

Farabee, Michael V MVN

Install concrete fill to close gaps

on Elmers Island

From: Farabee, Michael V MVN
Sent: Friday, May 07, 2010 10:50 AM
To: 'cmcdonough@wlf.la.gov'; 'Karl Morgan'; 'Joseph "Jay" Pecot'
Cc: Serio, Pete J MVN; Mayer, Martin S MVN
Subject: FW: Emergency Authorization request

Attachments: elmers island2.JPG; elmers island3.JPG; elmers island recent.JPG; NOD-20.pdf



elmers and2.JPG (111 K)



elmers and3.JPG (106 K)



elmers island recent.JPG (54 K)



NOD-20.pdf (52 KB)

Christy:

The work described in your original e-mail relative to filling in 2 breaches on Elmer's Island to prevent oil from entering the inside bay may be accomplished under the guidelines of this District's Emergency General Permit (NOD-20), copy attached for your use. You are reminded that you must apply for an after the fact permit authorization within 30 days of today's date. Thank you for coordinating with us. By copy of this e-mail we are notifying LADNR, Coastal Management of our decision.

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

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

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

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

From: Mayer, Martin S MVN
Sent: Thursday, May 06, 2010 5:00 PM
To: Farabee, Michael V MVN; Serio, Pete J MVN
Subject: FW: Emergency Authorization request

Questionable emergency at this point

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

From: Karl Morgan [mailto:Karl.Morgan@LA.GOV]
Sent: Thursday, May 06, 2010 4:29 PM
To: 'Pete.j.serio@uaace.army.mil'; Mayer, Martin S MVN; Joseph "Jay" Pecot
Cc: 'McDonough, Christy'
Subject: Emergency Authorization request

Pete,

This is the one of which we spoke. The La. Department of Wildlife and Fisheries wishes to close breeches in the spit near Elmers Island to protect the Wildlife area. Below is her request. I have attached the plats.

From: McDonough, Christy [mailto:cmcdonough@wlf.la.gov]
Sent: Thursday, May 06, 2010 3:59 PM
To: Karl Morgan

Subject: Emergency Use Request

Karl - LDWF is requesting emergency authorization to fill 2 breeches on Elmer's Island to prevent the advancing oil spill from entering the inside bay. Due to the advancing oil slick we are concerned about the effects on the wildlife refuge should the oil penetrate the island. We have equipment and materials on standby, ready to work as soon as authorization is given. The two breeches were caused by Hurricanes Gustav and Ike and have since expanded. The two breeches are located at approximately 29.1983N, -90.0514 and 29.1941N, 90.0484.

The coordinates on the plat may not be exact but they're close. The materials used will be sand/concrete bags similar to those used by oil and gas companies on pipeline crossings.

Please let me know if you need any additional information.

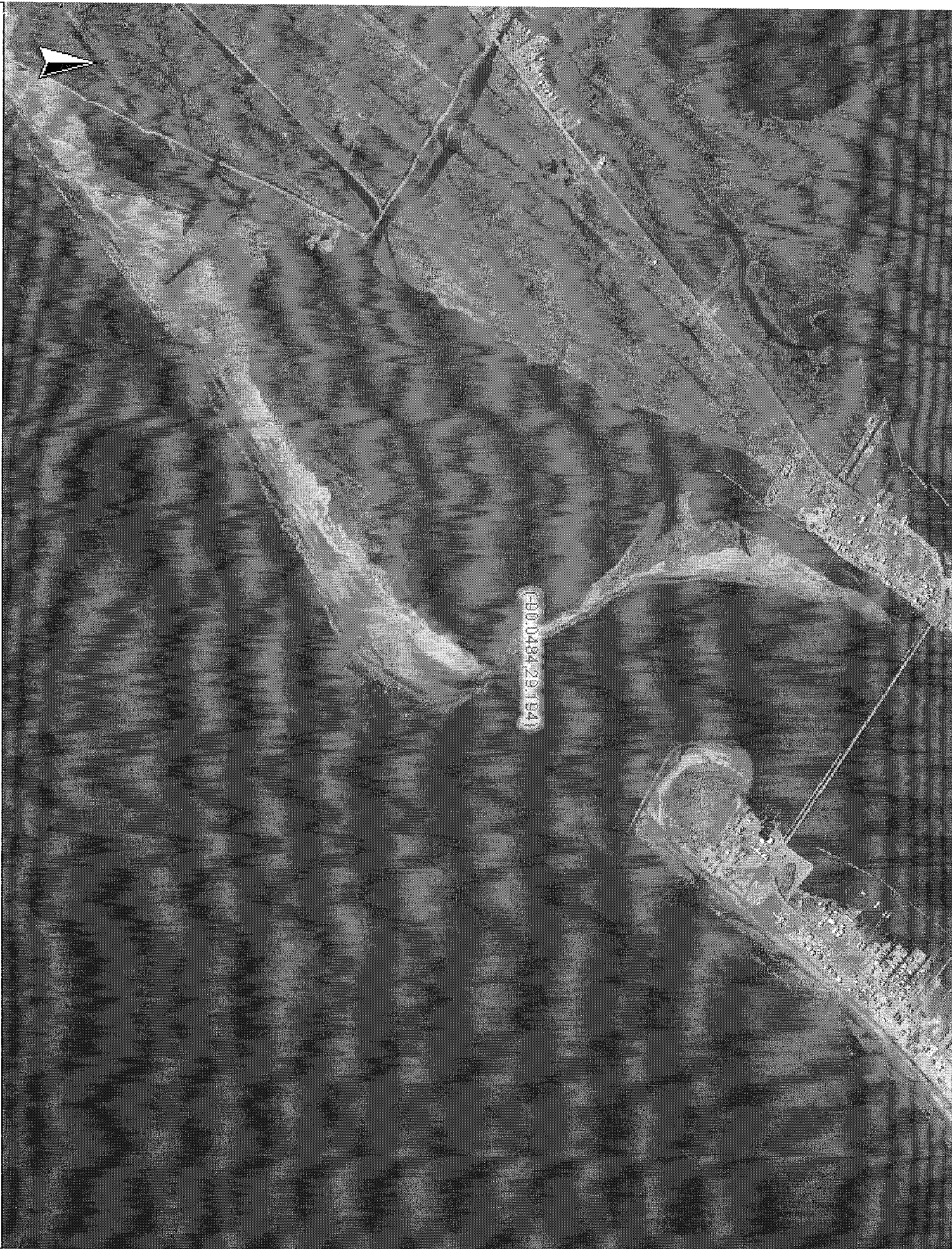
Christy Lavergne McDonough

Biologist Supervisor

Aquatic Habitat Program

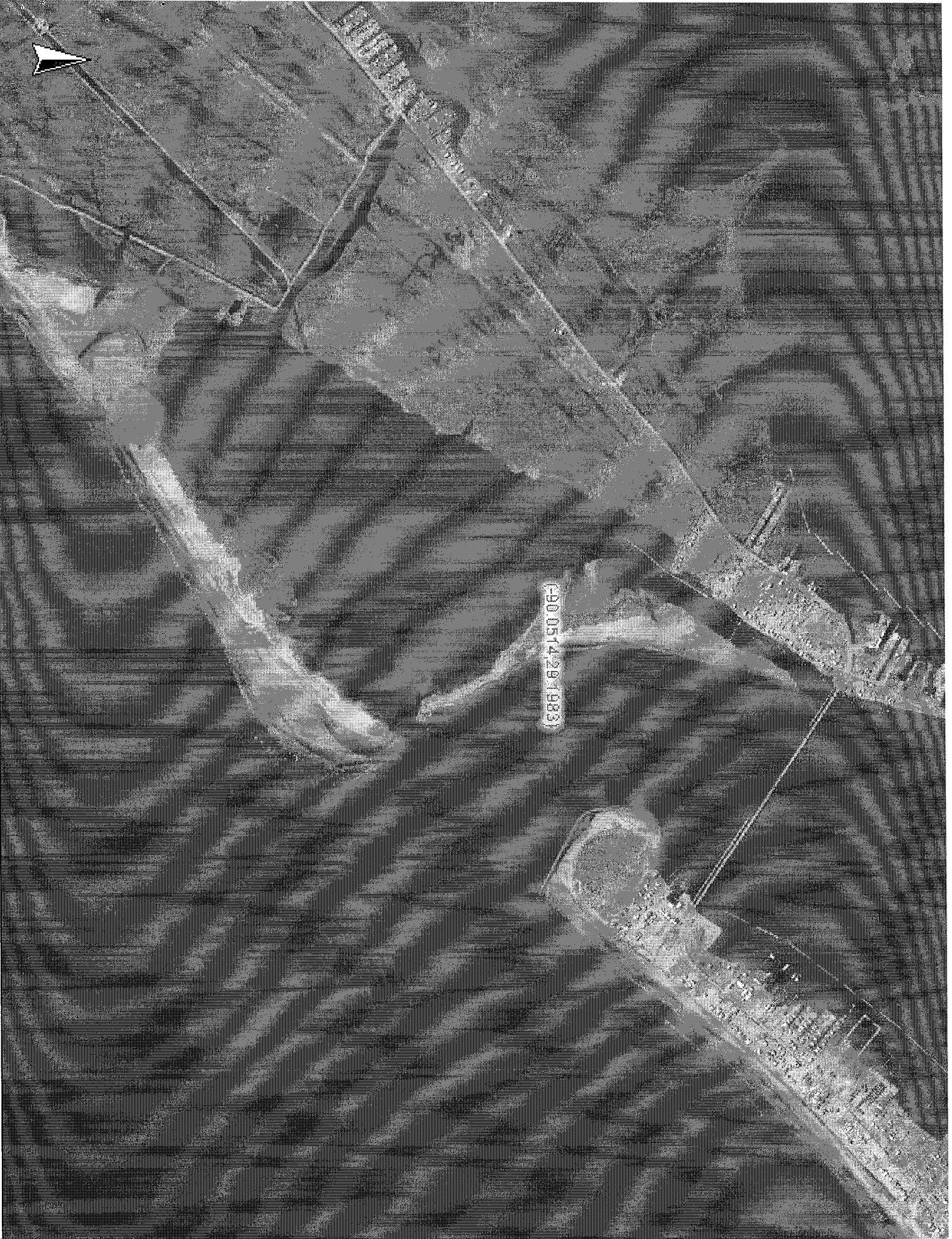
Louisiana Department of Wildlife & Fisheries

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Farabee, Michael V MVN

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elmers



elmers



elmers island



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Christy Lavergne McDonough

Biologist Supervisor

Aquatic Habitat Program

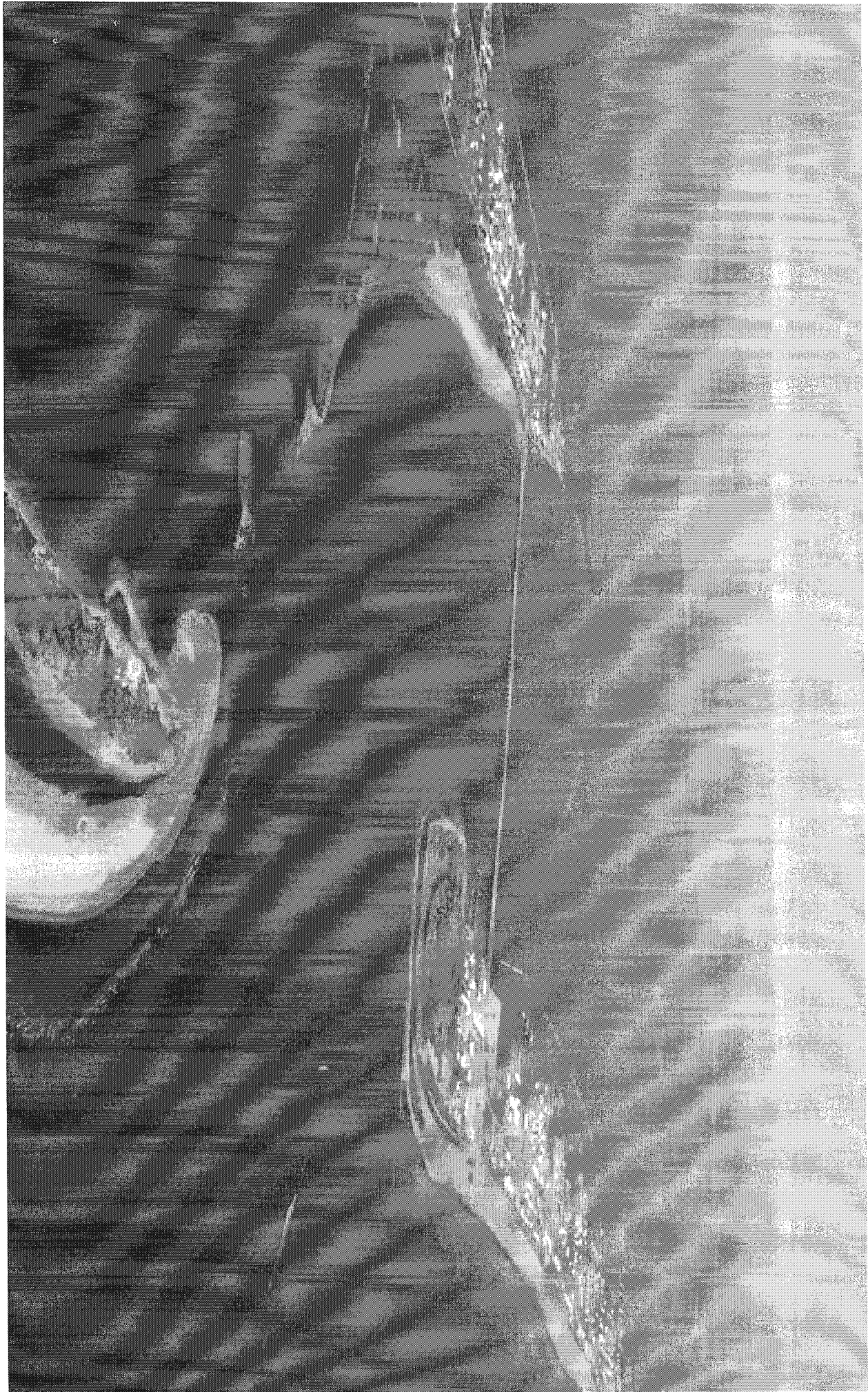
Louisiana Department of Wildlife & Fisheries

(225) 765-2386



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**EMERGENCY USE AUTHORIZATION
STATEMENT AND RECOMMENDATION FORM**

Applicant: LIDWF (ELMER'S ISLAND) - (EUA 10-035)

In accordance with the Louisiana Administrative Code Title 43§723.B.3.b. Coastal Management Division has been notified by the above-named applicant that a situation has occurred that requires immediate corrective attention.

1. **Nature of hazard.** (LAC 43§723.B.3.a.i)

- a. Hazard to life
- b. Potential loss of property
- c. Threat of damage to the environment

2. **Cause of emergency situation.** (LAC 43§723.B.3.a.i)

- a. Natural:
 - 1. storm
 - 2. flood
 - 3. fire
 - 4. other:
- b. Man-made:
 - 1. wreck
 - 2. explosion
 - 3. spill (HORIZON/AP oil spill)
 - 4. other:

3. **Corrective action necessitated by the emergency situation:** (LAC 43§723.B.3.a.ii)

Close two (2) breaches with sand/concrete bags (Elmer's Island).

4. **Comments:**

5. **Recommendation for approval:**

Recommended

Not Recommended

J. B. Prost III
Analyst

Ch. M. G.
Coordinator/Program Manager

5/7/10
Date

5-7-10
Date

BOBBY JINDAL
GOVERNOR



SCOTT A. ANGELLE
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

May 07, 2010

CERTIFIED MAIL NO. _____

Louisiana Department of Wildlife and Fisheries
2000 Quail Drive
Baton Rouge, LA 70808
Attn: Mrs. Christy McDonough

EUA 10-0353; Emergency Use Authorization

Description: Proposed filling of two (2) breaches on Elmer's Island to prevent the advancing oil spill from the BP Horizon from entering the inside bay to protect wildlife. Approximately 200 – 300 sand and/or concrete bags (8,000 pounds) are estimated to fill the breaches using a bulldozer and dump trucks. Some minimal sand movement may be required to place the sand/concrete bags.

Location: 29° 11' 38" N; 90° 05' 53.9" W.; 29° 11' 38" N; 90° 05' 53.9" W.; Caminada Pass at the Gulf of Mexico;

Jefferson Parish, LA

Dear Mrs. McDonough:

We have reviewed the information presented to the Coastal Management Division (CMD) in your Emergency Use Authorization request dated May 06, 2010. Pursuant to the provisions contained in the LAC (Title 43, Part I, Chapter 7 §723.B.3.), the Emergency Use Authorization request is hereby granted. This Emergency Use Authorization provides only for that work necessary to accomplish the above referenced purpose and is contingent upon acceptance of the following conditions.

1. This Emergency Use Authorization is strictly limited to the activity as described in your request and accompanying plats.
2. Dredge and fill activities for site access are not authorized unless specifically described in the work statement of this letter.

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

3. The applicant agrees, by virtue of the commencement of authorized activities, to submit to CMD, a complete application packet (\$100 application fee, Joint Application Form, vicinity plats, plan plats, cross section plats, etc.) for the activity not more than thirty (30) days from the date of this authorization. You may obtain a free application packet by calling our office at (225) 342-7591 or (800)-267-4019; or by visiting our website at <http://www.dnr.state.la.us/crm/coastmgt/cup/cup.asp>.
4. The applicant agrees, by virtue of the commencement of authorized activities, to avoid to the maximum extent practicable, vegetated wetland impacts, and if necessary to mitigate for those unavoidable adverse impacts to vegetated wetlands, including submerged aquatics, should CMD determine that mitigation is necessary. Should CMD deem mitigation to be necessary, the applicant agrees, by virtue of the commencement of authorized activities, to submit and fulfill a mitigation plan that has been approved by CMD.
5. The applicant agrees, by virtue of the commencement of authorized activities, to adjust, alter, or remove any structure or other evidence of the authorized emergency use if, in the opinion of CMD, it proves to be beyond the scope of the authorized activity or is abandoned.
6. The applicant agrees, by virtue of the commencement of authorized activities, to hold and save the State of Louisiana, the Department of Natural Resources (DNR), and their officers and employees harmless from any damage to persons or property which might result from the emergency use.
7. The applicant agrees, by virtue of the commencement of authorized activities, to certify that the emergency use has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by CMD as referenced herein. CMD may, when appropriate, require such certification by given by a registered engineer.

8. The applicant agrees, by virtue of the commencement of authorized activities, to ensure that this Emergency Use Authorization, or a copy thereof, shall be available for inspection at the work site at all times during operations.
9. The applicant agrees, by virtue of the commencement of authorized activities, to notify CMD of the date on which initiation of the authorized emergency activity began. The applicant shall notify CMD by mailing the enclosed green initiation card on the date of initiation of the authorized activities.
10. The applicant agrees, by virtue of the commencement of repair activities, to ensure that the authorized activity does not result in the blockage of any natural or manmade streams or sloughs. A follow-up investigation of the authorized work will be conducted by employees of CMD to determine compliance with this condition.
11. The area where the project is located is all part of the aboriginal homelands of the Chitimacha Tribe of Louisiana. As such, large villages, burial sites, and sacred sites were in place in that entire area. If at any time during the course of the work, any traditional cultural properties are discovered, Permittee shall immediately contact Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator) at (337) 923-9923 or (337) 923-4395. Office hours are Monday through Thursday from 7:30 A.M. - 5:00 P.M. and on Friday between 7:30 A.M.– 11:30 A.M. If traditional cultural properties are discovered on the weekend or after business hours, the notification shall be made the next business morning.
12. 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>.

No other impacts to rare, threatened or endangered species or critical habitats are anticipated from the proposed project. No state or federal parks, wildlife refuges, wildlife management areas or scenic rivers are known at the specified site or within ¼ mile of the proposed project.

The Louisiana Natural Heritage Program (LNHP) has compiled data on rare, endangered, or otherwise significant plant and animal species, plant communities, and other natural features throughout the State of Louisiana. LNHP reports summarize the existing information known at the time of the request regarding the location in question. LNHP reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. If at any time LNHP tracked species are encountered within the project area, please contact our biologist at 225-765-2643.

13. Applicant agrees, by virtue of the commencement of repair activities, to notify each oyster lease holder within 1,500 feet affected prior to commencement of the proposed activity.
14. All hard structures must be marked/lighted in accordance with U. S. Coast Guard regulations. These markers/lights, if required, must be maintained at the site until such time as all potential hazards to navigation are removed.
15. Unless otherwise specified, this Emergency Use Authorization will expire 30 days from the date of this letter, if the work has not been initiated or if the applicant has not submitted a complete Coastal Use Permit Application to CMD for the authorized activity. This expiration condition will be waived only if the applicant notifies CMD of the reason(s) for the delay and proposes an acceptable schedule for initiation of the work, or submits a complete Coastal Use Permit Application.

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

Should you have any questions or need additional help, please feel free to contact Mrs. Christine Charrier, Acting Program Manager, at (225) 342-7953.

Sincerely,



Karl Morgan,
Acting Administrator

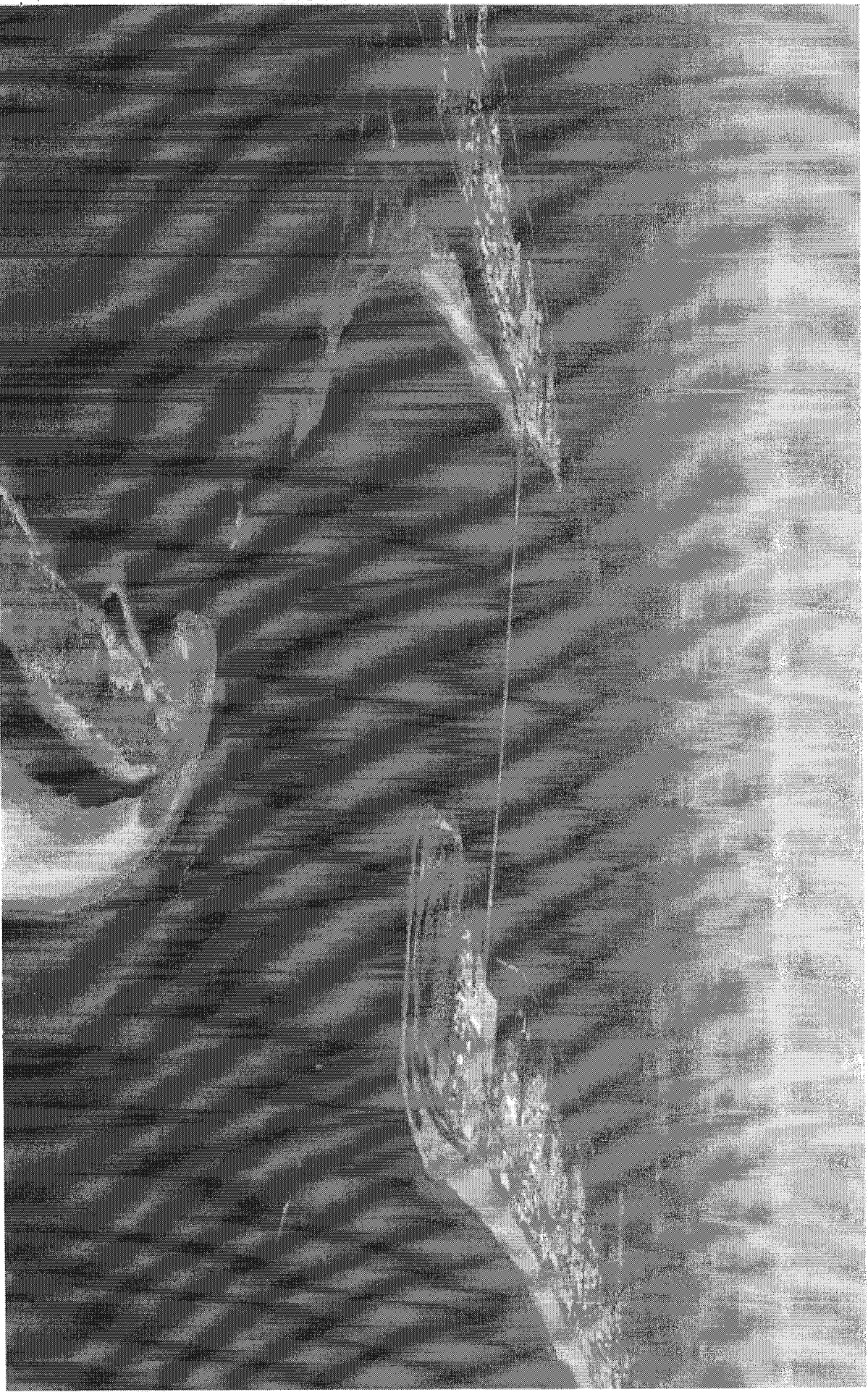
AGREED TO AND ACCEPTED by _____ this _____ day
of _____, 200_____.

JR/jbp

Attachments (green card and plats)

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

EUA 10-035 Final Drafts 5/7/10 JBP



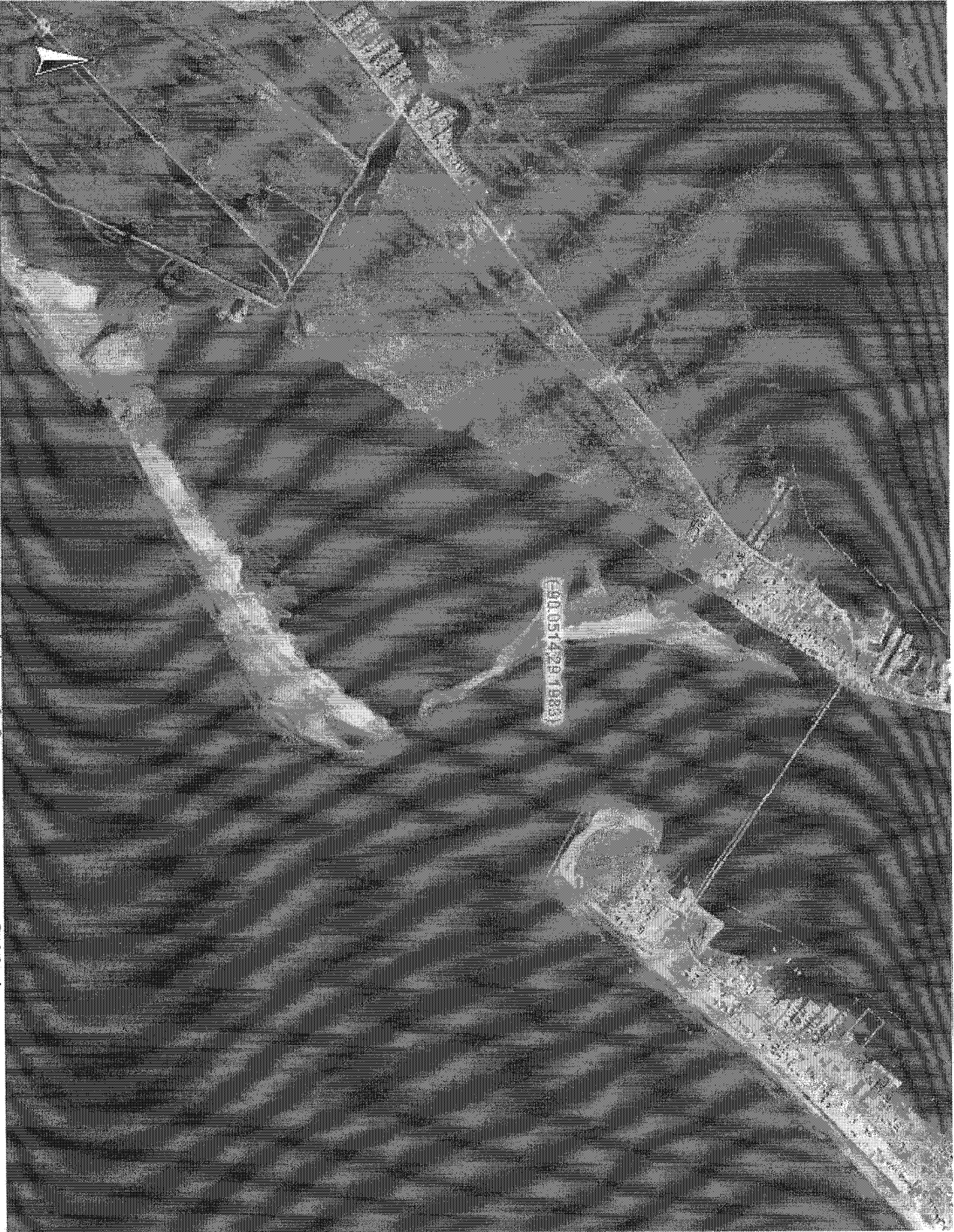
Louisiana Department of Natural Resources

EUA 10-085

FINAL PLATS 5/7/10

DAPD

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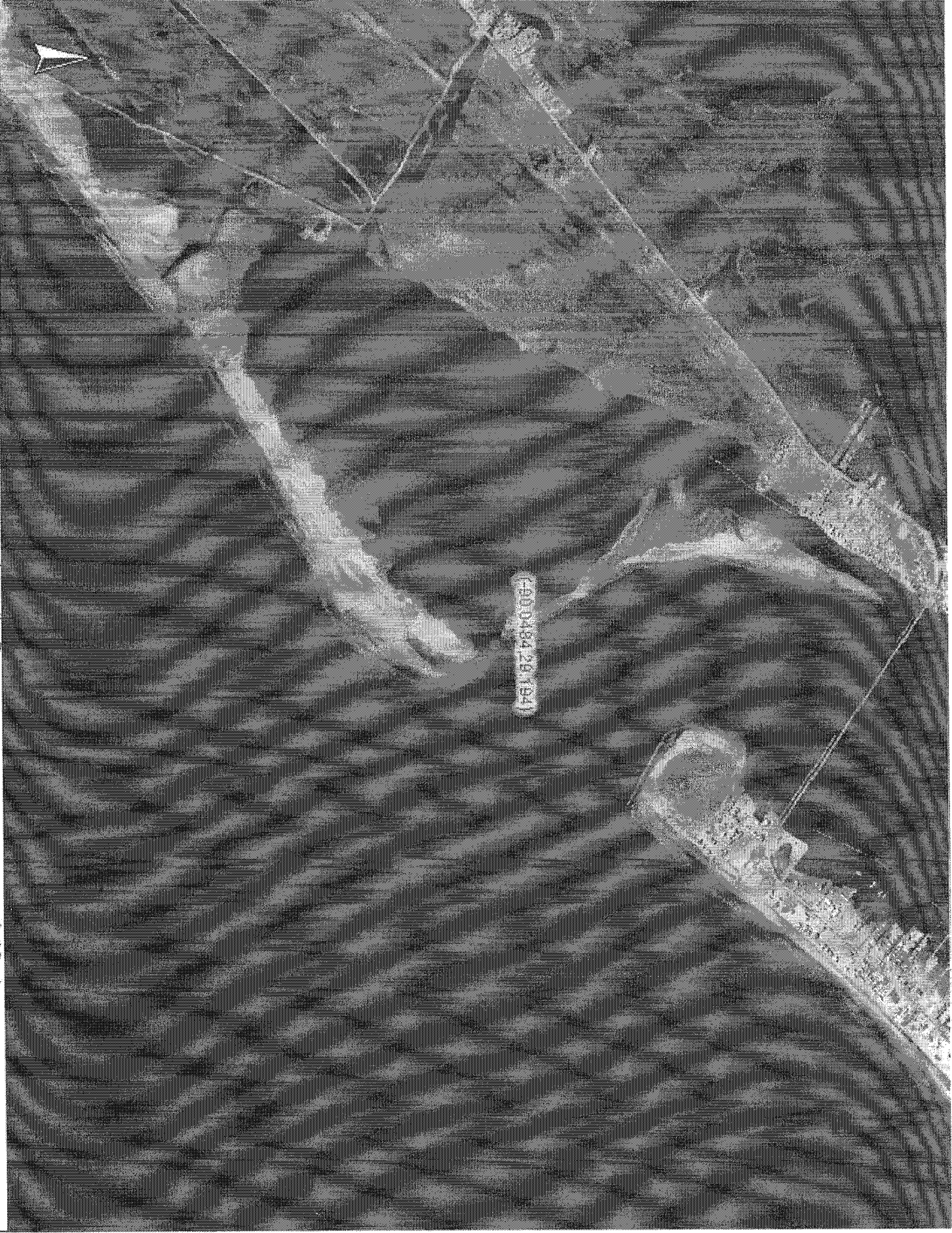


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Louisiana Department of Natural Resources

EUA10-035 SWAC Plans S-710 48P

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Farabee, Michael V MVN - (MVN-2010-1039-EJJ) (EVA-10-035)

From: Farabee, Michael V MVN
Sent: Friday, June 18, 2010 9:13 AM
To: 'McDonough, Christy'
Cc: Serio, Pete J MVN
Subject: Elmer's Island breach closures

Christy,

We authorized the subject work through emergency procedures on May 7, 2010. The emergency requirements call for a follow up permit application to maintain the structures or a restoration plan within 30 days of May 7, 2010. After researching the LADNR SONRIS site I do not find any evidence that LDWF has followed through with either approach. Please take appropriate action on this immediately.

Thanks,

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

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From: McDonough, Christy [cmcdonough@wlf.la.gov]
Sent: Friday, June 18, 2010 9:41 AM
To: Farabee, Michael V MVN
Subject: RE: Elmer's Island breach closures

Will do. Oil spill response is top priority right now but I will get this paperwork together as soon as I can.

Thanks for your understanding.

Christy Lavergne McDonough
Biologist Supervisor
Aquatic Habitat Program
Louisiana Department of Wildlife & Fisheries
(225) 765-2386

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

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