (specifically, BMP-1, -3, -4, -5, -8, -10, -11, -12, -25, -26, -27, -31), which have been adopted by the Houma Command Center, be considered to

BOBBY JINDAL
GOVERNOR

State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

ROBERT J. BARHAM
SECRETARY

JIMMY L. ANTHONY
ASSISTANT SECRETARY

July 20, 2010

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

RE: *Application Number: Emergency-Grand Terre II*
Applicant: BP Exploration and Production Company
Public Notice Date: July 19, 2010

Dear Mr. Serio:

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

As tactics develop, resource and regulatory agencies should be informed of project details concerning equipment type, equipment usage, proposed work areas, etc. Agencies then should be given the opportunity to provide additional comments.

Once the threat of oil has subsided, the applicant should be required to immediately restore natural contours to the project area.

LDWF requests that the applicant notify each oyster lease holder within 1500 feet of the proposed activity prior to commencement.

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]

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

Our Database also indicates that natural communities are known to occur in the area. This community includes coastal mangroves and marsh scrubland. Consult Amity Bass prior to any activity at [redacted]

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Deepwater Horizon Response
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Melanie Jarrell

Deepwater Horizon Response
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July 21, 2010

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We object to the issuance this emergency permit for the following reasons:

1). BP would be reintroducing contaminated oiled sands into the surf zone for "surf-washing" and it will move down-drift to other parts of the beach. It would be the antithesis of a clean-up.

2). No scientific data was produced to document that the process would have no adverse impact on the tidal-zone infauna. Although, BP states that they have evidence to document the level of toxicity in the water - they do supply those data.

3). Issuance of this permit would set a precedent for future oil spills and could be used along every oil contaminated beach, once the technique is accepted.

4). It appears to be a ploy by BP to avoid having to clean-up all the oil on the beach and disposing it at an EPA approved disposal site. It also appears to be a cost-cutting measure.

5). Beach studies by Dr. J. W. Tunnell, after the Ixtoc spill, showed that the infaunal population of marine worms and amphipods, along the South Texas oil-contaminated barrier-islands, were reduced by 80 percent in the inter-tidal zone and 50 percent in the sub-tidal zone. What affect will the continued oil contamination have on the infauna of Grand Terre Island?

6). What quantity of oil will be reintroduced into the environment as a result of this permit? Will it be quantified? If not, what is the limit on the amount of oil that will be discharged into our coastal waters?

7). BP has publicly pledged to clean up the oil - not redisperse it into the nearshore environment.

8). How will the oil affect the repopulation of benthic organisms? Re-oiling the beach could delay the recovery of benthic communities.

9). The short time allowed to review this application and lack of scientific documentation provided by the applicant does not allow the proper environmental review by marine biologists.

We request that the Corps deny this emergency permit. There is insufficient information supplied by the applicant to show that there would not be significant environmental impacts. We thank you for considering our comments.

Sincerely,

Dr. Barry Kohl, President,
La Audubon Council
[redacted]
bkohl40@cs.com

cc: EPA
Gulf Restoration Network
Coalition to Restore Coastal La
Sierra Club, Delta Chpt
National Audubon Society

SIERRA CLUB
FOUNDED 1892

Haywood R. Martin, Chair
Sierra Club, Delta Chapter
400 Glynndale Ave.
Lafayette, LA 70506
chair@louisiana.sierraclub.org

July 22, 2010

Mr. Pete Serio
Chief, Regulatory Branch
USACE
P.O. Box 60267
New Orleans Louisiana 70160

Re: Emergency Permit: MVN-2010-01753-EKK. Applicant: BP Exploration and Production, "Surf washing" of oil contaminated sand on Grande Terre Island

Dear Mr. Serio,

The Delta (State of Louisiana) Chapter of the Sierra Club hereby expresses strong opposition to the issuance of an emergency permit to allow surf washing of oil contaminated sand on Grand Terre Island. We are opposed for the following reasons:

It defies common sense to clean oil off the beach and then reintroduce it into the water column from where it can continue to wash up on the beach. If the oil is harmful enough to justify the expense of cleanup from beaches, then it is too harmful to reintroduce to the gulf shore environment.

No scientific information is presented in the permit request to show that oil discharged into the surf will not harm wildlife. The proposed procedure would result in oil being directly reintroduced to the inter-tidal zone where numerous biological organisms live, serving as feed stock for birds and other animals.

Numerous studies and experience with prior occurring oil spills support the premise that oil is toxic to ocean and inter-tidal zone dwelling biological organisms. Oil contaminated sand should be treated as a hazardous waste and removed entirely from contact with gulf water, inter-tidal zones and beaches.

Sierra Club Delta Chapter strongly requests that the Corps deny this emergency permit.

Thank you for your consideration of these comments.

Haywood Martin, Chair
Sierra Club Delta Chapter

From:	Ellis Pickett
To:	Lacoste, Angie D MVN
Subject:	MVN-2010-01753-EKK
Date:	Thursday, July 22, 2010 12:37:28 PM

Dear Mrs. Lacoste,
Thank you for your time on the phone today.

As I mentioned, I oppose the BP permit for "sand washing" oil on a coastal barrier island. I would be willing to bet the majority of Americans would oppose this ludicrous attempt by BP to reduce the cost of their promise to "make it right."

This plan, along with the woefully long and hypocritical list of BP statements/denials/solutions is another insult to the American people. What will they do next, bottle oily water and sell it as a health drink?

Ellis Pickett
Liberty, Texas

GULF RESTORATION NETWORK

UNITED FOR A HEALTHY GULF

338 Baronne St., Suite 200, New Orleans, LA 70112
Mailing Address: P.O. Box 2245, New Orleans, LA 70176
Phone: (504) 525-1528 Fax: (504) 525-0833
www.healthygulf.org

July 22, 2010

Angie Lacoste
Regulatory Branch
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 70118
Via email: Angie.D.Lacoste@usace.army.mil

RE: Emergency Permit: MVN-2010-01753-EKK; Surf washing proposal submitted by BP Exploration and Production

Dear Ms. Lacoste,

I am writing on behalf of the Gulf Restoration Network (GRN), a diverse coalition of individual citizens and local, regional, and national organizations committed to uniting and empowering people to protect and restore the resources of the Gulf of Mexico. Please consider the following comments regarding the emergency permit for the Emergency Use Authorization (EUA) Request for "Surf Washing of Sand on Grand Terre Island" submitted by BP Exploration & Production Co. Inc. on July 19, 2010. Given the information supplied on the Corps website, we object to the issuance of this EUA. Some of our concerns are as follows:

1. BP's proposal states that a "demonstration of this clean up technique was performed with DNR observers (Steve Lorio and Regina Staten on July 16, 2010). The results of this "demonstration" must be made available to the public and the commenting agencies before any action is taken. Further, we request the permit or other authorization given to BP by the Corps and other Agencies for this demonstration on July 16, 2010 be released to the public. If no such authorizations were given, we request that Corps Enforcement initiate investigations as to why no permissions were sought.

2. No scientific data was produced to document that the proposed procedure would have no impact on the organisms and microorganisms that reside in the tidal zone. While the request states that "neither the benthic sediments or suspended particulate material reach unacceptable toxicity levels," there are no data to back this up. What are "acceptable" toxicity levels? Did they test for migration off-shore? What organisms did

they study? What would be the *physical* damage to benthic organisms as well as organisms that reside on and under the beach? What are the impacts to water quality?

3. Oil released from the BP Drilling Disaster is harmful. It is BPs responsibility to *remove* the oil, not re-introduce it to the ecosystem. This re-introduction in lieu of proper disposal is unacceptable.

4. The request gives no information as to the quantity of oil that will be put back into the ecosystem. Will this amount be quantified? How much would be allowed under the General Permit?

5. According to the one drawing, there is more than an "oily stain," so Ms. Jarrell's statement (p. 3 of 35 of document on Corps website) regarding this being "accepted across industry and government" is irrelevant to the current status of the BP Oil Disaster.

6. The short time allowed to review this application (July 21, 2010 is the first time any of my colleagues heard about this proposal, which might be approved/disapproved by July 23) and lack of scientific information within the application does not allow for adequate review by the public and concerned scientists.

7. There is inadequate information regarding direct, indirect, secondary, and cumulative impacts of this proposal.

8. Adequate information on the impact this activity will have on the habitat of the threatened piping plover has not been provided. Additionally, the proposed timeframe of this project could interfere in nesting of other birds.

9. No additional plats were provided to the Corps, despite repeated requests.

10. We are concerned that BP is proposing a potentially harmful and controversial project to be covered under a general permit (NOD 20). General permits are intended to have negligible impacts individually and cumulatively, however this project will certainly have impacts that would normally require an Environmental Assessment or full Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). While we acknowledge that this disaster requires regulatory flexibility, general permits were never intended to address projects with potentially significant environmental impacts. We are deeply troubled by the precedent that would be set by this action.

We would like to be clear that we are very concerned about the impacts of the BP oil drilling disaster; however, hastily moving forward with this effort that would re-introduce contaminants into the Gulf and impact wildlife habitat is not the best approach. For the above

reasons, as well as reasons submitted by many federal and state agencies, we request that the Corps deny BP's request for the General Permit.

Thank you for reviewing our concerns. I would be happy to explore these ideas further if you have any questions.

For a healthy Gulf,

Matt Rota
Water Resources Program Director

CC: Col. Alvin Lee, USACE New Orleans District
Mike Boots, CEQ
Host Greczmiel, CEQ
Garret Graves, State of Louisiana
Lisa Jackson, EPA
Al Armendariz, EPA Region 6
Lawrence Starfield, EPA Region 6
John Ettinger, EPA Region 6
Jane Lubchenco, NOAA
Pete Serio, USACE New Orleans District

affiliated with

L O U I S I A N A W I L D L I F E F E D E R A T I O N

". . . conserving our natural resources and your right to enjoy them."

21 July 2010

Angie D. Lacoste, Regulatory Branch
US Army, Corps of Engineers
P. O. Box 60267
New Orleans, LA 70160-0267
Angie.D.Lacoste@usace.army.mil

Karl Morgan, Coastal Management Division
Louisiana Department of Natural Resources
P. O. Box 44487
Baton Rouge, LA 70804-4487
Karl.Morgan@LA.GOV

Re: Emergency Use Authorization (EAU) Request for "Surf Washing" of Sand on Grand Terre Island: MVN-2010-01753-EKK

Dear Ms. Lacoste and Mr. Morgan:

On behalf of the Louisiana Wildlife Federation I am contacting you to state our objections to the referenced EUA to "surf wash" oil fouled sands on East Grand Terre Island. We are concerned that the treatment method would do more harm than good to the environment where it is proposed to be applied. No evidence is presented in the EAU request to the contrary.

More specifically, we are concerned that the proposed "surf washing" process may have the effect of re-oiling nearshore benthic communities that are important to fish and wildlife species (for example, the endangered the piping plover relies heavily on inter-tidal benthic fauna as a food source) and therefore delay the recovery of these vital habitats. During storms and high tides, some of the oil from the "surf-washed" sand will end up back on the beaches. Will the applicant then ask for another emergency permit that will disturb the system once again?

Another concern is the fate of the sand that is moved from the beaches to the nearshore or littoral zone. Will some of it be carried away by long-shore currents and permanently lost to the barrier island system? Considering the dire rate of barrier island erosion and the difficult and costly efforts being applied to sustain them, no activity of dubious merit should be allowed that may contribute to such land loss.

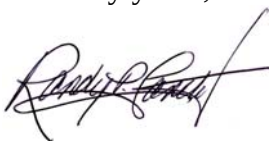
We concur with the comments submitted to the Corps of Engineers on the subject EAU request by the U.S. Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the U.S. Fish and Wildlife Service on July 20, 2010. Further, we do not believe that the requested activity should be authorized under emergency or general permit provisions. There is adequate time to fully assess the environmental impacts of the surf washing proposal prior to making a decision without causing harm to an environment already significantly impacted by the BP well blowout.

We recommend that the Corps of Engineers appoint a panel of experts immediately to assess the most effective practices that can be employed in Louisiana's coastal environment to remove oil from beach sands and from the adjacent vegetation that stabilizes these shorelines. Doing so will prepare the Corps to evaluate future requests for authorization to apply "surf-washing" and other oil clean-up strategies on the many other beaches of the Gulf Coast that have been degraded by the Deepwater Horizon oil "spill."

337 S. Acadian Thruway, Baton Rouge, LA 70806
P.O. Box 65239 Audubon Station, Baton Rouge, LA 70896-5239
Phone/Fax: (225) 344-6707
www.lawildlifefed.org

Thank you for your consideration. We urge you to deny the subject EAU.

Sincerely yours,



Randy P. Lanctot
Executive Director

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
Eastern Evaluation Section

JUL 27 2010

SUBJECT: MVN 2010-01753 EKK

BP Exploration and Production Company, Inc.
c/o Environmental Strategies, LLC
412 Breeman Circle
Lafayette, Louisiana 70508

Dear Gentlemen:

This concerns your request for an emergency authorization to perform surf washing on Grand Terre, in Jefferson Parish, Louisiana, in order to mitigate effects of oil from the MC252 (Deepwater Horizon) oil spill.

By electronic mail on July 21, 2010, agency comments were forwarded to you with a three (3) day time frame to respond. We did not received a response during the specified time frame, and during a telephone conversation on July 26, 2010, you were advised that the permit request would be withdrawn. At this time, we are returning your correspondence and withdrawing your permit request from our active files. If you decide at a future date to perform this work, you will be required to submit a new request.

If you have any questions, please contact Angie D. Lacoste with this office, at (504) 862-2281.

Sincerely,

Pete J. Serio
Chief, Regulatory Branch

Enclosure
Copy w/encl.
BP Exploration and Production Company, Inc.

Deepwater Horizon
BP Exploration & Production Co. Inc.
HOUMA, LOUISIANA - July 19, 2010

Deepwater Horizon Response
Letter of No Objection or
Emergency Use Authorization Request
Surf Washing of Sand on Grand Terre Island

Location
The coordinates of the east and west ends of the ocean shore beach are:
29 deg 18' 42.1" N 89 deg 51' 35.3" W
and
29 deg 18' 50.4" N 89 deg 54' 16.2" W
See attached location maps (two maps)
Jefferson Parish

Applicant name:
BP Exploration and Production Company, Inc.
1597 Hwy 311
Houma, LA 70395
Contact: David E. Fritz

Agent: Melanie Jarrell
Environmental Strategies, LLC
412 Breemen Circle
Lafayette, LA 70508
[redacted]

Description of Activity:

Sediment relocation, sometimes called "surf washing", is a shoreline treatment technique that accelerates the natural physical removal of oil from the beach sediments. In many instances this treatment option is a viable alternative to the removal and disposal of oiled sediments. Oil stranded on the upper section of the intertidal zone or above the limit of normal wave action, such as on a storm berm, can be relocated to a lower elevation, where the oiled sediment is exposed to a higher amount of physical action from water and waves for longer periods of time. Sediment relocation is effective due to physical processes that abrade oil from sediment and because of oil-mineral aggregate (OMA) formation processes. OMA processes increase the surface area of the oil that is exposed and thereby stimulate physical and chemical weathering and biological degradation. Sediment relocation actions during spill response operations and experimental studies have demonstrated that this is a viable treatment technique that can dramatically accelerate natural processes in the removal of stranded oil from a shoreline. Data collected to investigate the migration of oil from the beach following oiled sediment relocation has demonstrated that this action does not cause significant hydrocarbon accumulation in the nearshore environment, as neither the benthic sediments or suspended particulate material reach unacceptable toxicity levels as dispersion is

effective, without causing detrimental environmental effects, in low wave-energy environments as well as on more exposed sand.

Length of time needed to perform activity:

Initial surf washing on Grande Terre is expected to occur for five months (November 2010), then possibly another wash during April/May 2011, if necessary.

Point of beginning and end for project site:
(see maps)
29 deg 18' 42.1" N 89 deg 51' 35.3" W
and
29 deg 18' 50.4" N 89 deg 54' 16.2" W

Equipment Needed:

Only small equipment will be necessary to relocate oiled sediment to a lower tidal zone – the sand with be placed at the tide line and washed by the tide. Tactics on types of equipment to use has not been worked out yet, however, agencies and trustees will be involved in the entire process.

Access to site:

Beach is accessible by boat.

Operational Start Up /Anticipated Date:

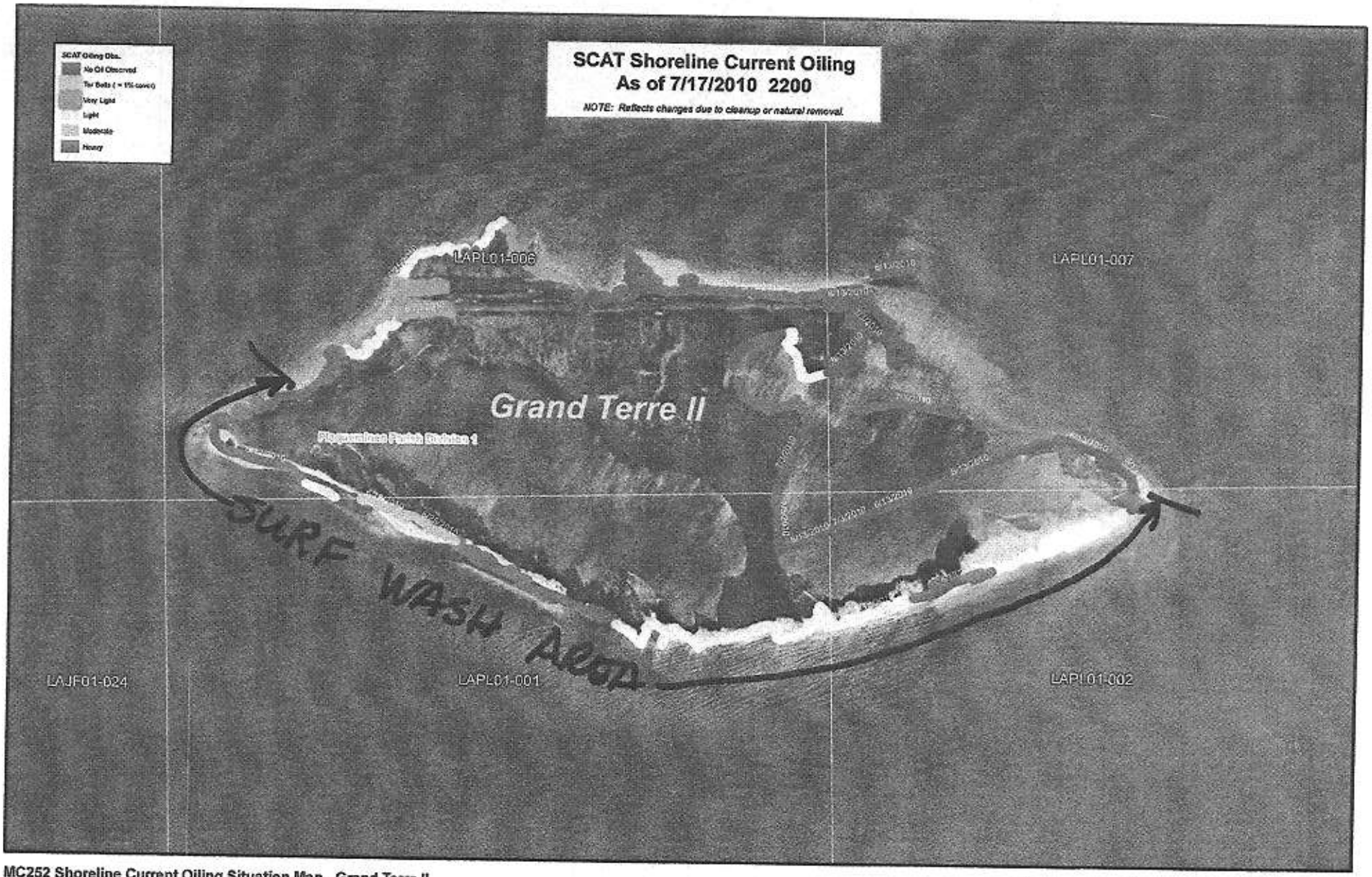
The project itself has not started. The team is waiting for a verbal approval to commence, with a formal letter of "No Objection" or EUA, if necessary. A demonstration of this clean up technique was performed with DNR observers (Steve Lorio and Regina Staten on July 16, 2010).

Estimated amount of Stained Sand -

Grande Terre II - stained sand only - moved 20 cu yards on the "demonstration" on July 16th. Based on June 13, 2010 SCAT data, the stained sand area is approx. 5000 yards long and 15 yards wide, with average depth of 2 foot = approx. 50,000 cu yards (assumes only one pass)

Signed: David E. Fritz

David Fritz, Environmental Unit Leader, BP



MC252 Shoreline Current Oiling Situation Map - Grand Terre II
As of: 7/17/2010 2200

Lacoste, Angie D MVN

From: Brown, Jane L MVN
Sent: Tuesday, July 20, 2010 2:47 PM
To: Lacoste, Angie D MVN
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

We have no objections

-----Original Message-----
From: Lacoste, Angie D MVN
Sent: Monday, July 19, 2010 4:02 PM
To: 'kbalkum@wlf.louisiana.gov'; rcdavis@wlf.la.gov; 'richard.hartman@noaa.gov'; ettinger.john@epa.gov; 'Patrick.Williams@noaa.gov'; 'Jay.Pecot@LA.GOV'; 'christine.charrier@la.gov'; Walther, David; 'karl.morgan@la.gov'; Schindler, Paige P MVN; Schneider, Donald C MVN; Brown, Jane L MVN; 'Jamie Phillippe'; 'Butler, Dave'; 'Seth_Bordelon@fws.gov'; Monica.Dandurand@LA.GOV; patti_holland@fws.gov; houmasitl@uscg.mil
Cc: Mujica, Joaquin MVN; Daigle, Michelle C MVN; Clark, Karl J MVN
Subject: FW: EUA Request to Surf Wash sediments on Grand Terre

Please review the attached request for an emergency authorization and provide comments by 2:00pm, Tuesday, July 20, 2010. Lack of response will be construed as indicating no objection.

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 3:34 PM
To: Karl Morgan
Cc: Regina Staten; Lacoste, Angie D MVN
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

sorry for the delay on this. Our SCAT team has done another recon of this island but I could not get any more details than what I already have.

The attached letter and plat shows the area where the surf washing is proposed (marker shows lat/long of extent of linear area). The marked area (15 yards from surf toward the brush), which is open sediment, is the area we would like to surf wash. This area has active cleanup and some of this shoreline only needs the surf wash of the sediment.

The proposed action plan is to move the stained sediment to the shoreline for surf washing then move it back in place along the shoreline with small backhoe/soil moving equipment.

thank you,

Melanie Jarrell

Deepwater Horizon Response

Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
([redacted])

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Cc: Monica Nicole Dandurand <Monica.Dandurand@LA.GOV>
Sent: Mon, July 19, 2010 2:26:47 PM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

I have not received any additional plats yet.

From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 9:25 AM
To: Karl Morgan
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

I will be happy to provide this to you. I will get with Dr. Owens and GIS and produce those maps today.

thanks.

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Sent: Mon, July 19, 2010 8:49:03 AM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

Can you get me better plats? Show where the activity is taking place (which Island) and a plat showing how far from the vegetation the work is occurring.

I will send the proposal for comment from the agencies and try to get an EUA document out today.

From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 6:34 AM
To: Karl Morgan
Cc: Regina Staten; ronald.dippo@bp.com; David E. Fritz; Ed Owens; Melanie Jarrell; sedebj@bp.com
Subject: EUA Request to Surf Wash sediments on Grand Terre

Mr. Morgan:

Enclosed is an EUA request for surf washing of sediment on Grande Terre.

Our purpose for requesting this is to obtain a verbal EUA from you today in order to begin the project. (If granted an EUA, a CUP permit will be forthcoming within the time frame established).

Surf washing is a way of removing oily stain on sediments and has been accepted across industry and government for many years.

Dr. Ed Owens, Polaris, is the scientist on this project and has submitted information regarding this activity (attached).

The Deepwater Horizon Response Environmental Unit is requesting approval of this clean up technique in order to minimize any further environmental impact to Grande Terre.

Your verbal approval today would be greatly appreciated!

For any questions, feel free to call me today at [redacted].

Many thanks for working with us on these important projects!

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

Lacoste, Angie D MVN

From: Terrell, Brigette F MVN
Sent: Tuesday, July 20, 2010 5:38 PM
To: Lacoste, Angie D MVN
Cc: Schindler, Paige P MVN
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

No real estate interests in this area.

Brigette

-----Original Message-----
From: Lacoste, Angie D MVN
Sent: Monday, July 19, 2010 4:03 PM
To: Terrell, Brigette F MVN
Subject: FW: EUA Request to Surf Wash sediments on Grand Terre

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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Cc: Mujica, Joaquin MVN; Daigle, Michelle C MVN; Clark, Karl J MVN
Subject: FW: EUA Request to Surf Wash sediments on Grand Terre

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504.862.2281

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Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

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To: Melanie Jarrell <mel.jarrell@att.net>
Cc: Monica Nicole Dandurand <Monica.Dandurand@LA.GOV>
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Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

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To: Melanie Jarrell <mel.jarrell@att.net>
Sent: Mon, July 19, 2010 8:49:03 AM
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Many thanks for working with us on these important projects!

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

U.S. Environmental Protection Agency
Comments on Corps of Engineers Emergency Authorization Request
Surf Washing of Oiled Sands on Grand Terre Island, Louisiana

July 20, 2010

This is in response to the Corps of Engineers (Corps) request on July 19, 2010, for EPA review of a proposal to "surf wash" oiled sands on Grand Terre Island, Louisiana. According to materials included with the application, this technique would involve the relocation of oiled sands from "above the limit of normal wave action" to a "lower elevation, where the oiled sediment is exposed to a higher amount of physical action from water and waves for a longer amount of time."

The applicant is essentially seeking authorization to reintroduce pollutants into the aquatic environment. Such an action would appear contrary to a basic goal of this oil spill response (i.e., minimize the amount of oil in the aquatic environment). The proposed project would result in increased pollutants entering waters in the sensitive and ecologically important tidal zone on Grand Terre Island. There is inadequate information to evaluate the extent and duration of the direct, indirect, and cumulative adverse environmental impacts of such an action. Moreover, less environmentally damaging alternatives are available and currently in use. Alternatives such as bagging and removal would be clearly preferable environmentally. For these reasons, EPA opposes the proposed project and recommends the Corps deny authorization for it.

The applicant has not provided sufficient information to accurately determine the quantity of oil that would be re-discharged into tidal waters. Additionally, there is no indication of any threshold or limit on the type of oiled sands that would be re-introduced into the aquatic environment. Would heavily oiled sands be pushed back into the aquatic environment? Even if this were not the intention, it would be quite difficult to enforce any such limits or thresholds in the remote locations. Thus, as proposed, there would appear to be no practical way to quantify or limit the discharge of pollutants associated with this proposed project.

No information has been provided on the fate of oiled sands once reintroduced into the aquatic environment, except for general statements regarding accelerated weathering and degradation. The applicant references studies of this technique in general, but no citations are provided. Nor is there any indication that this technique has been applied to an oil spill of this scale and extent – and in this type of environment. Oiled sands would be re-suspended in the aquatic environment, possibly increasing exposure of aquatic organisms to hydrocarbons. Presumably, some portion of the oiled sands would be re-deposited elsewhere along the shore. It is unclear why either or both such outcomes would be acceptable.

Approval of this proposal could set an adverse precedent, clearing the way for expanded use of this approach to dealing with oiled sands. Oil has impacted many miles of sandy beach and barrier shoreline across the northern Gulf of Mexico. Expanded use of this technique across the affected region could have untold cumulative adverse impacts on the aquatic environment. We would question

whether the Federal government wishes to endorse the deposition of oiled sands into tidal zones across the affected region. Yet, approval of a permit in this case could have just such an effect.

The applicant is required to demonstrate that the proposed project is the least environmentally damaging practicable alternative. In the absence of compelling information as to why this approach is environmentally acceptable, it would appear obvious that alternatives such as bagging and removal would be environmentally preferable to re-suspension of oiled sands into the aquatic environment. We recognize that the alternative of bagging and removal would be more time consuming and expensive. Nevertheless, the fact that this and possibly other less damaging options are being deployed throughout the affected region now is a clear indication of practicability.

National Oceanic and Atmospheric Administration
Comments Pertaining to Proposed Emergency Authorization of Surf Washing of Sand on East Grand Terre Island in Jefferson Parish

July 20, 2010

By electronic mail dated July 20, 2010, the U.S. Army Corps of Engineers, New Orleans District (NOD) requested natural resource agency review of the application by BP Exploration and Production Company Incorporated for emergency authorization to conduct "surf washing" of oiled beach sediments on East Grand Terre Island in Jefferson Parish, Louisiana. The NOD is considering emergency authorization for these activities under provisions of General Permit NOD-20. Based on information provided, oiled beach sediment would be relocated from its present location on the island to the surf zone. Surf washing, intended to separate oil from sand substrate, would occur during an initial washing period from now until November 2010. A possible second washing period is proposed during April and May 2011.

NOAA appreciates the need to employ as many viable spill countermeasures as possible; however, such measures must avoid, minimize, or mitigate additive adverse environmental impacts. However, NOAA is concerned with the merits and impacts of this proposal for a number of reasons. Principal issues of concern are:

1. The appropriateness of the effort. Based on discussions with NOAA staff at the Unified Command Center (UCC) and our review of published literature pertaining to the use of surf washing, such activities should only be undertaken when sandy shorelines have a very light coating of oil. Information transmitted with the application indicates that much of the area proposed for surf washing is categorized as having medium to heavy coatings of oil. As such, surf washing in those areas would be inappropriate as an oil spill remediation response and could actually remobilize oil for transport into wetlands behind East Grand Terre or down drift beach fronts. It should be noted that oil-contaminated wetlands are much harder to clean than beach habitats.

2. Shoreline clean-up via surf washing should not be considered until heavy accumulations have been mechanically removed and the risk of recontamination by floating oil has abated. NOAA staff at the UCC have indicated that oil slicks are again moving in the direction of East Grand Terre Island. Surf washing at this time would provide no long term benefit to the remediation of contaminated sediments that may just get re-contaminated later.

3. NOAA staff at the UCC have indicated that surf washing is generally utilized as a last resort remediation effort at beaches in demand for recreational purposes. Given the lack of a demand for immediate remediation of oiled conditions on East Grand Terre Island, NOAA questions the need for emergency authorization of surf washing at this time.

4. The proposal does not identify efforts that would be undertaken to ensure the proposed grading of contaminated sediments into the surf zone would not have an adverse impact on that barrier island. The proposal lacks sufficient details necessary to assess the spatial and volumetric limits of activities, and the proposal does not describe monitoring efforts necessary to ensure such activities do not result in unmitigated, accelerated erosion of the recently restored shoreline of East Grand Terre Island. It should be noted that any adverse impacts to the beach front would require compensatory mitigation under provisions of the Clean Water Act.

5. NOAA is concerned that emergency authorization of surf washing activities on East Grand Terre Island could be precedent setting for the authorization of similar activities elsewhere in Louisiana's barrier island system. One justification given for the recently authorized sand berm in Plaquemines Parish is that such areas could trap oil before such contamination could get onto existing barrier islands or into interior wetlands. It was understood by the natural resource agencies that contaminated sediments on the sand berm would be mechanically removed and disposed of in non-aquatic environments. Authorization of surf washing would result in remobilization of contamination elsewhere. Given this likelihood, NOAA believes surf washing would negate the intent and authorization of the sand berms to sequester contaminants in sand for later mechanical removal.

In view of the above, NOAA believes that the proposed surf washing effort is an inappropriate spill response at this time and recommends the NOD not authorize such activities under emergency authorization procedures. As interim alternatives, contaminated sediment should be manually and/or mechanically removed (and disposed of in a nonhazardous, environmentally acceptable manner) or cleaned and replaced. It should be noted that these comments are provided under the authority of the Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act and the Fish and Wildlife Coordination Act.

The U.S. Fish and Wildlife Service (Service) has received your July 19, 2010, electronic mail requesting our review of a proposed emergency authorization for sediment relocation (surf washing) on Grand Terre, in Jefferson Parish, Louisiana. The Deepwater Horizon Response Environmental Unit proposes to relocate oiled sediment from the upper section of the intertidal zone (above normal wave action) to a lower elevation where wave action can "wash" the oil from the sediment. The sediment would then be moved back in place along the shoreline with small soil moving equipment (backhoe, etc.). The proposed work is intended to protect fish and wildlife resources from the oil spill associated with the Deepwater Horizon (i.e., Mississippi Canyon 252) blowout. The comments below are submitted in accordance with the technical assistance provisions of the Fish and Wildlife Coordination Act (FWCA; 48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), 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.), and provide emergency informal consultation information under the authority of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) in anticipation of emergency consultation.

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

Grand Terre II (i.e., East Grand Terre) is within Unit LA-5 of designated critical habitat for the threatened piping plover. Critical habitat on that island includes all of the island where primary constituent elements (i.e., intertidal beaches, mud flats, sand flats, algal flats, wash-over passes, and associated dunes and flats above annual high tide) occur down to mean low, low water (MLLW). Prior to oil impacting that island, the Louisiana Department of Natural Resources (LDNR) was conducting the restoration of that island using funds from their Coastal Impact Assistance Program. The newly created beach and dune system on that island was not completely restored prior to being impacted by oil. Benthic fauna recolonization is likely to be further hindered by oiled sand relocation.

The proposed "surf washing" is not a clean-up technique that has been previously reviewed and/or analyzed by resource agencies as part of our response to oil spill clean-up activities. None of the information provided by either the Corps or LDNR explains how much time would be needed for microbial degradation to "process" the oil washed from the sediment. Studies have shown that benthic fauna may take anywhere from 6 months to 2 years to recover from a beach nourishment event. However, the Service is concerned that this technique's impacts to the benthic fauna of the intertidal zone by re-oiling could further delay the recovery of benthic communities upon which the threatened piping plover and other shorebird species prey upon. Other clean-up methods (i.e., minimal scraping and removal of oiled sediment) would permanently remove the oil from the ecosystem in general, which is what we prefer. We also recommend that the attached recommendations (specifically, BMP-1, -3, -4, -5, -8, -10, -11, -12, -25, -26, -27, -31), which have been adopted by the Houma Command Center, be considered to

minimize impacts to piping plovers and their critical habitat, including the benthic fauna of East Grand Terre, during your clean-up activities.

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 Service realizes that some birds may be killed during the proposed work activity even if all reasonable measures to protect birds are implemented. The Service's 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, companies, and agencies that take migratory birds without regard for their actions or without following an agreement such as this to avoid take.

In order to minimize disturbance to colonies containing nesting gulls, terns, and/or black skimmers, the Service typically recommends that all work within 650 feet of a colonial nest site be restricted to the non-nesting period (i.e., September 16 through April 1). Pre-construction bird surveys should be conducted, and the Service should be notified if colonial bird nest sites are identified within the 650-foot buffer. Coordination should then take place between the permittee and the Service to determine the most appropriate course of action. With the Service's assistance, a qualified observer should monitor each colonial nest site to determine the minimum distance at which work can occur without disturbing nesting birds. That distance could be utilized as the work zone buffer for that nesting area. Limiting activities that are closest to the nesting sites to the cooler parts of the day (i.e., morning and evening) also will help to protect eggs and nestlings from over exposure to the heat.

Please note that the U.S. Coast Guard is the lead federal agency in responding to the Deepwater Horizon oil spill, and as such, we recommend that they be notified of this permitting action.

Attachment: BMPs

Section 7 Federal Agency Action – Endangered Species Act

204s – Applicable BMPs to Fish, Wildlife, Habitat, Historical, and Cultural Resources

BMP – 1 Watch for and avoid collisions with wildlife and report all distressed or dead birds/marine mammals/turtle sightings/whale sharks/rays to Wildlife (866-557-1401)
BMP – 2 Retrieve injured/dead/oiled sea turtles using the sea turtle At-Sea Retrieval Protocol
BMP – 3 Avoid disturbing vegetation, marsh soils, or peat with foot traffic/boats/equipment or consult a qualified biologist to minimize impact
BMP – 4 Manage waste in compliance with the Waste Management Plan
BMP – 5 Maintain compliance with the Decontamination Plan where applicable
BMP – 6 All onshore work should be conducted during daylight hours except within 24 hours of projected oil landfall. If nights operations are necessary, confine operations to landward of the intertidal zone and follow ENV0009: *Minimizing Impacts to Wildlife during Nighttime Cleanup Operations*
BMP – 7 Observe a 10 foot buffer from marked sea turtle nests. If a nest area is contaminated/oiled, contact the onsite Wildlife Observer immediately. Follow the Wildlife Observer's direction for removing contaminated/oiled sand from within the nesting area.
BMP – 8 Utilize existing access/egress areas and roadways
BMP – 9 Verify turtle nesting activities with agency experts and begin onshore work after turtle nesting surveys/conservation activities are completed
BMP – 10 Use low-pressure tire vehicles (e.g. ATVs, Gaters) or consult with a qualified biologist to minimize impact
BMP – 11 If feasible and per appropriate guidance, restore beach topography, if altered, to natural beach profile by 2000 hours each day
BMP – 12 Minimize removal of clean sediments
BMP – 13 Avoid hovering or landing of aircraft near posted bird sites
BMP – 14 If skimming, avoid skimming sargassum that is not oiled or is only very lightly oiled
BMP – 15 If a sea turtle or marine mammal is observed trapped or entangled in a boom(s), open the boom carefully until the animal leaves on its own
BMP – 16 Install and monitor under water equipment/booms to prevent fish/wildlife entrapment
BMP – 17 Do not block major egress points in channels, rivers, passes, and bays
BMP – 18 A trained sea turtle observer is required for all operations
BMP – 19 Sea turtle observer on the ignition vessel will monitor 3 areas prior to the burn (the area in front of the trawlers, oil concentrated in the boom, and any oil trailing behind the boom).
BMP – 20 A survey should be conducted in the burn area after the burn is complete and all dead sea turtles should be counted and if possible collected
BMP – 21 Avoid burning unoiled/lightly oiled sargassum
BMP – 22 No flights below 500 feet over wildlife refuges/management areas
BMP – 23 No dispersant application within 2 nautical miles of sighted marine mammals/sea turtles
BMP – 24 Turtle excluder devices (TEDS) should be installed in all trawl nets
BMP – 25 Staging areas and waste collection areas should be examined prior to set up and should be located off beaches, dunes, scrub and other vegetated areas. Contact Env. Unit: 985-859-0552
BMP – 26 All heavy equipment should be as low on the beach as possible and avoid the high tide/wrack line while conducting clean-up activities. Keep heavy equipment away from wrack line unless oiled
BMP – 27 Activities that may require removal of forested and shrub or scrub habitat should be minimized
BMP – 28 If bears are observed during staging activities, contact Env. Unit: 985-859-0552
BMP – 29 Remove all trash or anything that would attract wildlife from work areas daily
BMP – 30 If a sea turtle is spotted, maintain at least 200 feet between the turtle and any beach cleanup activities
BMP – 31 Stakes or flagging should not be removed or destroyed anywhere on the beach or dune

BOBBY JINDAL
GOVERNOR

State of Louisiana

ROBERT J. BARHAM
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

JIMMY L. ANTHONY
ASSISTANT SECRETARY

July 20, 2010

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

RE: *Application Number: Emergency-Grand Terre II*
Applicant: BP Exploration and Production Company
Public Notice Date: July 19, 2010

Dear Mr. Serio:

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

As tactics develop, resource and regulatory agencies should be informed of project details concerning equipment type, equipment usage, proposed work areas, etc. Agencies then should be given the opportunity to provide additional comments.

Once the threat of oil has subsided, the applicant should be required to immediately restore natural contours to the project area.

LDWF requests that the applicant notify each oyster lease holder within 1500 feet of the proposed activity prior to commencement.

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]

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

Our Database also indicates that natural communities are known to occur in the area. This community includes coastal mangroves and marsh scrubland. Consult Amity Bass prior to any activity at [redacted].

We understand that some samples were taken for further analysis during the 16 July 2010 pilot of this technique; natural resource commenting agencies would benefit greatly from seeing the analysis results.

The beach face and lower intertidal is home to numerous species which despite oil staining still use it as a habitat. Large scale removal of sediment and placing in the intertidal zone will result in re-suspension of hydrocarbons and disruption of the normal habitats of these organisms. These organisms include larval fish, crustaceans and other ecologically important invertebrates.

The EUA indicates that the surf washing does not increase the toxicity above threshold levels. This information is gathered from smaller scale spills and that same conclusion cannot be made here do to the size and nature of this spill. In addition moving the oil from the splash zone of the beach and placing it back into the water column is only moving where the oil finally resides. Having the oil back in the water is not beneficial to aquatic organisms, particularly as some of the smaller larval fish and crustaceans may be more vulnerable to toxicity effects from dispersed oil (see comment above).

In documents passed through the state and federal OSCs, one of the "pros" for the surf washing process is that beaches treated in that way pass the "white towel" test. Grand Terre II is remote and is not a public beach, therefore, the aesthetic argument is not appropriate for this site.

The spills referred to in the documents signed off on by the State OSC are in a variety of habitats. How applicable are the results to the present circumstance at Grand Terre?

Would this response activity be subject to possible NRDA action as injuries accrued as a result of response?

The Louisiana Department of Wildlife and Fisheries appreciates the opportunity to review and provide recommendations to you regarding this proposed activity. Please do not hesitate to contact Habitat Section biologist Chris Davis at [redacted] should you need further assistance.

Sincerely,

Jimmy L. Anthony
Assistant Secretary

mw/ab/rb

c: Matthew Weigel, Biologist
Amity Bass, Biologist
Robert Bourgeois, Biologist

EPA, Marine & Wetlands Section
USFWS Ecological Services

Lacoste, Angie D MVN

From: Jamie Phillippe [Jamie.Phillippe@LA.GOV]
Sent: Monday, July 19, 2010 4:10 PM
To: Lacoste, Angie D MVN
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Angie,

DEQ commented on this one previously with DNR. Here's the comment:

DEQ has no objection to this project, provided that all gross oil contamination has been removed first and that observations of the process do not produce persistent sheens (unless persistent sheen is captured through use of sorbents or other removal techniques); the production of temporary sheen is acceptable.

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

-----Original Message-----
From: Lacoste, Angie D MVN [mailto:Angie.D.Lacoste@usace.army.mil]
Sent: Monday, July 19, 2010 4:02 PM
To: kbalkum@wlf.louisiana.gov; rcdavis@wlf.la.gov; richard.hartman@noaa.gov; ettinger.john@epa.gov; Patrick.Williams@noaa.gov; Jay.Pecot@LA.GOV; christine.charrier@la.gov; Walther, David; karl.morgan@la.gov; Schindler, Paige P MVN; Schneider, Donald C MVN; Brown, Jane L MVN; Jamie Phillippe; Butler, Dave; Seth_Bordelon@fws.gov; Monica Nicole Dandurand; patti_holland@fws.gov; houmasitl@uscg.mil
Cc: Mujica, Joaquin MVN; Daigle, Michelle C MVN; Clark, Karl J MVN
Subject: FW: EUA Request to Surf Wash sediments on Grand Terre

Please review the attached request for an emergency authorization and provide comments by 2:00pm, Tuesday, July 20, 2010. Lack of response will be construed as indicating no objection.

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 3:34 PM
To: Karl Morgan
Cc: Regina Staten; Lacoste, Angie D MVN
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

sorry for the delay on this. Our SCAT team has done another recon of this island but I could not get any more details than what I already have.

The attached letter and plat shows the area where the surf washing is proposed (marker shows lat/long of extent of linear area). The marked area
(15 yards from surf toward the brush), which is open sediment, is the area we would like to surf wash. This area has active cleanup and some of this shoreline only needs the surf wash of the sediment.

The proposed action plan is to move the stained sediment to the shoreline for surf washing then move it back in place along the shoreline with small backhoe/soil moving equipment.

thank you,

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Cc: Monica Nicole Dandurand <Monica.Dandurand@LA.GOV>
Sent: Mon, July 19, 2010 2:26:47 PM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

I have not received any additional plats yet.

From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 9:25 AM
To: Karl Morgan
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

I will be happy to provide this to you. I will get with Dr. Owens and GIS and produce those maps today.

thanks.

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Sent: Mon, July 19, 2010 8:49:03 AM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

Can you get me better plats? Show where the activity is taking place (which Island) and a plat showing how far from the vegetation the work is occurring.

I will send the proposal for comment from the agencies and try to get an EUA document out today.

From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 6:34 AM
To: Karl Morgan
Cc: Regina Staten; ronald.dippo@bp.com; David E. Fritz; Ed Owens; Melanie Jarrell; sedebj@bp.com
Subject: EUA Request to Surf Wash sediments on Grand Terre

Mr. Morgan:

Enclosed is an EUA request for surf washing of sediment on Grande Terre.

Our purpose for requesting this is to obtain a verbal EUA from you today in order to begin the project. (If granted an EUA, a CUP permit will be forthcoming within the time frame established).

Surf washing is a way of removing oily stain on sediments and has been accepted across industry and government for many years.

Dr. Ed Owens, Polaris, is the scientist on this project and has submitted information regarding this activity (attached).

The Deepwater Horizon Response Environmental Unit is requesting approval of this clean up technique in order to minimize any further environmental impact to Grande Terre.

Your verbal approval today would be greatly appreciated!

For any questions, feel free to call me today at [redacted]

Many thanks for working with us on these important projects!

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center

Lacoste, Angie D MVN

From: Karl Morgan [Karl.Morgan@LA.GOV]
Sent: Tuesday, July 20, 2010 12:01 PM
To: 'Melanie Jarrell'
Cc: Lacoste, Angie D MVN
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

This Natural Resource agencies, including the Office of Coastal Protection and Restoration have serious concerns regarding the potential impacts of this proposal to the Grand Terre Island restoration work.

No authorization is being offered for this project at this time. It will be further evaluated. Please provide information that demonstrates that the activity will not result in a loss of sand from the shoreline or the near shore system.

Karl Morgan

From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 3:34 PM
To: Karl Morgan
Cc: Regina Staten; angie.d.lacoste@usace.army.mil
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

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Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

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Many thanks for working with us on these important projects!

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

Louisiana Audubon Council

1522 Lowerline St., New Orleans, Louisiana 70118-4010

July 21, 2010

Mr. Pete Serio
Chief, Regulatory Branch
USACE
P.O. Box 60267
New Orleans Louisiana 70160

Re: Emergency Permit: MVN-2010-01753-EKK. Applicant: BP Exploration and Production

Dear Mr. Serio,

We have read the material posted on the Corps' website for the above permit. British Petroleum wants to use "surf-washing" of oil, contaminated-sand on Grand Terre Island, Jefferson Parish, LA.

We object to the issuance this emergency permit for the following reasons:

1). BP would be reintroducing contaminated oiled sands into the surf zone for "surf-washing" and it will move down-drift to other parts of the beach. It would be the antithesis of a clean-up.

2). No scientific data was produced to document that the process would have no adverse impact on the tidal-zone infauna. Although, BP states that they have evidence to document the level of toxicity in the water - they do supply those data.

3). Issuance of this permit would set a precedent for future oil spills and could be used along every oil contaminated beach, once the technique is accepted.

4). It appears to be a ploy by BP to avoid having to clean-up all the oil on the beach and disposing it at an EPA approved disposal site. It also appears to be a cost-cutting measure.

5). Beach studies by Dr. J. W. Tunnell, after the Ixtoc spill, showed that the infaunal population of marine worms and amphipods, along the South Texas oil-contaminated barrier-islands, were reduced by 80 percent in the inter-tidal zone and 50 percent in the sub-tidal zone. What affect will the continued oil contamination have on the infauna of Grand Terre Island?

6). What quantity of oil will be reintroduced into the environment as a result of this permit? Will it be quantified? If not, what is the limit on the amount of oil that will be discharged into our coastal waters?

7). BP has publicly pledged to clean up the oil - not redisperse it into the nearshore environment.

8). How will the oil affect the repopulation of benthic organisms? Re-oiling the beach could delay the recovery of benthic communities.

9). The short time allowed to review this application and lack of scientific documentation provided by the applicant does not allow the proper environmental review by marine biologists.

We request that the Corps deny this emergency permit. There is insufficient information supplied by the applicant to show that there would not be significant environmental impacts. We thank you for considering our comments.

Sincerely,

Barry Kohl

Dr. Barry Kohl, President,
La Audubon Council
[redacted]
bkohl40@cs.com

cc: EPA
Gulf Restoration Network
Coalition to Restore Coastal La
Sierra Club, Delta Chpt
National Audubon Society

SIERRA CLUB
FOUNDED 1892

Haywood R. Martin, Chair
Sierra Club, Delta Chapter
400 Glynndale Ave.
Lafayette, LA 70506
chair@louisiana.sierraclub.org

July 22, 2010

Mr. Pete Serio
Chief, Regulatory Branch
USACE
P.O. Box 60267
New Orleans Louisiana 70160

Re: Emergency Permit: MVN-2010-01753-EKK. Applicant: BP Exploration and Production, "Surf washing" of oil contaminated sand on Grande Terre Island

Dear Mr. Serio,

The Delta (State of Louisiana) Chapter of the Sierra Club hereby expresses strong opposition to the issuance of an emergency permit to allow surf washing of oil contaminated sand on Grand Terre Island. We are opposed for the following reasons:

It defies common sense to clean oil off the beach and then reintroduce it into the water column from where it can continue to wash up on the beach. If the oil is harmful enough to justify the expense of cleanup from beaches, then it is too harmful to reintroduce to the gulf shore environment.

No scientific information is presented in the permit request to show that oil discharged into the surf will not harm wildlife. The proposed procedure would result in oil being directly reintroduced to the inter-tidal zone where numerous biological organisms live, serving as feed stock for birds and other animals.

Numerous studies and experience with prior occurring oil spills support the premise that oil is toxic to ocean and inter-tidal zone dwelling biological organisms. Oil contaminated sand should be treated as a hazardous waste and removed entirely from contact with gulf water, inter-tidal zones and beaches.

Sierra Club Delta Chapter strongly requests that the Corps deny this emergency permit.

Thank you for your consideration of these comments.

Haywood Martin, Chair
Sierra Club Delta Chapter

GULF RESTORATION NETWORK

UNITED FOR A HEALTHY GULF

338 Baronne St., Suite 200, New Orleans, LA 70112
Mailing Address: P.O. Box 2245, New Orleans, LA 70176
Phone: (504) 525-1528 Fax: (504) 525-0833
www.healthygulf.org

July 22, 2010

Angie Lacoste
Regulatory Branch
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 70118
Via email: Angie.D.Lacoste@usace.army.mil

RE: Emergency Permit: MVN-2010-01753-EKK; Surf washing proposal submitted by BP Exploration and Production

Dear Ms. Lacoste,

I am writing on behalf of the Gulf Restoration Network (GRN), a diverse coalition of individual citizens and local, regional, and national organizations committed to uniting and empowering people to protect and restore the resources of the Gulf of Mexico. Please consider the following comments regarding the emergency permit for the Emergency Use Authorization (EUA) Request for "Surf Washing of Sand on Grand Terre Island" submitted by BP Exploration & Production Co. Inc. on July 19, 2010. Given the information supplied on the Corps website, we object to the issuance of this EUA. Some of our concerns are as follows:

1. BP's proposal states that a "demonstration of this clean up technique was performed with DNR observers (Steve Lorio and Regina Staten on July 16, 2010). The results of this "demonstration" must be made available to the public and the commenting agencies before any action is taken. Further, we request the permit or other authorization given to BP by the Corps and other Agencies for this demonstration on July 16, 2010 be released to the public. If no such authorizations were given, we request that Corps Enforcement initiate investigations as to why no permissions were sought.

2. No scientific data was produced to document that the proposed procedure would have no impact on the organisms and microorganisms that reside in the tidal zone. While the request states that "neither the benthic sediments or suspended particulate material reach unacceptable toxicity levels," there are no data to back this up. What are "acceptable" toxicity levels? Did they test for migration off-shore? What organisms did

they study? What would be the *physical* damage to benthic organisms as well as organisms that reside on and under the beach? What are the impacts to water quality?

3. Oil released from the BP Drilling Disaster is harmful. It is BPs responsibility to *remove* the oil, not re-introduce it to the ecosystem. This re-introduction in lieu of proper disposal is unacceptable.

4. The request gives no information as to the quantity of oil that will be put back into the ecosystem. Will this amount be quantified? How much would be allowed under the General Permit?

5. According to the one drawing, there is more than an "oily stain," so Ms. Jarrell's statement (p. 3 of 35 of document on Corps website) regarding this being "accepted across industry and government" is irrelevant to the current status of the BP Oil Disaster.

6. The short time allowed to review this application (July 21, 2010 is the first time any of my colleagues heard about this proposal, which might be approved/disapproved by July 23) and lack of scientific information within the application does not allow for adequate review by the public and concerned scientists.

7. There is inadequate information regarding direct, indirect, secondary, and cumulative impacts of this proposal.

8. Adequate information on the impact this activity will have on the habitat of the threatened piping plover has not been provided. Additionally, the proposed timeframe of this project could interfere in nesting of other birds.

9. No additional plats were provided to the Corps, despite repeated requests.

10. We are concerned that BP is proposing a potentially harmful and controversial project to be covered under a general permit (NOD 20). General permits are intended to have negligible impacts individually and cumulatively, however this project will certainly have impacts that would normally require an Environmental Assessment or full Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). While we acknowledge that this disaster requires regulatory flexibility, general permits were never intended to address projects with potentially significant environmental impacts. We are deeply troubled by the precedent that would be set by this action.

We would like to be clear that we are very concerned about the impacts of the BP oil drilling disaster; however, hastily moving forward with this effort that would re-introduce contaminants into the Gulf and impact wildlife habitat is not the best approach. For the above

reasons, as well as reasons submitted by many federal and state agencies, we request that the Corps deny BP's request for the General Permit.

Thank you for reviewing our concerns. I would be happy to explore these ideas further if you have any questions.

For a healthy Gulf,

Matt Rota
Water Resources Program Director

CC: Col. Alvin Lee, USACE New Orleans District
Mike Boots, CEQ
Host Greczmiel, CEQ
Garret Graves, State of Louisiana
Lisa Jackson, EPA
Al Armendariz, EPA Region 6
Lawrence Starfield, EPA Region 6
John Ettinger, EPA Region 6
Jane Lubchenco, NOAA
Pete Serio, USACE New Orleans District

LOUISIANA WILDLIFE FEDERATION
". . . conserving our natural resources and your right to enjoy them."

affiliated with NATIONAL WILDLIFE FEDERATION

21 July 2010

Angie D. Lacoste, Regulatory Branch
US Army, Corps of Engineers
P. O. Box 60267
New Orleans, LA 70160-0267
Angie.D.Lacoste@usace.army.mil

Karl Morgan, Coastal Management Division
Louisiana Department of Natural Resources
P. O. Box 44487
Baton Rouge, LA 70804-4487
Karl.Morgan@LA.GOV

Re: Emergency Use Authorization (EAU) Request for "Surf Washing" of Sand on Grand Terre Island: MVN-2010-01753-EKK

Dear Ms. Lacoste and Mr. Morgan:

On behalf of the Louisiana Wildlife Federation I am contacting you to state our objections to the referenced EUA to "surf wash" oil fouled sands on East Grand Terre Island. We are concerned that the treatment method would do more harm than good to the environment where it is proposed to be applied. No evidence is presented in the EAU request to the contrary.

More specifically, we are concerned that the proposed "surf washing" process may have the effect of re-oiling nearshore benthic communities that are important to fish and wildlife species (for example, the endangered the piping plover relies heavily on inter-tidal benthic fauna as a food source) and therefore delay the recovery of these vital habitats. During storms and high tides, some of the oil from the "surf-washed" sand will end up back on the beaches. Will the applicant then ask for another emergency permit that will disturb the system once again?

Another concern is the fate of the sand that is moved from the beaches to the nearshore or littoral zone. Will some of it be carried away by long-shore currents and permanently lost to the barrier island system? Considering the dire rate of barrier island erosion and the difficult and costly efforts being applied to sustain them, no activity of dubious merit should be allowed that may contribute to such land loss.

We concur with the comments submitted to the Corps of Engineers on the subject EAU request by the U.S. Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the U.S. Fish and Wildlife Service on July 20, 2010. Further, we do not believe that the requested activity should be authorized under emergency or general permit provisions. There is adequate time to fully assess the environmental impacts of the surf washing proposal prior to making a decision without causing harm to an environment already significantly impacted by the BP well blowout.

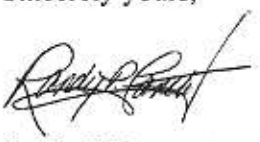
We recommend that the Corps of Engineers appoint a panel of experts immediately to assess the most effective practices that can be employed in Louisiana's coastal environment to remove oil from beach sands and from the adjacent vegetation that stabilizes these shorelines. Doing so will prepare the Corps to evaluate future requests for authorization to apply "surf-washing" and other oil clean-up strategies on the many other beaches of the Gulf Coast that have been degraded by the Deepwater Horizon oil "spill."

337 S. Acadian Thruway, Baton Rouge, LA 70806
P.O. Box 65239 Audubon Station, Baton Rouge, LA 70896-5239

Phone/Fax: (225) 344-6707
www.lawildlifefed.org

Thank you for your consideration. We urge you to deny the subject EAU.

Sincerely yours,



Randy P. Lanctot
Executive Director

Lacoste, Angie D MVN

From: Ellis Pickett [ellispickett@comcast.net]
Sent: Thursday, July 22, 2010 12:37 PM
To: Lacoste, Angie D MVN
Subject: MVN-2010-01753-EKK

Dear Mrs. Lacoste,
Thank you for your time on the phone today.

As I mentioned, I oppose the BP permit for "sand washing" oil on a coastal barrier island. I would be willing to bet the majority of Americans would oppose this ludicrous attempt by BP to reduce the cost of their promise to "make it right."

This plan, along with the woefully long and hypocritical list of BP statements/denials/solutions is another insult to the American people.
What will they do next, bottle oily water and sell it as a health drink?

Ellis Pickett
Liberty, Texas

Lacoste, Angie D MVN

From: Lacoste, Angie D MVN
Sent: Wednesday, July 21, 2010 11:49 AM
To: 'Melanie Jarrell'
Cc: Karl Morgan
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre
Attachments: agency comments.pdf

Please find attached agency comments in response to your proposal. Please provide a response within 3 days of the date of this correspondence as to whether you plan to attempt resolution of the comments. If we do not receive a response within that time frame, we will withdraw your project from our active files and return your application.

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Tuesday, July 20, 2010 12:44 PM
To: Karl Morgan
Cc: Lacoste, Angie D MVN
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

Mr. Morgan. Thank you for your response. I will relay the concerns to the group requesting to perform this work.

best regards,

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Cc: "Angie.D.Lacoste@usace.army.mil" <Angie.D.Lacoste@usace.army.mil>
Sent: Tue, July 20, 2010 12:00:36 PM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

This Natural Resource agencies, including the Office of Coastal Protection and Restoration have serious concerns regarding the potential impacts of this proposal to the Grand Terre Island restoration work.

No authorization is being offered for this project at this time. It will be further evaluated. Please provide information that demonstrates that the activity will not result in a loss of sand from the shoreline or the near shore system.

Karl Morgan

From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 3:34 PM
To: Karl Morgan
Cc: Regina Staten; angie.d.lacoste@usace.army.mil
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

sorry for the delay on this. Our SCAT team has done another recon of this island but I could not get any more details than what I already have.

The attached letter and plat shows the area where the surf washing is proposed (marker shows lat/long of extent of linear area). The marked area (15 yards from surf toward the brush), which is open sediment, is the area we would like to surf wash. This area has active cleanup and some of this shoreline only needs the surf wash of the sediment.

The proposed action plan is to move the stained sediment to the shoreline for surf washing then move it back in place along the shoreline with small backhoe/soil moving equipment.

thank you,

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center

Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Cc: Monica Nicole Dandurand <Monica.Dandurand@LA.GOV>
Sent: Mon, July 19, 2010 2:26:47 PM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

I have not received any additional plats yet.

From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 9:25 AM
To: Karl Morgan
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

I will be happy to provide this to you. I will get with Dr. Owens and GIS and produce those maps today.

thanks.

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Sent: Mon, July 19, 2010 8:49:03 AM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

Can you get me better plats? Show where the activity is taking place (which Island) and a plat showing how far from the vegetation the work is occurring.

I will send the proposal for comment from the agencies and try to get an EUA document out today.

From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 6:34 AM
To: Karl Morgan
Cc: Regina Staten; ronald.dippo@bp.com; David E. Fritz; Ed Owens; Melanie Jarrell; sedebj@bp.com
Subject: EUA Request to Surf Wash sediments on Grand Terre

Mr. Morgan:

Enclosed is an EUA request for surf washing of sediment on Grande Terre.

Our purpose for requesting this is to obtain a verbal EUA from you today in order to begin the project. (If granted an EUA, a CUP permit will be forthcoming within the time frame established).

Surf washing is a way of removing oily stain on sediments and has been accepted across industry and government for many years.

Dr. Ed Owens, Polaris, is the scientist on this project and has submitted information regarding this activity (attached).

The Deepwater Horizon Response Environmental Unit is requesting approval of this clean up technique in order to minimize any further environmental impact to Grande Terre.

Your verbal approval today would be greatly appreciated!

For any questions, feel free to call me today at [redacted].

Many thanks for working with us on these important projects!

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

Lacoste, Angie D MVN

From: Lacoste, Angie D MVN
Sent: Thursday, July 22, 2010 10:41 AM
To: 'Melanie Jarrell'
Subject: FW: BP emergency permit "surf washing"
Attachments: LAC BP emergency permit.pdf

Additional comments.

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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: Serio, Pete J MVN
Sent: Thursday, July 22, 2010 6:15 AM
To: Farabee, Michael V MVN; Lacoste, Angie D MVN
Subject: FW: BP emergency permit "surf washing"

FYI

Pete Serio
Chief, Regulatory Branch
504-862-2255

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: Bkohl40@cs.com [mailto:Bkohl40@cs.com]
Sent: Wednesday, July 21, 2010 11:51 PM
To: Serio, Pete J MVN
Cc: ettinger.john@epa.gov; nsnider@crcl.org; matt@healthygulf.org; pkemp@audubon.org; mmurphy1@tulane.edu
Subject: BP emergency permit "surf washing"

To: Pete Serio
Regulatory Sec., USACE, NOD

Please place our letter (attached pdf) in the record of review of the BP emergency permit : MVN-2010-01753-EKK.

Thank you,

Barry Kohl</HTML>

Lacoste, Angie D MVN

From: Lacoste, Angie D MVN
Sent: Thursday, July 22, 2010 12:55 PM
To: 'Melanie Jarrell'
Subject: FW: Emergency Permit: MVN-2010-01753-EKK
Attachments: Surf washing opposition0001.pdf

Additional comments from the Sierra Club.

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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: Haywood Martin [mailto:hrmartin2sc@gmail.com]
Sent: Thursday, July 22, 2010 12:50 PM
To: Serio, Pete J MVN; Lacoste, Angie D MVN
Subject: Emergency Permit: MVN-2010-01753-EKK

Mr. Serio,

The Sierra Club Delta Chapter requests you accept the attached letter of comment on the proposed emergency permit.

Thanks for your attention to this.

Haywood Martin, Chair
Sierra Club Delta Chapter

Lacoste, Angie D MVN

From: Lacoste, Angie D MVN
Sent: Thursday, July 22, 2010 2:45 PM
To: 'Melanie Jarrell'
Subject: FW: Comments RE: Emergency Permit MVN-2010-01753-EKK, Grand Terre Island Surf Washing
Attachments: GRN Comments-Grand Terre Surf Washing-2010July22.pdf

Additional comments from Gulf Restoration Network

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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: Matt Rota [mailto:matt@healthygulf.org]
Sent: Thursday, July 22, 2010 2:41 PM
To: Lacoste, Angie D MVN
Cc: Lee, Alvin B COL MVN; michael_j._boots; Horst Greczmiel; Garrett Graves; jackson.lisa@epa.gov; Al Armendariz; Larry Starfield; John Ettinger; jane.lubchenco@noaa.gov; Serio, Pete J MVN
Subject: Comments RE: Emergency Permit MVN-2010-01753-EKK, Grand Terre Island Surf Washing

Ms. Lacoste,

Please accept into public record the attached comments regarding:

Emergency Permit MVN-2010-01753-EKK, Grand Terre Island Surf Washing Submitted by BP Exploration and Production

PLEASE RESPOND TO THIS EMAIL TO INDICATE RECEIPT OF THESE COMMENTS

For a healthy Gulf,

Matt Rota

--
Matt Rota, MEERM
Water Resources Program Director
Gulf Restoration Network
[redacted]
matt@healthygulf.org
http://healthygulf.org

Find out what GRN is doing about the BP Oil Drilling Disaster at:
http://bpdrillingdisaster.org

Lacoste, Angie D MVN

From: Lacoste, Angie D MVN
Sent: Friday, July 23, 2010 1:18 PM
To: 'Melanie Jarrell'
Subject: FW: MVN-2010-01753-EKK
Attachments: Surf Washing EAU-LWF Comments.pdf

Additional comments from LWF

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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: Randy Lanctot [mailto:randy@lawildlifefed.org]
Sent: Thursday, July 22, 2010 6:07 PM
To: Lacoste, Angie D MVN; Karl.Morgan@LA.GOV
Cc: kdancak@gmail.com; kdancak@fs.fed.us; kdancak@suddenlink.net; krsaucier@eatel.net; keith_r_saucier@huntsman.com; burkett05@bellsouth.net; virginia_burkett@usgs.gov; flash270@bellsouth.net; cmou5@aol.com; barney.callahan@shell.com; edgarveillon@aol.com; edgarv1@bellsouth.net; jhrnature@cox.net; woodlandstrail@aol.com; jbherke@cox.net; jjllc2009@yahoo.com; jbjohnston@pbsj.com; progne99@aol.com; Rebecca.triche@yahoo.com; charlesandpattie1@cox.net; mcarloss@wlf.la.gov; vince@diezproducts.com; woodm@nwf.org; Trey1950@gmail.com; sundancebees@hotmail.com; Jerald@rockinghorst.com; looneytuna1@aol.com; andrewmayer@cox.net; cpourso@cox.net
Subject: MVN-2010-01753-EKK

The attached comments are submitted on behalf of the Louisiana Wildlife Federation regarding Emergency Use Authorization (EAU) Request for "Surf Washing" of Sand on Grand Terre Island: MVN-2010-01753-EKK. Please feel welcome to contact me if you have any questions.

Randy P. Lanctot

Executive Director

Louisiana Wildlife Federation

phone/fax [redacted]

www.lawildlifefed.org

Lacoste, Angie D MVN

From: Lacoste, Angie D MVN
Sent: Monday, July 26, 2010 11:17 AM
To: 'Melanie Jarrell'
Subject: FW: MVN-2010-01753-EKK

Additional comments.

Angie D. Lacoste
USACE, Regulatory Branch
504.862.2281

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: Ellis Pickett [mailto:ellispickett@comcast.net]
Sent: Thursday, July 22, 2010 12:37 PM
To: Lacoste, Angie D MVN
Subject: MVN-2010-01753-EKK

Dear Mrs. Lacoste,
Thank you for your time on the phone today.

As I mentioned, I oppose the BP permit for "sand washing" oil on a coastal barrier island. I would be willing to bet the majority of Americans would oppose this ludicrous attempt by BP to reduce the cost of their promise to "make it right."

This plan, along with the woefully long and hypocritical list of BP statements/denials/solutions is another insult to the American people.
What will they do next, bottle oily water and sell it as a health drink?

Ellis Pickett
Liberty, Texas

MVN 2010-01753 EKK

Lacoste, Angie D MVN

From: Melanie Jarrell [mel.jarrell@att.net]
Sent: Monday, July 19, 2010 3:34 PM
To: Karl Morgan
Cc: Regina Staten; Lacoste, Angie D MVN
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre
Attachments: REVISED EUA.pdf

sorry for the delay on this. Our SCAT team has done another recon of this island but I could not get any more details than what I already have.

The attached letter and plat shows the area where the surf washing is proposed (marker shows lat/long of extent of linear area). The marked area (15 yards from surf toward the brush), which is open sediment, is the area we would like to surf wash. This area has active cleanup and some of this shoreline only needs the surf wash of the sediment.

The proposed action plan is to move the stained sediment to the shoreline for surf washing then move it back in place along the shoreline with small backhoe/soil moving equipment.

thank you,

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Cc: Monica Nicole Dandurand <Monica.Dandurand@LA.GOV>
Sent: Mon, July 19, 2010 2:26:47 PM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

I have not received any additional plats yet.

From: Melanie Jarrell [mailto:mel.jarrell@att.net]
Sent: Monday, July 19, 2010 9:25 AM

To: Karl Morgan
Subject: Re: EUA Request to Surf Wash sediments on Grand Terre

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thanks.

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC
[redacted] - cellular

From: Karl Morgan <Karl.Morgan@LA.GOV>
To: Melanie Jarrell <mel.jarrell@att.net>
Sent: Mon, July 19, 2010 8:49:03 AM
Subject: RE: EUA Request to Surf Wash sediments on Grand Terre

Melanie,

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From: Melanie Jarrell [mailto:mel.jarrell@att.net]

Sent: Monday, July 19, 2010 6:34 AM
To: Karl Morgan
Cc: Regina Staten; ronald.dippo@bp.com; David E. Fritz; Ed Owens; Melanie Jarrell; sedebj@bp.com
Subject: EUA Request to Surf Wash sediments on Grand Terre

Mr. Morgan:

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Dr. Ed Owens, Polaris, is the scientist on this project and has submitted information regarding this activity (attached).

The Deepwater Horizon Response Environmental Unit is requesting approval of this clean up technique in order to minimize any further environmental impact to Grande Terre.

Your verbal approval today would be greatly appreciated!

For any questions, feel free to call me today at [redacted].

Many thanks for working with us on these important projects!

Melanie Jarrell

Deepwater Horizon Response
Houma Command Center
Deputy Environmental Unit Leader

Environmental Strategies, LLC

Deepwater Horizon
BP Exploration & Production Co. Inc.
HOUMA, LOUISIANA - July 19, 2010

Deepwater Horizon Response
Letter of No Objection or
Emergency Use Authorization Request
Surf Washing of Sand on Grand Terre Island

Location
The coordinates of the east and west ends of the ocean shore beach are:
29 deg 18' 42.1" N 89 deg 51' 35.3" W
and
29 deg 18' 50.4" N 89 deg 54' 16.2" W
See attached location maps (two maps)
Jefferson Parish

Applicant name:
BP Exploration and Production Company, Inc.
1597 Hwy 311
Houma, LA 70395
Contact: David E. Fritz

Agent: Melanie Jarrell
Environmental Strategies, LLC
412 Breemen Circle
Lafayette, LA 70508
[redacted]

Description of Activity:

Sediment relocation, sometimes called "surf washing", is a shoreline treatment technique that accelerates the natural physical removal of oil from the beach sediments. In many instances this treatment option is a viable alternative to the removal and disposal of oiled sediments. Oil stranded on the upper section of the intertidal zone or above the limit of normal wave action, such as on a storm berm, can be relocated to a lower elevation, where the oiled sediment is exposed to a higher amount of physical action from water and waves for longer periods of time. Sediment relocation is effective due to physical processes that abrade oil from sediment and because of oil-mineral aggregate (OMA) formation processes. OMA processes increase the surface area of the oil that is exposed and thereby stimulate physical and chemical weathering and biological degradation. Sediment relocation actions during spill response operations and experimental studies have demonstrated that this is a viable treatment technique that can dramatically accelerate natural processes in the removal of stranded oil from a shoreline. Data collected to investigate the migration of oil from the beach following oiled sediment relocation has demonstrated that this action does not cause significant hydrocarbon accumulation in the nearshore environment, as neither the benthic sediments or suspended particulate material reach unacceptable toxicity levels as dispersion is

effective, without causing detrimental environmental effects, in low wave-energy environments as well as on more exposed sand.

Length of time needed to perform activity:

Initial surf washing on Grande Terre is expected to occur for five months (November 2010), then possibly another wash during April/May 2011, if necessary.

Point of beginning and end for project site:
(see maps)
29 deg 18' 42.1" N 89 deg 51' 35.3" W
and
29 deg 18' 50.4" N 89 deg 54' 16.2" W

Equipment Needed:

Only small equipment will be necessary to relocate oiled sediment to a lower tidal zone – the sand with be placed at the tide line and washed by the tide. Tactics on types of equipment to use has not been worked out yet, however, agencies and trustees will be involved in the entire process.

Access to site:

Beach is accessible by boat.

Operational Start Up /Anticipated Date:

The project itself has not started. The team is waiting for a verbal approval to commence, with a formal letter of "No Objection" or EUA, if necessary. A demonstration of this clean up technique was performed with DNR observers (Steve Lorio and Regina Staten on July 16, 2010).

Estimated amount of Stained Sand -

Grande Terre II - stained sand only - moved 20 cu yards on the "demonstration" on July 16th. Based on June 13, 2010 SCAT data, the stained sand area is approx. 5000 yards long and 15 yards wide, with average depth of 2 foot = approx. 50,000 cu yards (assumes only one pass)

Signed: David E. Fritz

David Fritz, Environmental Unit Leader, BP

MC252 Shoreline Current Oiling Situation Map - Grand Terre II
As of: 7/17/2010 2200

0 0.5 1 Kilometers
0 0.25 0.5 Miles